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WESTMINSTER POLICE DEPARTMENT

General Order: 1-01

Subject: **RADIO COMMUNICATION PROCEDURES**

Effective Date: May 1, 2017

This General Order contains the following numbered sections:

I. POLICY
II. NOTIFICATIONS
III. COMMUNICATIONS DIVISION
IV. OPERATIONAL PROCEDURES
V. RADIO FAILURE PROCEDURES
VI. RADIO AND PHONE LINE RECORDING PROCEDURES
VII. RADIO REPAIR AND SIGN OUT
VIII. BATTERY OPTIMIZATION
IX. CANCELLATION

I. POLICY

It is the policy of the Westminster Police Department (WPD) to ensure the provision of twenty-four (24) hour communication networks to support all operational needs.

II. NOTIFICATIONS

A. Consistent with this and other WPD policies, the Communications Division shall alert the Watch Commander when they become aware of circumstances that require the notification or response of a supervisor.

B. Circumstances that require the notification or response of a supervisor are identified in numerous written directives. Communications shall notify the Watch Commander when they become aware of the following circumstances:

1. Homicide or apparent suicide*;
2. Rape*;
3. Robbery;
4. Abduction, Kidnapping, or Missing person;
5. Pursuits;
6. Bombing or bomb threat*;
7. Hostage/Barricade incidents*;
8. Any incident involving the death or serious injury of a Department member*;
9. Death investigations, including all child and infant deaths*;
10. Child abuse;
11. All Hate Bias Incidents*; and
12. Prisoner Escape*

* Indicates that a supervisor shall respond to the scene to assume command.

C. Whenever a member becomes aware of circumstances that, by policy, require supervisory notification or response, that member shall request that Communications initiate appropriate notification. In sensitive cases, notification may be accomplished without the

use of the radio.

D. In addition, members should request a supervisor for any situation that causes significant disruption to the community, generates significant public interest, or would otherwise benefit from a supervisor's presence.

III. COMMUNICATIONS DIVISION

A. The Communications Division is part of the WPD and performs the following functions:

1. Coordination of WPD radio communications, including reception and dispatch of all radio traffic for twenty-four (24) hour police situations;

2. Twenty-four (24) hour reception and disposition of all 911 telephone calls for operational needs;

3. Twenty-four (24) hour reception and disposition of all non-emergency calls for service;

4. Twenty-four (24) hour response to victim/witness request for information and/or services. To the extent reasonable and appropriate, employees receiving such requests will:

   a. Identify appropriate agency to provide further assistance or information

   b. Provide referral information to victim/witness

   c. Connect them to referred agency, if possible

5. Handling of selected METERS/NCIC traffic;

6. Coordinating emergency and non-emergency notifications to individuals and other agencies; and,

7. Providing twenty-four (24) hour access to Maryland CJIS, NCIC and WPD computerized warrant files for operational units in the field.

B. Authority and Responsibilities

1. The Communications Division receives incoming phone calls; obtains essential data; evaluates the situation; and, initiates appropriate response. When a call-taker receives a call from a victim or witness, the call-taker must determine the exact nature and time frame of the incident to determine which priority the call is assigned. The call-taker shall then enter this information into the Computer Aided Dispatch (CAD) system. The CAD system will keep a record, for every incident, of the details including the date, time and all other information entered by the dispatcher. The priority assigned to the call determines if the call is to be handled as an emergency or non-emergency situation. **Calls that are life threatening, in-progress, have just occurred or have the potential to become violent are considered to be priority in nature and should be treated as emergency calls requiring the immediate dispatch of an officer(s).** Once the priority has been established, the call-taker shall advise the caller of how the call will be handled.

   a) An officer(s) is being dispatched to the scene;

   b) An officer will be dispatched to the scene as soon as possible; or

   c) An officer will re-contact them via telephone at the number provided.

2. Dispatchers have the authority to dispatch available patrol personnel, with due consideration to sector or assignment, to meet the primary objective of rapid delivery of meaningful service. Patrol Supervisors may change assignments if such changes will improve operational efficiency. All radio assignments dispatched require prompt compliance.

3. The Communications Division maintains emergency contact, "Night Reference," lists for stores, office buildings, churches and other commercial buildings to be used to notify the owners or representatives of an after-hours problem. Management of this process is outlined in Standard Operating Procedure: Communications Division – 19, Night Reference File. Sector officers will distribute the WPD Business Contact Form when making contact with business establishments, and encourage the businesses to use these forms to advise the Communications Division of any new or revised telephone numbers. The Communications Division relies on these forms to maintain its database.

IV. OPERATIONAL PROCEDURES

A. Radio Talk Group Usage

The radio talk groups will be used as indicated in the Police 800MHz Radio Template. The primary operational channels will be monitored and controlled 24-hours a day by the Communications Division. The nationwide law enforcement channel designated for inter-jurisdictional radio traffic during critical incidents statewide, are monitored and controlled by Maryland Emergency Management Agency (MEMA).

B. General Radio Procedure

In order to function effectively, the following guidelines will be adhered to by all users of the police talk group:

1. All radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

2. False calls or false distress signals, superfluous or unidentified communications, obscene/profane language or the transmission of unassigned radio unit numbers are prohibited.

3. Patrol officers and other members engaged in field assignments shall maintain constant radio communications at all times during their shift. Members will maintain their radio on the primary channel, unless directed otherwise.

4. During a tour of duty, members shall periodically check their radios to ensure they are on the proper channel and that the radios are working properly.

C. Radio Operational Procedures

Effective use of the radio system requires adherence to the following guidelines:

1. Transmissions will be as clear, calm, controlled and short as possible, consistent with current procedures and practices.

2. Patience is a requirement when operating within the Departmental network since many other activities may be occurring simultaneously. Instantaneous responses to a transmission may not always be possible or necessary.

3. Only pertinent information shall be transmitted to minimize disruptions and maximize radio use for meaningful purposes.

4. All transmissions will be restricted to official police business only.

5. Upon receipt of information from Dispatch, members should write down the information to avoid repeat broadcasts. Members who acknowledge a broadcast will be assumed to have written the appropriate information down.

   a) Supervisors shall monitor radio traffic and take appropriate action with officers who consistently ask for a repeat of an acknowledged call.

   b) It is recommended that all officers utilize either electronic or paper maps to assist in locating streets, and thus minimize radio directions.

6. Background noise shall be minimized before transmitting.

7. Members shall not attempt to transmit when another unit is transmitting. Deliberate covering or clicking is prohibited.

8. To prevent feedback, members should not transmit near other radios.

9. In the event a dispatcher receives a signal indicating an officer has activated his/her emergency button or receives a verbal distress call (needs assistance), the dispatcher will take the following actions:

   a. Immediately invoke radio silence;

   b. Identify the officer sending the signal and attempt immediate contact;

   c. Identify the officer's last known location;

   d. If appropriate, simulcast the alert tones followed by the transmission, "*Officer needs assistance at (provide location);*"

   e. If no contact is made with the officer, dispatch area units to the last known location; and,

   f. Notify the Watch Commander for further direction.

10. Units assigned to sectors shall be assigned calls in that sector when possible. Next due units will be selected by availability. Only Supervisors will cancel or change an assignment. If a member is unable to respond to a call when dispatched by radio, the member shall advise Communications who will select the next most appropriate unit to respond.

11. The WPD shall prescribe response assignments relating to the nature of calls, the number of units available to respond to calls, the priority of calls, the in service and out of service status of units and the holding of low priority calls. The Department shall periodically analyze workload and adjust sectors and staffing as required.

    In dispatching primary and back-up units to a high priority call where an immediate response is required, there may be times when all available units are out of service handling calls. In this event, units shall be cleared from handling routine calls to handle the priority call, after which they may be directed back to handle their prior assignment.

12. Confidential, or other information which is considered sensitive, will not be routinely transmitted over the radio, unless immediate communication is essential to the safe and successful resolution of the situation.

    a) Personal information about officers, including home addresses and telephone numbers, will not be transmitted over the radio.

    b) Criminal history records information will only be transmitted over the radio in instances affecting officer safety or when information is needed for investigative purposes and cannot be relayed by telephone in a timely or practical manner.

    c) Death notifications should be transmitted to officers and supervisors by telephone or in person, if at all possible.

13. In any situation where records checks, notifications or any other messages can be made by telephone, this shall be done to minimize radio traffic.

    a) Officers are prohibited from calling Dispatch by phone to reclassify a call or to provide a call disposition. All requests for these matters must be made on the primary radio channel.

    b) Any routine request for information that necessitates a telephone call is to be made on the administrative line.

14. Car-to-car transmissions on a primary talk group shall be permitted with the permission of, and subject to the directions of, the dispatcher unless the message is pertinent to an in-progress emergency call for service. A Supervisor may initiate car-to-car transmissions on a primary talk group. Routine car-to-car transmission will be made on a channel designated by dispatch.

15. In general, only a Supervisor will cancel a unit which has been dispatched to a call. Any suggested cancellations, either by the dispatcher or the responding units, will be monitored and/or affirmed by the Supervisor.

16. Plain English is required, pursuant to General Order 1-03, Common Language Radio Protocols, during radio transmissions to reduce the possibility of misinterpretation.

17. The following phonetic alphabet will be used during radio transmissions when identifying registration plates or during other applicable situations:

A – Alpha	B – Bravo	C – Charlie	D – Delta	E – Echo
F – Foxtrot	G – Golf	H – Hotel	I – India	J – Juliet
K – Kilo	L – Lima	M – Mike	N – November	O – Oscar
P – Papa	Q – Quebec	R – Romeo	S – Sierra	T – Tango
U – Uniform	V – Victor	W – Whiskey	X – X-ray	Y – Yankee
Z – Zulu				

18. Unless unknown, the identification of units on the radio will be by designated Unit Number or three-digit identification number instead of by name.

19. In order to properly identify personnel using the radio, an updated listing of Unit Numbers will be published in PowerDMS. Off-duty units shall use their three-digit identification number. Units who are off-duty and who have permanently assigned three-digit numbers may utilize them.

D. Interagency Communications

When a situation warrants such action, officers communicating via radio with other agencies (whether law enforcement or not) shall adhere to all existing radio procedures.

1. Plain English should be used during such transmissions to ensure that messages are accurately transmitted and received.

2. All requests for inter-agency communications will be approved by Dispatch.

3. When starting the shift, each unit shall be assigned a unique radio call number in relation to their assignment.

4. When a situation warrants communications with a surrounding law enforcement agency, officers will switch to the appropriate interoperability talk group of that agency.

E. Operational Formats

Members who are dispatched to calls or related assignments shall advise Dispatch when they arrive on the scene of an incident before they leave their vehicle. Additionally, members shall advise Dispatch when they change investigative locations and when they are in service. Special activities, such as foot patrols and other related activities are also to be communicated to Dispatch. To ensure radio use standardization and efficiency, members will use the following formats when transmitting via radio:

1. At the beginning of shift, each member shall contact Communications with his/her vehicle number and his/her three-digit identification number. If the member is to be out-of-service, he/she is obligated to contact Communications with his/her change in status.

2. Patrol unit self-initiated activities (this includes foot patrols, liquor establishment checks, business checks, special area checks, meal breaks, follow-ups etc.) will be called in as they are initiated. This excludes covert operations that would alert suspects monitoring a radio or scanner if transmitted beforehand. Transmissions will be segmented as needed to prevent information overload for Dispatch.

3. A mobile unit request for RMS or CJIS/METERS/NCIC information should include all relevant information given in the following order: last name, first name, middle name, race, sex and date of birth (DOB).

4. When a unit clears a dispatched call, the unit will advise the correct (reclassified) nature of the call, and who is handling it. The officer will also advise the disposition. All dispositions or reclassification of calls must be confirmed verbally over the primary radio channel.

5. Units must notify dispatch at the end of their shift so that they may be logged out of CAD.

F. Radios

1. All officers shall be assigned multi-channel portable two-way radios with joint public safety talk groups to keep on their person. These, in conjunction with the two-way radio installed in the officer's assigned automobile, will ensure continuous communication between the officer and the Communications Division.

2. Members, who are assigned portable radios, are to keep a spare radio battery with them while on duty. The spare battery is to be kept in the passenger compartment of the vehicle. Spare radio batteries shall not be left in the vehicle overnight. Radio batteries are to be stored at room temperature, as much as possible.

V. RADIO FAILURE PROCEDURES

There are three modes of failure with the 800 MHz radio system.

A. Site Trunking

Site Trunking is defined as a localized equipment failure that normally would be isolated to the communications center. To recover from this failure dispatchers will access control stations, which are similar to mobile radios, bypassing the console. Officers will not see any change in their operations, however temporary loss of communications to the dispatcher will occur while the dispatcher obtains a portable radio to regain communications.

B. Failsoft

Failsoft is defined as the radio system has suffered a major equipment failure whereby all talk groups are defaulted by programming to a particular radio frequency. Officers will see the FAILSOFT icon on their radio. Officers will also hear units that may not normally be assigned to their talk group. FAILSOFT also can be defined as a conventional frequency based radio system. During these conditions the dispatchers will be using portable radios to communicate to field personnel. Transmissions must be limited to ongoing incidents or emergencies only. NO self initiated activities are to be broadcasted unless emergency, or of an officer safety nature. During these conditions officers should remain on their primary district's dispatching (monitored talk group) talk group.

C. Total System Failure

Total system failure is defined as a total loss of the entire radio system. The following protocol will be implemented in the event of a total system failure:

1. The Watch Commander will immediately notify the Deputy Chief of Police via chain of command of the radio system failure.

2. Immediately upon noting a radio system failure, patrol units will respond to Police Headquarters. Once there, they will notify Communications (by phone or in person) of their location and telephone number within Headquarters. Officers are encouraged to provide their cell phone numbers to Communications. The Department will reimburse any charge incurred for official business on personal cell phones during the radio outage.

3. During the radio system outage, calls for service will be dispatched by Communications through the Headquarters telephone system or cell phone (or in person) on a recorded phone line. Officers will be teamed into pairs by the Shift Supervisor. No fewer than two (2) officers will respond to each call for service. Once a call for service is handled, the primary officer will contact Dispatch by phone and report the call's disposition and to receive additional instructions and/or calls for service. If possible, this telephone call should be completed prior to leaving the scene of the call.

4. As circumstances permit, the Watch Commander will respond to Communications to assist with call screening and determine which calls for service will be dispatched and which calls are to be processed through telephone reporting procedures. The Watch Commander has the sole authority and responsibility for determining how each call for service will be processed. Some non-emergency calls may be held during this period if telephone reporting is not available.

5. CIB and administrative personnel who are on-duty and in the field at the time of a radio system outage will telephone Communications and report their location and assignment.

6. Supervisors and Managers will maintain a complete list of Departmental cellular phone numbers of those officers within their work group. This listing shall be updated periodically and distributed to all Division/Squad members for reference during an emergency.

7. **Should the 911-telephone system fail**, it is likely that citizens will call Police Headquarters directly for police service. Additional staffing shall be assigned to Communications to assist with the additional call taking responsibilities.

8. Police units encountering emergencies will utilize telephone communication until interoperability talk groups can be set up with cooperating agencies.

9. The Watch Commander has the authority to call in off-duty personnel as needed to assist with call taking, telephone response and patrol duties.

10. In the event that talk groups become available, communications personnel and the Watch Commander will determine which units switch to the alternate talk groups.

VI. RADIO AND PHONE LINE RECORDING PROCEDURES

All telephone and radio transmissions are electronically recorded and will be retained for 180 days by the Communications Division. These recordings are available to sworn personnel, law enforcement agencies and other public agencies as well as the general public through the following procedures:

A. Any **sworn officer** of the Department may request a CD recording of information transmitted over police radio talk groups or recorded telephone lines from the Communications Division. All such requests must be made in writing or by email to the officer's supervisor. The request will be as specific as practical, outlining the case number, date, time, radio talk group, phone line, etc., and what persons/units are involved. If the CD is likely to be used in court proceedings or administrative action, the request should so note. If a CD is deemed to be evidence, it should be noted on the request. Requests will be honored for the following:

1. Administrative review
2. Investigation
3. Court use
4. Training purposes

B. If approved by the requesting officer's supervisor, the request will be forwarded to the WPD Custodian of Records for processing. All requests must be received by the Custodian of Records at least ten (10) workdays prior to the date needed. Any exceptions must be approved by the officer's Bureau Commander.

C. Once the CD recording is prepared, the Custodian of Records will contact the requesting

officer so that the CD can be picked up. All CD's being used as evidence will be stored in the Property and Evidence Room pending trial pursuant to existing procedures.

D. Requests received from **persons or agencies outside the Department** will be directed to the WPD Custodian of Records for processing pursuant to existing procedures.

E. Under no circumstances may a CD be copied or forwarded to a second party. Additional copies of the CD may be requested through the WPD Custodian of Records pursuant to this policy.

VII. RADIO REPAIR AND SIGN OUT

A. Radio repair requests for mobile radio equipment shall be made by contacting the Support Services Division (SSD) Commander. Requestors shall provide their name and the vehicle number along with a brief description of the problem. The vehicle may be dead lined at the appropriate location until the repair has been made.

B. Portable radios to be repaired will be turned in to the SSD Commander during business hours. If available, a replacement portable will be issued at that time.

C. Anytime a mobile radio is replaced or substituted, the Communications Technician for Carroll County will update the database with the change in FAICS number. This database is used by the Communications Division for automated identification of all radios. Anytime a portable is replaced or substituted, the SSD Commander will notify the Communications Division of the change. This allows the identifier officer-safety feature in each radio to function as it is intended.

VIII. BATTERY OPTIMIZATION

The Battery Optimization System (BOS) is located in the Officers' Room and is used to optimize and/or recondition batteries when performance has diminished. The BOS automatically runs a series of charge/discharge cycles and records a battery's capacity/performance at the end of the test. This capacity percentage should be ninety percent (90%) or greater.

A. Procedures for all Personnel

1. All WPD members are required to check issued radio batteries to see if there is a decrease in the operational length of time. A decrease in usage time in between charging cycles indicates when the battery should be optimized. Every battery should be cycled/optimized at least once a year.

2. If the battery has not been optimized within the last year, members should utilize the BOS to have the battery cycled/optimized.

3. In order to extend the life of the battery, members should routinely allow the battery to fully discharge prior to re-charging.

4. Should the battery discontinue the ability to hold a charge, the member shall have it optimized and/or replaced.

B. Procedures for Supervisors

1. Battery optimization should be checked as part of the monthly vehicle inspection process. If the member's battery has not been optimized, the supervisor or his designee shall instruct the member to complete the optimization process and ensure that the situation has been corrected.

IX. CANCELLATION

This General Order shall cancel and replace General Order N-1, Communications System and General Order N-2, Communication Equipment.

AUTHORITY:

_____
Jeffrey Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 1-02

Subject: **Records Security**

Effective Date: December 1, 2016

This General Order contains the following numbered sections:

I. POLICY
II. INTRODUCTION
III. DEFINITIONS
IV. ACCESS TO RECORDS FILES
V. ACCESS / RETRIEVAL OF FILES
VI. CRIMINAL HISTORY RECORD INFORMATION
VII. AUTOMATED SYSTEMS SECURITY
VIII. MODIFICATION OF RECORDS
IX. SECURITY CLEARANCES
X. TRAINING

I. POLICY

It is the policy of the Westminster Police Department (WPD) that all personnel will ensure the security and confidentiality of records and the information they contain. Procedures in this general order are designed to facilitate this process. No unauthorized personnel will access records files, nor will departmental personnel disseminate confidential information and / or files to unauthorized persons. Departmental records will be retained according to the City of Westminster's Records Retention Policy.

II. INTRODUCTION

The Department has a responsibility to ensure the control and confidentiality of departmental records. To fulfill this responsibility, procedures are maintained that limit access to records and databases; control additions or deletions of data; ensure authorized distribution; and, provide for screening and training of personnel directly involved in the records system. These procedures protect the public, the City and the Department. In addition to these procedures, all personnel must be aware of their responsibilities concerning the records function, when records come into their possession.

III. DEFINITIONS

CRIMINAL HISTORY RECORD INFORMATION (CHRI): Data collected on a person who has been arrested by law enforcement other than a recent arrest.

CRIMINAL JUSTICE INFORMATION SERVICES (CJIS): An FBI Division that serves as the focal point and central repository for criminal justice information services in the FBI.

MARYLAND ELECTRONIC TELECOMMUNICATIONS ENFORCEMENT RESOURCE SYSTEM (METERS): A statewide computerized data storage and retrieval system that services law enforcement agencies in the state of Maryland.

NATIONAL CRIME INFORMATION CENTER (NCIC): A nationwide computerized data storage and retrieval system that is maintained by the Federal Bureau of Investigation (FBI) and utilized by local, state, and federal criminal justice agencies.

RECORDS CUSTODIAN: The Communications Supervisor is designated as the official custodian of records. The Communications Supervisor has primary responsibility for responding to requests for release of police information.

TERMINAL AGENCY COORDINATOR (TAC): A departmental employee responsible for quality assurance of all records entered by this agency in the METERS / NCIC systems.

IV. ACCESS TO RECORDS FILES

1. No personnel will enter the Records Room or have access to any official records files except to conduct official police business. The entrance to the Records Room will be controlled by issued key access.

2. Access to the Records Room is granted to the Command Staff, the Communications Supervisor, the Senior Telecommunications Specialist and the Administrative Assistant, Office of the Chief. Other personnel may be granted access on a case by case basis.

3. Authorized personnel will ensure that all records are placed in the appropriate records files and that the Records Room is secured.

4. During non-business hours, if an emergency arises where access to the Records Room is needed, supervisors will contact the Communications Supervisor.

V. ACCESS / RETRIEVAL OF FILES

1. Inspection and access to departmental records files are available to departmental employees for the purpose of investigation and court presentation.

2. Personnel requesting records for court preparation or for another investigative need will complete the Report Request Form per General Order 13-01, Court Attendance Procedures or Standard Operating Procedure (SOP) Communications Division – 09, Report Request Procedures.

VI. CRIMINAL HISTORY RECORD INFORMATION

1. Criminal History Record Information obtained from the METERS / NCIC systems or any other departmental file is available to departmental employees for the purpose of investigation. Criminal History Record Information is protected information and will not be disseminated except as permitted by laws and regulations at the state and federal level. The WPD and the Department of Public Safety and Correctional Services of the State of Maryland have a signed agreement regarding how CHRI will be handled.

2. METERS / NCIC criminal history requests will be made through the Communications Division or through the Criminal Investigation Bureau (CIB).

   A. Criminal History Record Information will only be requested for criminal justice purposes.

   B. The Communications Division and CIB will maintain a log, which fulfills a requirement identifying all inquiries made to NCIC III (Interstate Identification Index) through METERS. The log will contain a notation of the individual making the request for the record, the person's name and date of birth for which the inquiry was requested, and the purpose code used.

3. Members of the WPD will only release Criminal History Record Information to other law enforcement or criminal justice system personnel with a bona fide reason to have it for official law enforcement purposes.

VII. AUTOMATED SYSTEMS SECURITY

1. All automated systems terminals will be located in areas that are secure and accessible only to departmental personnel authorized to operate them, or in an area staffed by departmental personnel.

2. Information obtained from local, state, or federal automated systems will not be released to anyone except departmental personnel and to other law enforcement or criminal justice system personnel with a bona fide reason to have it for official law enforcement purposes. Such information includes, but is not limited to, motor vehicle registration records, driver's license information, stolen property information and arrest information.

3. Information maintained in the Department's Records Management System (RMS) will include collision reports, citations, arrests, and incident reports. This is an automated file system, which serves as a cross-reference to all documents in which a person has been named. Departmental personnel with a need to access the Department's RMS can do so twenty-four (24) hours a day by use of an assigned password.

4. Only departmental personnel certified by the State of Maryland will have access to the FBI's Criminal Justice Information Services Division repository (CJIS). The Department's TAC will obtain personal identification numbers (PIN) and accessibility for those members.

VIII. MODIFICATION OF RECORDS

Once information has been entered into the Department's RMS, changes or deletions will only be made by personnel designated to have administrative rights for the RMS and will only be made for official purposes.

IX. SECURITY CLEARANCES

Personnel who will handle departmental records or have access to automated Criminal History Record Information terminals will be subject to a background investigation before employment to ensure the security and confidentiality of the records system. The background investigation will include fingerprint clearances through METERS / NCIC; a criminal history check; local, state and federal warrant checks; and an extensive background check. These procedures are necessary to ensure that persons will not be hired that may pose a threat to the security and confidentiality of departmental and automated records systems.

X. TRAINING

Department personnel responsible for adding, correcting, deleting, or disseminating departmental or automated systems records will attend training sessions on the proper use and control of such records. The SSD Commander is responsible for ensuring that such training occurs.

Authority:

_____
Jeffrey Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 1-03 Order# 2012-01

Subject: **COMMON LANGUAGE RADIO PROTOCOLS**

Effective Date: August 1, 2012

This General Order contains the following numbered sections:

I. BACKGROUND
II. PURPOSE
III. RADIO PROCEDURES
IV. CANCELLATION

I. BACKGROUND

In February 2006, the National Incident Management System (NIMS) Integration Center distributed a bulletin requiring that plain English be used for all multi-agency, multi-jurisdictional and multi-discipline events, such as major disasters and exercises. Beginning in the fiscal year that started on October 1, 2006, federal preparedness grant funding was contingent on the use of common terminology in incidents requiring assistance from responders from other agencies, jurisdictions and functional disciplines.

II. PURPOSE

This General Order establishes guidelines for the conversion of WPD radio communications from 10-codes to Common Language Protocols (plain English).

III. RADIO PROCEDURES

A. Effective August 1, 2012, the Westminster Police Department will abolish the use of the current 10-code system and utilize the Common Language Protocol. This change in protocol is a significant step toward ensuring efficient and effective communications during multi-jurisdictional events and emergency circumstances.

B. Four Signals will be used to provide for officer safety and when disseminating sensitive information over the radio. These signals and their definitions are listed below:

1. Signal 1 – Mayday/Emergency.

   This will be used in place of 10-33 and/or Signal 13 (Officer Emergency). The issuer should include location with the transmission and any other pertinent information concerning the emergency.

2. Signal 2 – Backup Needed.

   This will indicate that the issuer needs assistance, there is no immediate life threat but the issuer does not want the subject to know backup has been requested. It will still be acceptable to simply request backup instead of using the signal.

3. Signal 3 – When used by unit, it indicates taking subject into custody and resistance is anticipated.

When issued by a dispatcher this indicates that the unit should take the subject into custody and anticipate resistance. This will alert other law enforcement patrol units to the fact that you may need assistance but are not directly requesting it at the current time.

4. Signal 4 – ConfidentialCritical information to be relayed.

This will be used to indicate that a possible hit has been received. It can be used by the dispatcher to alert the unit that information needs to be relayed to them that should not be heard by the subject. The unit should respond with current location and indicate whether or not the dispatcher can go ahead with the information. If the hit information includes a response from NCIC that indicates one of the terrorist codes – the dispatcher will still use those codes prior to transmitting the information:

C. If "hit" information is received in a response from NCIC which indicates one of the terrorist codes, the dispatcher will continue to utilize these codes prior to transmitting the information over the radio:

1. NCIC Code 1 – APPROACH WITH CAUTION.

Subject should be arrested immediately. Contact the Terrorist Screening Center immediately.

2. NCIC Code 2 – APPROACH WITH CAUTION.

Subject may be associated with terrorism or terrorist activities. Subject may be detained for a reasonable amount of time and interviewed. Contact the Terrorist Screening Center immediately.

3. NCIC Code 3 – APPROACH WITH CAUTION. DO NOT ALERT THIS INDIVIDUAL OF THIS NOTICE.

Do not arrest unless there is evidence of violations of federal, state or local statues. The Terrorist Screening Center can be contacted for additional guidance.

Note – The Maryland Coordination and Analysis Center (MCAC) should be contacted for assistance when any of the aforementioned NCIC codes are used to detain individuals.

D. **Authorized Caution Codes** will be utilized for broadcasting officer safety information and be used during police/violator contacts. This information is contained in the "HOT FILES" and "CRIMINAL HISTORY FILES".

1. The Authorized Caution Codes are as follows:

A – Armed
B – Dangerous
C – Mental
D – Armed/Mental
E – Suicidal
F – Armed Suicidal
G – Resists Arrest
H – Armed/Resists
I – Dangerous/Resists
J – Mental/Resists
K – Suicidal/Resists
L – Approach with Caution
M – Assaults Police Officers
N – Drug User/Seller

2. The information given to support the use of a caution code should have some verifiable foundation from which it is offered. Materials contained in data base files such as CJIS or other supporting information (e.g. investigative reports or arrest records) may be used as justification for a caution code descriptor.

3. The caution code "N", by itself, does not constitute probable cause or a reasonable articulable suspicion that the person is involved in criminal conduct.

4. These caution codes are the only codes authorized to disseminate officer safety information.

5. The dispatcher will only say "Caution Codes Not On File" when there is no history or propensity for violence in the criminal history.

E. **Standard Phonetic Alphabet** – the following phonetic alphabet will be utilized when conducting radio communications:

A – Alpha	N – November
B – Bravo	O – Oscar
C – Charlie	P – Papa
D – Delta	Q – Quebec
E – Echo	R – Romeo
F – Foxtrot	S – Sierra
G – Golf	T – Tango
H – Hotel	U – Uniform
I – India	V – Victor
J – Juliet	W – Whiskey
K – Kilo	X – X-ray
L – Lima	Y – Yankee
M – Mike	Z - Zulu

F. The use of 10-4 to acknowledge a transmission will continue. This 10 code has been deemed universal and should not cause any problems during inter/intra-agency communications.

G. All other radio communications will be conducted using plain English. In order to maintain brevity and professionalism on the radio, the Department will be using the definitions already established on the current 10-code list. For example, under the new system, instead of using 10-46 the user would state, "Disabled Vehicle"

H. Professional tones and communications will be utilized at all times. The use of jargon and/or slang terms to include abbreviations will not be used.

IV. CANCELLATION

This General Order cancels and replaces Section IX and X of General Order N-1, Communications System.

AUTHORITY:

Jeffrey Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 2-01 Order# 2015-16

Subject: **COLLISION INVESTIGATION**

Effective Date: January 15, 2016

This General Order contains the following numbered sections:

I. POLICY
II. DEFINITIONS
III. STABILIZATION OF COLLISION SCENES
IV. COLLISION INVESTIGATION AND REPORTING
V. CANCELLATIONS

I. POLICY

The Westminster Police Department will dedicate appropriate resources to the investigation of collisions occurring on the roadways within the City. To the extent possible, the Department will collect data identifying the cause of collisions, the existence of motor vehicle violations, and the location of hazardous roadway conditions.

II. DEFINITIONS

A. Collision Reporting

The gathering of appropriate data and other information necessary to complete required reports, or for inclusion in Computer Aided Dispatch (CAD) records when no report is required.

B. Collision Investigation

A process that requires collision reporting and the collection of evidence necessary to identify collision causes, charge violations of the Maryland Transportation Article and prepare for a successful prosecution, as appropriate.

C. Government Vehicle

A vehicle owned, operated or leased by any local, state or federal government agency.

D. City of Westminster Government Vehicle

A vehicle owned, operated or leased by the City of Westminster.

E. Late Reported Collision

A collision in which all involved parties have left the scene of the collision and one of the parties contacts the Department at a later time to report the collision. The removal of vehicles from the roadway to a safe location to expedite traffic flow or ensure motorist safety does not constitute a late reported collision.

F. Disabled Vehicle

A vehicle with damage that precludes departure of the vehicle from the scene of the collision in its usual operating manner, by daylight, after simple repairs.

G. Hazardous Material

Any substance or material classified as “hazardous” in the Emergency Response Guide.

H. ACRS

Automated Crash Reporting System within the Delta Plus/ETix software suite.

III. STABILIZATION OF COLLISION SCENES

A. The first officer to arrive on the scene of a collision will position his vehicle to protect the scene and provide adequate notice to oncoming traffic of the traffic irregularity. Other duties of this officer include:

1. Identify and provide emergency medical care to any injured parties;

2. Request additional assistance from other police officers, Fire Police officers, the Carroll County Volunteer Emergency Services Association (CCVESA), utility company representatives or tow truck(s) as needed;

NOTE: When CCVESA is requested, a brief explanation of the nature of the request should be provided to Police Communications. When injuries are involved, the number of individuals injured and the extent of the injuries should be supplied to Communications.

3. Establish a safe traffic pattern around the collision scene, if possible;

4. Preserve evidence; and

5. Locate and identify witnesses to the collision.

The first officer to arrive on the scene will be in charge of the scene. The initial officer dispatched to the collision will be responsible for the investigation and report. A supervisor may assign another officer or request an advanced crash investigator or crash reconstructionist from an allied agency to assume the investigation and report responsibilities.

B. Supervisors will ensure that sufficient officers are dispatched to the scene of all collisions to provide emergency services, investigate the collision, preserve evidence and restore the flow of traffic.

C. If it appears that the normal traffic pattern will be disrupted for an extended period of time, the assigned officer should notify Police Communications. If assistance is needed for traffic control, the assigned officer shall request Communications contact the Maryland State Highway Administration or City of Westminster (COW) Street Department, as appropriate. Both agencies can provide temporary traffic control devices and assist in establishing alternate traffic patterns to relieve major traffic congestion. Communications will notify SHA of major traffic disruptions 24/7 by contacting the **SHA Statewide Operations Center** at **(410) 582-5650.**

D. Members responding to any type of collision should be alert to the potential for fire and hazardous materials exposure. Prior to approaching the scene, members should make an effort to locate hazardous materials placards or conditions that could indicate a potential fire hazard. If a fire hazard is possible, officers shall relay this information to Communications.

E. The CCVESA will have operational control over any scene that involves fire or hazardous materials. The highest-ranking officer on scene shall meet with the CCVESA on-scene commander to coordinate actions.

F. Members of the WPD and the Westminster Fire Police will provide assistance with traffic control and evacuations as necessary.

G. Members will not use flares at the scene of any collision involving the leakage of any flammable material or where any involved vehicle contains hazardous materials.

H. While directing traffic or while at the scene of the collision, officers will use appropriate devices to include reflective vests, police overhead lights, flares and cones to protect themselves, the scene

and to alert oncoming traffic. Once the collision scene is cleared, the investigating officer will arrange for the prompt removal of all warning devices and debris.

I. Tempers of those involved may flare as a result of a collision. Officers should be alert to disturbances occurring between the occupants of the vehicles. Should an altercation occur, the officer should take the appropriate action, to include criminal charges.

IV. COLLISION INVESTIGATION AND REPORTING REQUIREMENTS

A. To ensure the proper investigation and reporting of collisions, officers will keep the following equipment in their patrol vehicle:

1. Digital camera and data stick and

2. Supply of witness statement forms and tow reports.

B. All reported collisions will be documented or assigned a No Report (NR) disposition in accordance with this General Order.

C. The investigation of fatal or potentially fatal traffic collisions requires specialized training, expertise and equipment. As a result, a certified crash reconstructionist will be utilized to investigate all such collisions. If no WPD reconstructionist is available, a request will be made for these services through allied agencies (I.E. MSP CRASH Team, CCSO etc…). Additionally, all personal injury collisions involving City of Westminster government vehicles should be evaluated by the Watch Commander as to the need for investigation by a certified crash reconstructionist. **SEE SUBSECTION IV.I. OF THIS POLICY FOR ADDITIONAL GUIDANCE RELATING TO FATAL CRASHES.**

1. In the event that a collision is investigated by a <u>reconstructionist from an allied agency</u> per this policy, the following procedures will apply:

a. In the event of a fatal or potentially life-threatening crash where alcohol or drugs is a probable factor, staff from WPD are responsible for conducting the blood test per Maryland law.

b. If WPD is the lead agency investigating the crash and the allied agency is assisting with the gathering of evidence, WPD will be responsible for all media issues and the placement of charges as appropriate.

c. If the allied agency is the lead investigative agency for the crash, they will be responsible for all media issues and the placement of charges as appropriate.

<u>NOTE</u> – Questions relating to the assignment of “lead agency” responsibilities per subsection C.1.b. and C.1.c. above shall be addressed by the Field Services Bureau Commander.

D. A Crime Scene Technician from the Carroll County Sheriff’s Office or the Maryland State Police should be consulted in those cases where physical evidence from a collision must be packaged and submitted to a laboratory for analysis. The Crime Scene Technician who processes a traffic scene for evidence will complete an incident report detailing the actions taken, to include a list and disposition of any evidence, if photographs were taken and any measurements taken.

E. Violations of the Transportation Article

1. Whenever the investigating officer determines that sufficient evidence exists to prove that a violation of the Transportation Article contributed to a disabling collision, **charges should be filed.**

2. While investigating a property damage collision where the vehicles are operable, **the officer may write a citation** if sufficient evidence exists to prove that a violation of the Transportation Article contributed to the collision. In these circumstances, **the officer will complete an ACRS report** documenting the details of the collision.

3. Violations occurring on private property are special circumstances that require careful examination prior to charging. Officers should consult the Transportation Article or the States Attorney's Office regarding applicability of specific charges in these cases.

F. Property Damage Collisions

1. For a property damage collision, an ACRS report is only required if any of the following factors are present:

   a. Hit and run (consistent with Section IV.N. of this policy)

   b. Impairment of an operator due to drugs and/or alcohol

   c. Hazardous materials

   d. Damage to government vehicles or property

   e. Collisions resulting in disabled vehicles

   f. When required by a Supervisor

   g. For collisions that result in **damage to a third party's property** (I.E. utility poles, guardrails, fences, signs, phone/cable boxes, etc.), it is the investigating officer's responsibility to make proper notification to the owner of the damaged property. If an ACRS report is completed relating to the collision, supervisors will ensure that that a copy of the report is marked for forwarding to the appropriate agencies. For ACRS reports, "SHA", "Carroll County" or "COW" will be written in large bold letters in the top left corner of the report. This will allow Records to forward a copy of the report to the appropriate agency.

2. After the collision scene is stabilized, the investigating officer shall identify and interview all involved drivers, passengers and witnesses to determine the circumstances of the collision. Written statements shall be obtained from all witnesses in serious collisions or those collisions involving Departmental or City of Westminster (COW) government vehicles.

3. The investigating officer shall examine and record all vehicle damage and physical evidence at the scene for inclusion in the report. Officers requiring assistance in the interpretation or collection of physical evidence should contact a certified crash reconstructionist for assistance (see subsection IV. C. of this policy). If necessary, the position of the vehicles, point of impact and evidence should be marked on the roadway.

4. Measurements and photographs will be taken when the investigating officer believes they will assist in the investigation and/or the prosecution of motor vehicle charges resulting from the collision.

5. Officers will ensure that the involved drivers exchange pertinent vehicle and insurance information. The Exchange of Information Form within the Delta Plus/ETix system will be used to assist with this process. Officers shall verify, to the extent possible, that all information given is accurate and complete. Every effort should be made to collect and document insurance information.

6. In the event of a collision where there is damage to a third party's property, an Exchange of Information form must be provided to the property owner or a representative who is on

the scene. If the representative refuses to accept the form (e.g.: BGE, Comcast service representative, etc.), officers will submit the form to the Records section for inclusion in the case file.

7. Officers should conduct computer checks (driver's license, vehicle registration and wanted checks) on every operator and vehicle involved in a collision.

8. The investigating officer should have the vehicles involved in the collision removed from the traveled portion of the roadway, as soon as the necessary physical evidence has been collected or photographed.

9. Towing of vehicles shall be done in accordance with General Order 2-03, Towing Procedures and Traffic Services. **An ACRS report must be completed if a vehicle is disabled due to the collision**.

10. In the event of a collision-related death following a property damage or personal injury collision, the investigating officer will immediately contact his/her supervisor upon learning of the death. The officer's supervisor will ensure that all officers on the scene of the collision complete a detailed supplement of what they observed and arrangements will be made for technical assistance by the States Attorney's Office and a certified crash reconstructionist.

11. If an ACRS report is not required, officers will clear the call with a "NIA" (Non-Investigated Accident) disposition, followed by the ACRS code for the type of collision. (e.g.: A single vehicle, property damage collision would be cleared as "NIA, 17". A rear end property damage collision would be cleared as "NIA, 03". A property damage collision on private property would be cleared as "NIA, 88".) This will be done consistent with training. See Addendum A for the "NIA" codes. Communications Division personnel will add the NIA code to the CAD narrative for the collision.

G. Personal Injury Collisions

For personal injury collisions, officers will provide the same level of services identified in Section G. (above) as well as the following:

1. Collect any personal property of value that is left in the vehicle by the subject transported to an emergency facility. Ensure the property is placed in the Property Room in accordance with Department policy. This will include an inventory of the vehicle as required by General Order 2-03, Towing Procedures and Traffic Services.

2. If the injuries sustained by the occupants of the vehicles involved in the collision are deemed to be life threatening, the investigating officer shall contact his supervisor to determine whether a crash reconstructionist should be called to investigate the collision. The supervisor should respond to the scene and confirm the need for the crash reconstructionist prior to approving the request.

3. The investigating officer (Patrol officer or crash reconstructionist) will be responsible for conducting any follow-up investigation that may be required. This includes, but is not limited to:

   a. Obtaining witness information and statements from those witnesses who were no longer at the scene.

   b. Obtaining outside technical or expert assistance from physicians, toxicologists or forensic experts.

   c. Obtaining background information on the parties involved in the collision.

4. The Watch Commander will consider completing a Media Briefing Sheet relating to the incident. Watch Commanders shall follow the procedures outlined in General Order 12-01, Public Information and Media Relations.

5. Whenever the investigating officer determines that sufficient evidence exists to prove that a violation of the Transportation Article contributed to a personal injury collision, **charges shall be filed, unless there are exigent circumstances.**

H. Fatal Collisions

The investigation of fatal or potentially fatal traffic collisions requires specialized training, expertise and equipment. As a result, a certified crash reconstructionist will be utilized to investigate all such collisions. If no WPD reconstructionist is available, a request will be made for these services through allied agencies (I.E. MSP CRASH Team, CCSO etc…). On fatal collisions, officers will provide the same level of services identified in Sections G. and H. (above) as well as the following:

1. The Watch Command shall respond to the scene when possible and personally evaluate the circumstances and ascertain what resources will be needed to effectively manage the scene. The supervisor will also authorize the call-out of a certified crash reconstructionist.

2. Ensure that all vehicles involved in a fatal or potentially fatal collision remain in their final resting place. Additionally, patrol officers will protect the collision scene and all physical evidence until relieved by the crash reconstructionist.

3. All officers who are assigned to any aspect of a fatal or potentially fatal collision will document their involvement in a supplemental report, a copy of which will be forwarded to the investigating officer.

4. At the direction of the crash reconstructionist, a Forensic Mapping (GPS) System may be used document the collision scene and aid in the creation of scale diagrams. The crash reconstructionist will make the necessary arrangements to obtain these resources.

5. The investigating WPD officer will be responsible for making/ensuring that notification is made to the next of kin. When the family of the victim resides in the City of Westminster, they are responsible for ensuring that personal notification is made to the family of the victim. When the victim resides outside of the City of Westminster, they are responsible for ensuring that notification is made to the family of the victim by a law enforcement agency in the jurisdiction in which the next of kin resides.

6. The investigating WPD officer will also be responsible for completing the METERS Fatal Accident Report which must be filed with MSP, Central Records Division. Communication Division personnel will send the report via the METERS system once they have been provided with the relevant data by the investigating officer. A copy of the report will be printed and forwarded to the Records Section for filing with the remainder of the report.

7. The WPD Watch Commander will ensure the completion of a Media Briefing Sheet (in those cases where WPD is the lead agency in the investigation).

I. School Bus Collisions

The following procedures will apply during collision investigations involving school buses:

1. The first officer to arrive on scene will assess the seriousness of the collision and request that Police Communications relay this information to the Board of Education, Pupil Transportation Section.

2. If the collision involves personal injury which requires transport of the victim(s) to a medical facility, a supervisor shall respond and assess the need for additional resources.

This may include assigning an officer or supervisor to the hospital to coordinate with the hospital, parents and the Department.

3. All bus collisions involving buses carrying school students/clients require a formal investigation and ACRS report.

J. Impaired Drivers

Officers should be alert to the possibility that operators of vehicles involved in collisions may be impaired by the use of alcohol or drugs (to include prescription medication). Should an officer encounter an impaired driver the officer shall follow the procedures outlined in General Order 2-04, Alcohol and Drug Related Traffic Arrest Procedures.

K. Departmental Collisions

All departmental collisions will be handled in a manner consistent with General Order 8-05, Departmental Traffic Collisions, dated November 1, 2015.

L. Collisions involving other Government vehicles or property

1. The dispatched officer will handle property damage collisions involving other City Government vehicles, unless a supervisor requests the assistance of an advanced crash investigator.

2. If an employee operating a City vehicle is determined to be at fault in a collision, the Commander of the Field Services Bureau will review the collision to determine if the placement of charges is appropriate.

   a. As a rule, traffic charges should be placed consistent with the guidance provided in section IV.F. of this General Order.

   b. Special consideration should be given to the circumstances often confronted by City employees during difficult or adverse driving circumstances (e.g.: plowing snow or operating equipment and/or vehicles in a work area, etc). The placement of charges may serve no valid community interest in these circumstances.

3. All personal injury collisions involving vehicles owned, leased or contracted by other governments will be reviewed by the Watch Commander to determine if it should be investigated by a certified crash reconstructionist or remain the responsibility of patrol.

4. For collisions involving vehicles belonging to the City of Westminster, the Watch Commander will ensure a copy of the accident report is forwarded to the Office of Human Resources (Risk Management) by the end of the shift. If extenuating circumstances exist, the Watch Commander may grant an extension to the end of the next business day.

M. Hit and Run Collisions

1. Once the officer has secured the scene and treated any injured persons, he should begin to collect as much information as possible about the suspect and vehicle for broadcast by Police Communications.

2. The investigating officer or his supervisor should establish a perimeter, if possible, and attempt to locate the suspect vehicle.

3. If the tag number of the suspect vehicle is obtained and the suspect lives in the City of Westminster, the investigating officer will arrange for the beat officer to go to the residence. If the tag number shows the suspect lives outside of the city limits, the investigating officer will, as soon as possible, coordinate with that jurisdiction to locate the vehicle.

4. Reporting Criteria for Hit and Run Collisions

a. The WPD does not investigate property damage collisions which are late-reported (has not just occurred) and for which there is no witness or suspect information relating to the striking vehicle, and for which no tangible evidence exists to facilitate a follow-up investigation.

b. If the damaged vehicle is still at the location of the collision and that location is within the City limits, an officer will be dispatched to the scene to meet with the complainant. If the officer determines that the collision meets the criteria described above, the officer will ensure that the tag number of the damaged vehicle and full complainant information are recorded in the CAD record for the call. The officer will provide the complainant with their name and a NIA (Non-Investigated Accident) number for the collision.

c. If the complainant is calling from outside the City and the victim vehicle has been moved from the original location of the collision, the Telecommunications Specialist will inquire as to whether there is tangible suspect information which would permit a follow-up investigation. If the collisions meets the criteria described above (subsection 4.a.), the Telecommunications Specialist will explain this policy by reading the "Dispatcher Statement" (See Addendum B) to the complainant. The Telecommunications Specialist will then enter the victim vehicle's tag number and the complaining information into the CAD record and provide the victim with a NIA number for the collision. ***If tangible suspect information exists, the collision will be dispatched and formally investigated in a manner consistent with this policy.***

d. If the complainant insist on further action or investigation on the part of WPD relating to the collision, they will be immediately referred to the on-duty Watch Commander for further discussion and disposition.

6. Maryland "Yellow Alert" Program

a. The Yellow Alert Program will be initiated whenever a hit and run collision occurs which (1) results in death or serious bodily injury and (2) there is credible and useful descriptive information relating to the suspect vehicle (to include registration information when known).

b. Members requesting a Yellow Alert will contact the MSP Duty Officer at MSP Headquarters **(410) 653-4200** and provide them with the suspect vehicle description as soon as practical. MSP will in turn forward the information to the Maryland Joint Operations Center, the Maryland Coordination and Analysis Center (for entry into the State LPR data base), the MSP Office of Media Communications (for distribution to regional media outlets) and the SHA Statewide Operations Center (for posting on variable message boards in the region of the event).

c. If the suspect vehicle is located, the investigating officer will immediately contact the MSP Duty Officer at the above number and cancel the Yellow Alert. **NOTE – Yellow Alerts are self-canceling if the suspect vehicle has not been located within 24-hours of the initial alert.**

d. Members issuing a Yellow Alert will ensure that their Bureau Commander receives timely notification relating to the issuance of a Yellow Alert.

N. Collisions Involving Deer

1. If the operator of the striking vehicle is present, a deceased deer becomes the property of that operator. The operator of the vehicle may waive his claim to the deer and give the deer to anyone that he chooses. Officers are prohibited from giving away or taking

possession of a deer without the permission of the operator of the striking vehicle. The operator of the striking vehicle will have sole authority to designate to whom the deer will be given.

2. The investigating officer will complete a deer tag whenever the operator claims the deer or when the operator waives his claim to the deer and gives the deer to someone else. The portion of the deer tag to be returned to the Department of Natural Resources will be submitted to the Records Section.

3. If the operator of the striking vehicle does not want the deer and does not want to give the deer to someone else, the officer shall request Police Communications notify the appropriate agency for removal of the remains. The appropriate public works agency should be contacted for removal of the carcass, depending on the location (SHA, Carroll County Roads Department or City of Westminster Street Department).

4. When the operator of the striking vehicle is not present, the officer will request that Police Communications make notification to the appropriate agency as outlined in the previous section.

O. Collisions With Domestic Animals

1. The investigating officer will attempt to determine the animal owner's name, address and phone number.

2. Contact the owner of the animal as soon as possible for treatment or disposal as the animal's status dictates.

3. Provide the owner of the animal with the name, address, phone number and vehicle registration information of the driver and owner of the striking vehicle, if known.

4. If the owner of the domesticated animal cannot be determined, the investigating officer shall request Police Communications contact the Carroll County Humane Society for potential treatment of the animal. See Section IV.P.3. (above) for guidance ref animal carcass removal.

P. Special Circumstances

1. Whenever a member is driving a privately owned vehicle in the City of Westminster and is involved in a collision, the on-duty Patrol supervisor will respond and investigate the collision. The supervisor will maintain responsibility for any required documentation and report writing.

2. Officers are prohibited from investigating any collision where their role would present a clear conflict of interest. Officers uncertain about their ability to provide objectivity or avoid any conflict of interest should consult with their supervisor. Supervisors will reassign case responsibility as appropriate. This restriction does not apply to situations where a supervisor is investigating a Departmental collision or when an investigation has been specifically assigned by a supervisor.

3. The Watch Commander may suspend the reporting requirements related to attended property damage collisions, as listed in this General Order, whenever adverse weather conditions cause an unusually high number of collisions. In this situation, officers will ensure:

   a. The drivers' license, registration and insurance information is verified and exchanged between the involved parties. The ACRS Exchange of Information Form should be used to facilitate this process.

   b. The roadway is clear of vehicles and that the operators have made arrangements for transportation and/or towing.

V. CANCELLATIONS

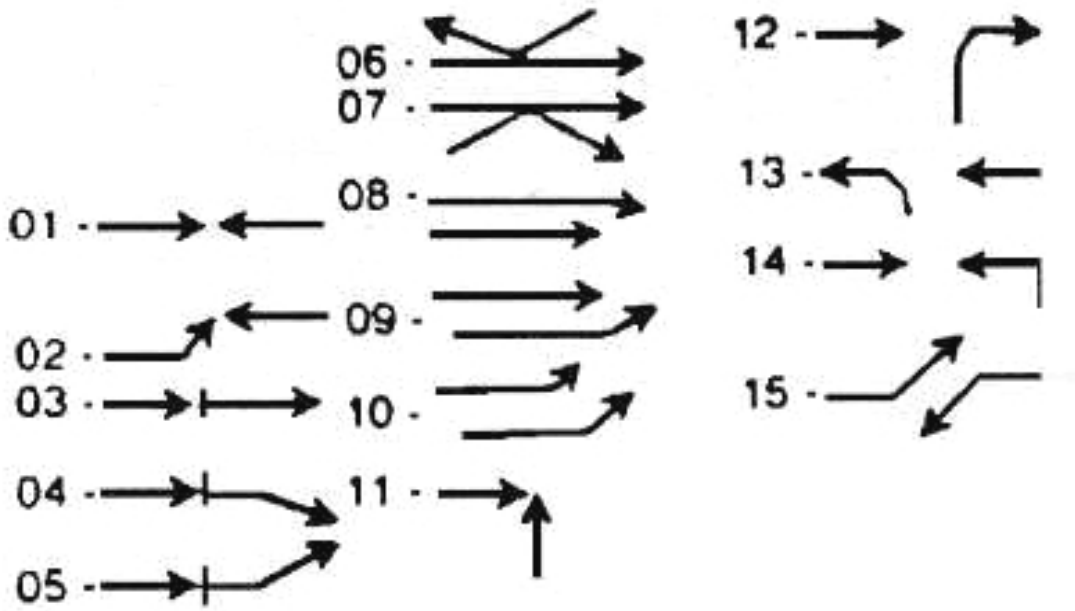
This General Order cancels and replaces the following orders and memos:

General Order H-7, Accident Investigation, dated October 5, 2015.
Memo entitled Changes in Reporting Guidelines – Hit & Run Collisions dated March 30, 2006
Memo entitled New Yellow Alert Program Now Active in Maryland dated October 5, 2015.

Authority:

Jeff Spaulding
Chief of Police

NIA Codes



16. Collision with a deer

17. Single Vehicle

88. Private Property

DISPATCHER STATEMENT

Late-Reported Hit & Run Collision Reporting Policy

Please be advised that the Westminster Police Department does not investigate hit and run collisions when:

- The collision is late-reported and neither the damaged vehicle or the suspect vehicle are at the location of the collision; and
- The collision involves property damage only; and
- There is no witness or suspect information relating to the striking vehicle; and
- There is no tangible evidence to facilitate a follow-up investigation.

In order to assist the vehicle owner in these cases, we will make a notation regarding your accident in our computerized dispatch system. We will need you to provide us with the tag number of the vehicle struck and your contact information to make that notation. We will then provide you with a report number that you may provide to your insurance company. If contacted by your insurance company, we will provide them with the information in our dispatch system which verifies that you made a report of the collision to this Department.

If you have any questions or concerns relating to this policy, I can have a supervisor contact you by phone as soon as one is available.

WESTMINSTER POLICE DEPARTMENT

General Order: 2-03

Subject: **TOWING PROCEDURES & TRAFFIC SERVICES**

Effective Date: February 1, 2011

This General Order contains the following numbered sections:

I. POLICY
II. GENERAL ASSISTANCE TO MOTORISTS
III. PARKING RESTRICTIONS
IV. CRITERIA FOR UTILIZATION OF TOWING BUSINESSES
V. TOWING PROCEDURES
VI. HAZARDOUS ROADWAY CONDITIONS
VII. HAZARDOUS MATERIALS ON ROADWAY
VIII. TRAFFIC DIRECTION AND CONTROL RESPONSIBILITIES
IX. TRAFFIC DIRECTION PROCEDURES
X. TRAFFIC CONTROL EQUIPMENT
XI. SPECIAL EVENTS
XII. TRAFFIC COLLISIONS
XIII. DISASTERS
XIV. SCHOOL CROSSINGS
XV. ANNUAL REVIEW
XVI. CANCELLATIONS

I. POLICY

The Westminster Police Department (WPD) shall assist motorists and address quality of life and traffic safety issues to facilitate the smooth and efficient flow of traffic throughout the City.

II. GENERAL ASSISTANCE TO MOTORISTS

A. Members shall offer reasonable assistance to motorists who are in need of aid. This will apply at all hours of the day, but particularly at night and in periods of inclement weather when potential hazards are greater due to reduced visibility. This shall also apply to off-duty members driving Departmental vehicles.

B. Members shall be constantly alert for roadway users who appear to need assistance. Members shall provide information and directions upon request. In an effort to better serve the citizenry, members should become familiar with the streets and services in their respective patrol areas.

C. Members shall notify the Communications Division of the location where assistance is being rendered to a motorist. If practical and reasonable, members should transport motorists to nearby telephones to make arrangements for service or for a tow.

D. Members shall NOT use a Departmental vehicle to “jumpstart” a motorist’s vehicle or transport fuel, without supervisory approval. Only when extenuating circumstances exist will a supervisor approve these actions. If approved, the Mobile Data Computer must be removed from the docking station prior to jump starting the vehicle.

E. Members may use their discretion when assisting a motorist with a flat tire, taking into consideration traffic flow, location of vehicle, road conditions and weather when deciding how best to assist the motorist. Assistance for other mechanical issues should be restricted to ensuring the safety of the scene and taking other reasonable steps to secure appropriate services for the motorists.

F. Stranded motorists shall not be abandoned when exposed to a hazardous situation. Consideration shall be given to traffic hazards, location, time of day, weather conditions and the priority of other calls for service. This does not preclude placing warning devices (flares, traffic cones, etc.) to warn oncoming traffic and clearing the scene if conditions are such that this could be done safely. Members will periodically check to ensure the condition does not change. If a member cannot check on the stranded motorist he shall notify Communications to have another member make the check.

G. Members shall render all practical assistance to motorists who are involved in emergency situations.

1. Vehicle fires: Members shall respond to vehicle fires to provide assistance to the motorist, unless they are canceled by the Fire Department.

   a. Members arriving on the scene of a vehicle fire shall advise Communications of the extent of the fire if the Fire Department has not yet arrived.

   b. Members should use the fire extinguisher from their Departmental vehicle, as appropriate.

   c. Members shall direct or divert traffic as needed, to expedite the smooth flow of traffic.

2. Medical Emergencies: Members shall handle medical emergencies in accordance with their emergency medical training.

   a. Upon discovery of a medical emergency, the member will request assistance from the Fire Department.

   b. To assist the Fire Department, the member will provide Communications with the type of emergency encountered, location, condition of the patient(s) and any other pertinent information.

3. Traffic direction and control at the scene of a fire or rescue incident is the responsibility of the WPD. Members will ensure that responding emergency equipment and personnel have direct access to the affected area. Members should coordinate the appropriate access and detour routes with the Fire Department Incident Commander at the scene.

   a. Members will prohibit access to unauthorized vehicles and persons attempting to enter the scene.

   b. Any Fire Department or Fire Police personnel arriving at the scene in privately owned vehicles will be directed to park at the edge of the established perimeter. Any problems in this area should be directed to the Fire Department Incident Commander.

H. Officers may not move any privately owned vehicle, except in exigent circumstances, and then only with supervisory approval.

I. Vehicular Escort Service

1. Emergency Escorts: Members will NOT escort privately owned vehicles to hospitals or medical facilities in an emergency mode.

   a. If a medical emergency is encountered, a member shall contact Communications and request an ambulance and render first aid until the ambulance personnel arrive.

b. If, due to the proximity of the hospital or the condition of the patient, waiting for a Fire Department response would seriously jeopardize the life of the patient, a member may transport the patient with supervisory approval.

2. Non-emergency Escorts: Legitimate requests for scheduled law enforcement escort services include, but are not limited to, those associated with funerals, motorcades, (including dignitaries), oversized vehicles, highway construction vehicles and vehicles with hazardous or unusual cargo.

a. All requests for vehicular escort services shall be forwarded to the Commander of the Field Operations Bureau for evaluation. When time constraints and availability issues arise, the on-duty Watch Commander shall be notified to assist in the evaluation and manpower deployment.

b. If a vehicle escort is approved, the Field Services Bureau Commander or his/her designee will ensure that the following functions are performed:

i. The trip route will be established in advance as well as the maximum speed to be maintained along each segment of the route.

ii. Point traffic control will be established, as appropriate, at locations along the scheduled route.

iii. The member in charge of the escort will ensure that the safety of all persons involved in the escort and other motorists on the roadway is maintained at all times.

iv. All non-emergency escorts are to be coordinated with minimal interference to normal vehicle movement.

III. PARKING RESTRICTIONS

A. As a general rule, temporary "No Parking" signs shall be posted at **least 48 hours prior** to a planned event occurring in the City. The Street Department is responsible for posting signs under these circumstances.

B. In exigent circumstances, temporary “No Parking” signs may be posted with **less than 48 hours’** notice consistent with the approval of the Field Services Bureau Commander or the Superintendent of the Street Department. **Under these circumstances the towing of vehicles should always be a last resort.**

C. Street Department Responsibilities:

1. Ensure that all parking restrictions listed in any special event permit are posted **at least 48 hours prior** to the time the parking restriction will take effect.

2. Coordinate all requests for special parking restrictions (excluding the waiver of meter fees) with the Commander of the Field Services Bureau. Events involving the waiver of meter fees will be handled by the Commander of the Field Services Bureau.

3. Notify the Commander of the Field Services Bureau of any parking restrictions that are in effect.

D. Watch Commander Responsibilities:

1. The following procedures shall be followed for routine events:

a. The Watch Commander shall monitor any parking restriction postings prior to and through the date and time of the parking restriction.

b. The Watch Commander shall arrange for the replacement of any temporary "No Parking" signs that are missing or become damaged prior to and through the date and time of the parking restriction.

c. The Watch Commander shall be authorized to have vehicles remaining on the affected street, and in violation of the parking restriction, removed **after verifying that temporary "No Parking" signs have been properly posted and attempts to contact the last registered owner have failed.**

2. The following procedures shall be followed in emergency or exigent circumstances, (i.e. natural disasters, fires, gas line leaks, barricade situations, etc.):

a. The Watch Commander is authorized to immediately remove vehicles from City roadways or City owned or leased property that pose a threat to public safety.

b. The Watch Commander shall ensure that the last known owner of the towed vehicle is notified as soon as practical as to the circumstances surrounding the towing.

3. Ensure a written report is completed in all instances where a vehicle is towed as the result of the above procedure.

IV. CRITERIA FOR UTILIZATION OF TOWING BUSINESSES

A. The Department will maintain a list of towing businesses that have requested to be on the “police towing list” and that have been approved by the Deputy Chief per this general order. Towing businesses will be removed from this list, if they no longer meet the eligibility criteria.

B. Eligibility criteria for inclusion on the “police towing list” include the following:

1. There are currently less than eight (8) towing businesses on the “police towing list.”

2. The requesting towing business remains in compliance with all applicable laws, ordinances, and regulations.

3. The towing business only engages in business practices which could not be construed to constitute a conflict of interest for the Westminster Police Department.

4. The towing business conducts business in a manner that is in the best interest of the public and the Westminster Police Department as determined by the Westminster Police Department.

5. The towing business is able to routinely respond to locations of requested tows within twenty (20) minutes of the requests.

6. The towing business maintains Maryland MVA-registered tow trucks capable of performing normal towing operations in a safe manner.

7. The towing business submits an approved Certificate of Liability Insurance and maintains this same insurance coverage.

8. The towing business maintains a secured vehicle storage lot within ten (10) linear miles of the City of Westminster and within the State of Maryland, and complies with the Department’s requirements for vehicle towing, storage and release procedures.

V. TOWING PROCEDURES

A. The Police Department maintains working relationships with private tow companies in the Westminster area. These tow companies are notified to provide towing service on a rotating

basis, with the tow company who received the last request for service moving to the bottom of the rotating list. These tow companies should be notified to respond and provide tow services under the following circumstances:

1. At the request of the vehicle owner; or

2. At the request of a police officer for routine towing services.

NOTE: Any request for the towing of a (1) departmental vehicle or a (2) vehicle seized for asset forfeiture will be directed to the Police Department's designated towing company.

B. Requests for towing and/or impoundment will be made through the Communications Division.

C. Officers may authorize the tow a vehicle in the following circumstances:

1. As the result of a traffic collision.

   a. The owner of a vehicle has the right to choose the tow company to be called to remove his/her vehicle, provided that the requested tow company can respond within twenty (20) minutes to remove the vehicle.

   b. When a vehicle must be removed and the requested company cannot arrive within twenty (20) minutes, the investigating officer will give the owner/operator the opportunity to call a closer tow company. If the owner cannot arrange for the timely removal of the vehicle, the officer may request the next towing company on the Department's rotating tow list to remove the vehicle.

   c. **Once a tow vehicle requested by a Police Officer has been dispatched to the scene, another tow company will not be permitted to remove the vehicle unless the vehicle owner pays the Police dispatched tow company for responding**.

2. When there is probable cause to believe that the vehicle was involved in a criminal or serious motor vehicle offense and:

   a. It contains instrumentalities or evidence of a crime, or

   b. The vehicle is an instrumentality of the offense and may be used as evidence, or

   c. The vehicle must be moved to a suitable location for a search or processing.

3. There is probable cause to believe the vehicle is stolen.

4. The vehicle is subject to forfeiture pursuant to Controlled Dangerous Substance laws as set forth by Maryland or federal law.

5. The operator of the vehicle is arrested and;

   a. The vehicle presents a danger to the public due to its location, or

   b. The vehicle and its contents will likely be stolen or damaged if it is not towed.

NOTE: When the operator of a vehicle is arrested, the vehicle may not be left on private property (i.e. shopping center parking lot) unless permission is first obtained from the property owner. If permission cannot be obtained, the vehicle shall be towed. If permission is obtained, the property owner's name and contact number shall be included in the Incident Report.

D. In addition to the previously listed circumstances, officers may order a vehicle to be towed in the following cases:

1. The vehicle presents a safety hazard and cannot be driven or otherwise moved within a reasonable period of time.

2. The vehicle is illegally parked and the Westminster City Code authorizes impoundment of vehicles for that specific violation; including any vehicles meeting the following criteria:

   a. Any vehicle parked or stopped continuously for a period of three (3) hours at a location where parking or stopping is prohibited, or

   b. Any vehicle parked so as to constitute a hazard to public safety, or

   c. Any vehicle parked, stopped or standing so as to impede or obstruct the normal movement of traffic or pedestrians, or

   d. The vehicle meets the criteria for classification as an abandoned vehicle.

NOTE: AS A GENERAL RULE, REASONABLE EFFORTS WILL BE MADE TO HAVE THE OWNER REMOVE A VEHICLE WHICH IS BEING IMPOUNDED FOR A PARKING VIOLATION, RATHER THAN HAVING IT TOWED AT THE DIRECTION OF THE POLICE DEPARTMENT.

E. **All vehicles impounded for a parking violation will be issued a parking citation.** The Deputy Chief of Police shall coordinate the impoundment of vehicles identified by the Police Department for having multiple outstanding local parking citations or outstanding booting orders on file.

F. Officers towing and/or impounding a vehicle (unless at owner's request) shall:

1. Notify the Communications Division of the need for towing services.

2. Complete a WPD Tow Report for each impounded vehicle and forward the original copy to the Records Section for storage. One copy of the tow report will be given to the tow operator and one copy will be given to the vehicle owner/operator (if present). If the **owner** is present, the officer will have the owner initial the tow report to indicate receipt of his copy.

3. Inventory the vehicle and any containers in the vehicle for items of value. Cash, jewelry and other items of significant value shall be removed and placed in the WPD Property Room. The inventory is to be documented on the Tow Report (or on a supplement report if the inventory is too extensive for documentation on the Tow Report).

4. If the **owner** is not present the member will:

   a. Notify, in person or by telephone, the vehicle's registered owner of the circumstances for the tow, the location the vehicle was towed to and the procedures for obtaining its release, and;

   b. Complete the WPD Vehicle Tow notification letter (on the back of the last copy of the tow report) and submit it to the Records Section for mailing to the last registered owner via certified mail return, receipt requested. Returned certified cards will be submitted, along with the Tow Report to the Records Section.

5. A report cannot be closed/inactivated by supervisors until provisions of section F.2 or F.4 have been completed. The report can be closed/inactivated if all investigative avenues have been exhausted (to include a registration check, by VIN, through MD, DE, VA, WV, PA, DC and/or locating and contacting the lien holder).

6. Each member towing a vehicle will notify the Communications Division via the radio or telephone of the following information for entry in the Tow Log as soon as practical following the tow, but in all cases, prior to the end of shift:

   a. Date and time of tow
   b. Case number
   c. Investigating officer's name
   d. Vehicle tag number/state or VIN number (if no tag)
   e. Vehicle year, make and model
   f. Location vehicle was towed from
   g. Reason for the tow

7. The Dispatcher receiving the information relating to the tow (item 6 above) is responsible for the accurate and timely completion of the Tow Log entry.

G. Supervisory approval is required for any officer holding an impounded vehicle for longer than 48 hours. Holding a vehicle for longer than seven (7) days requires the approval of the officer's Bureau Commander. The officer must document the reasons for holding the vehicle in an Incident Report.

H. If an impounded vehicle is to be processed for evidence, it should be processed at the scene prior to requesting the tow service. If the vehicle cannot be processed at the scene, the vehicle will be towed to Police Headquarters or the Police Department's designated tow company for storage in their secure storage facility.

1. If the seriousness of the crime and the circumstances surrounding the case suggests that the vehicle should be towed to Police Headquarters for processing and evidence maintenance, the officer must obtain approval from the Watch Commander prior to the tow.

2. The case investigator shall coordinate the processing of the vehicle and arrange for release and/or disposition upon completion of the processing.

I. The impounding or assisting officer shall remain at the scene until the vehicle has been hooked up by the tow service. Only the vehicle keys shall be turned over to the tow truck driver. If other keys accompany the vehicle keys, they will be returned to the owner. If this is not possible, the officer will submit the keys to the Property Room.

J. If the Tow Report indicates that the vehicle is NOT to be released, the reason for the "hold" will be indicated on the Tow Report and the vehicle will not be released without the approval of the case investigator. **Vehicles should only be placed on "hold" if there is an investigative purpose for doing so.** Vehicle owners seeking release of their stored vehicle will be directed to Police Headquarters where they will contact the storing officer (or an on-duty officer if the storing officer is off duty) who will conduct an investigation and determine if the vehicle may be released. If the vehicle may be released the officer authorizing the release shall complete the "Release Certification" at the bottom of the Tow Report and provide a copy of the completed Release Certification to the vehicle owner for presentation to the tow company. The original Tow Report is then returned to the case file for storage.

K. **UNDER NO CIRCUMSTANCES WILL THE TOWING OR IMPOUNDMENT OF VEHICLES BE INITIATED TO PUNISH THE OWNER OR OPERATOR.**

VI. HAZARDOUS ROADWAY CONDITIONS

A. Hazardous roadway and/or environmental conditions are defined as:

1. Defects in the roadway itself (hole, ruts or dangerous shoulders).

2. Lack of, or defects in, highway safety features (e.g. center and roadway striping and reflectors) or improper, damaged, destroyed or visually obstructed traffic control and information signs.

3. Lack of traffic control and information signs (curve, hill warnings, stop, yield signs, speed limit signs, street and highway identification) or improper, damaged, destroyed or visually obstructed traffic control or information signs.

4. Lack of roadway lighting systems or defective lighting systems.

5. Natural or man-caused obstructions (fallen trees and rocks, litter, debris, parts of vehicle, broken water mains and electrical wires).

6. Ice or heavy snow accumulations on roadway surfaces.

7. Fire and smoke in areas adjacent to the highway.

8. Vehicles parked or abandoned on or near the roadway.

9. The lack of mechanical traffic control devices, improperly located or malfunctioning traffic control devices. This shall include traffic lights and downed stop signs. **Members shall strictly follow the specific additional requirements identified within this Order regarding traffic control devices.**

B. The term roadside hazard refers to all physical features of the roadside environment, which are such that a vehicle leaving the road surface for any reason, even momentarily, can impact with them, resulting in unnecessary injury to people, or damaged property. Roadside hazards in this definition include, but are not limited to:

1. Rigid non-yielding supports for traffic control devices and lights, or the non-performance of safety installations (i.e. breakaway sign supports that fail to function properly).

2. Improperly engineered guardrails.

3. Bridge abutments and other hazardous fixed objects built off the roadway into which the vehicle might crash with high injury probability.

4. Utility poles, trees, ditches, inappropriately steep banks, culverts, rock formations and other fixed objects and features of the roadside environment into which a vehicle might crash instead of being able to come to a stop in a clear distance.

C. The following procedure shall be adhered to in identifying, reporting and correcting hazardous roadway, roadside or environmental conditions:

1. Special attention shall be given to intersections whenever the traffic control signal is no longer controlling the flow of traffic. The same level of attention shall apply when a stop sign is no longer effective (downed or missing) based upon all relevant factors, including, but not limited to; traffic volume, speed limit, pedestrian volume, weather, and time of day.

a. **The first arriving member shall remain on the scene, controlling the intersection,** until the intersection is properly controlled, the member is relieved by another member or the member is reassigned by the Watch Commander as provided in (d) below.

b. The Communications Division shall ensure the timely response of personnel to the scene and alert the Watch Commander of any delays/concerns.

c. If the signal/sign is going to be out for an extended period of time, and traffic flow allows, the officer should consider the use of temporary traffic control devices or other resources. The officer should attempt to re-erect a downed stop sign, if it can

easily be restored to an effective condition. The Watch Commander should make notification to Communications to advise them of what equipment may be needed (sign boards, stop signs, variable message boards, generators, etc.).

d. During instances where weather or power outages impact a large number of intersections, the Watch Commander shall be responsible for determining the appropriate use of all available resources and shall assign available resources to best cover the locations with the greatest risk to persons and property.

2. When a hazard is identified which requires immediate correction (such as a fallen tree or electrical wire across or on any part of the traveled portion of the roadway), the officer will immediately inform Communications of this situation and identify the assistance required. The member shall protect the scene and direct traffic or take other action necessary to safeguard the public until the hazard can be eliminated or they are relieved by the authority of a Watch Commander.

3. Hazardous conditions resulting from natural occurrences such as snow, icing, or flooding shall be reported immediately to Communications. Members will provide the location and nature of the hazard and any additional information, which might assist in determining the appropriate response. Hazardous roadway conditions resulting from roadway damage or damage to traffic control devices shall be reported immediately to the appropriate City, County or State agency. This notification should be made through Communications.

4. When a hazard is detected that represents a potential accident situation but the threat of such is not imminent, the member shall obtain direction from the Watch Commander and ensure that Communications is appropriately notified of the situation and corrective action being taken. Communications will be responsible for promptly making all requested notifications. Members may also submit a Memorandum through their Bureau Commander for referral to the appropriate agency when non-emergency conditions exist. When a roadway or traffic-related sign is observed in a damaged or destroyed state, the member shall also notify Communications for the appropriate notification to the responsible agency for repairs.

VII. HAZARDOUS MATERIALS ON ROADWAY

A. Hazardous material is defined as any element, compound or combination, which is flammable, corrosive, explosive, toxic, radioactive, an oxidizer, or is highly reactive and which, because of handling, storing, processing and packaging may have detrimental effects upon operating and emergency personnel, the public, equipment and/or the environment.

B. Radioactive materials are in current use in hospitals, research laboratories and numerous industrial and military applications and are transported throughout the County by truck rail and air. Members need to be alert to accidents and industrial accidents that may involve these materials. Every precaution should be taken in any situation that has the potential to involve hazardous or radioactive materials.

C. The Fire Department has primary responsibility in handling hazardous material incidents. The WPD shall provide support functions to assist the Fire Department in the actual control and removal of hazardous materials.

D. When it is believed that a hazardous material spill has occurred, the first member on the scene shall:

1. Notify Communications of the incident for proper notification.

2. Request that the Watch Commander respond to the scene.

3. Coordinate the maintenance of a wide perimeter by closing off all access roads leading to the accident scene.

4. Assist in the evacuation of non-essential personnel from within the perimeter.

5. Attempt to identify the hazardous materials involved in the accident through the identification of placards on the vehicle or containers and use of the Emergency Responder HAZMAT Guide. It is important to note this identification should be made as far away as possible. **At no time shall a member jeopardize his own safety for material identification purposes**.

E. The Watch Commander shall coordinate all activities with the Fire Department in the safe resolution of the problem.

VIII. TRAFFIC DIRECTION AND CONTROL RESPONSIBILITIES

A. Police Officers, Cadets and Crossing Guards have primary responsibility for the safe and efficient movement of vehicle and pedestrian traffic within the City. These members shall be alert for problems which hinder the efficient flow of traffic and take appropriate action to eliminate problems when they are encountered.

B. All members encountering traffic problems shall take all reasonable actions to control the problem to include:

1. Notify Communications of the location, nature and extent of the traffic problem;

2. Request additional members, if needed, to control the problem and restore the normal flow of traffic;

3. Request other required services (Fire Department, State Highway Administration, Department of Public Works, Gas and Electric Company, tow services, etc...) to respond and assist in correcting the problem; and

4. Request any specialized equipment needed to correct the problem.

C. Members assigned to a traffic post shall remain at that post until another member relieves them, the problem is corrected, or the specific assignment parameters are fulfilled.

IX. TRAFFIC DIRECTION PROCEDURES

A. Manual traffic direction should be conducted in a uniform fashion to enhance driver and pedestrian recognition and response. The following hand signals will be utilized during traffic direction.

1. To stop traffic by hand: Stand with the shoulders parallel to the moving traffic, raise arm above shoulder with the hand extended and the palm toward the moving traffic to be stopped.

2. To start traffic by hand: Stand with the shoulders parallel to the traffic to be moved. Extend the right arm and hand, full length, at shoulder height toward the traffic to be started. Bring the hand sharply in the direction that traffic is to move. Repeat the movement with the left arm to start traffic from the opposite direction.

3. To stop and start traffic by whistle: Use one long blast to bring moving traffic to a halt, and two short blasts to start traffic. Whistles enhance officer recognition and should be used whenever practical during traffic direction.

B. All Officers, Cadets and Crossing Guards are issued reflective vests which must be worn at all times while directing traffic or conducting roadside enforcement activities. These vests will be carried both on and off-duty when in a Departmental vehicle.

C. Uniform hats will be worn while directing traffic at the direction of a supervisor or the officer in charge of the detail.

D. School Crossing Guards will wear their issued uniform and safety vest while working. They will also carry and utilize their stop paddle consistent with their Crossing Guard training.

E. Members assigned to direct traffic for a detail or special situation (heavy traffic flow due to road closure on a main feeder road, concert, funeral, etc.) will first evaluate the intersection and determine the procedures to follow, which may include:

1. Operating the traffic signal manually with the plunger at the light box.

2. Switch the light on “flash” and physically direct the traffic to enhance vehicular flow.

3. Use of temporary traffic control devices.

4. Use of marked police vehicle with overhead lights in operation.

F. Members are prohibited from adjusting or otherwise attempting to repair traffic signals. Members shall immediately notify Communications of any traffic signal malfunction and request that the appropriate agency respond and repair the signal. Notification should also be made anytime a traffic signal is placed on flash.

X. TRAFFIC CONTROL EQUIPMENT

A. Flashlights with traffic wands, or similar equipment, should be used for traffic directions during periods of low light or unfavorable weather conditions. Road flares may also be used; however, their use should be limited. Flares will not be used during hazardous or potentially explosive conditions. Members will ensure that their vehicles are stocked with a minimum of a half box of flares.

B. A supply of traffic cones and barricades are maintained by the Street Department and are available for use during traffic control assignments. Arrangements can be made for the delivery and pick up of these materials through the Superintendent of the Street Department.

C. Incidents creating lengthy delays may require the placement of temporary traffic controls and signs. These items are available through the Street Department and the State Highway Administration. Officers requesting this equipment shall contact Communications with the location of the incident, a description of the problem and equipment needed. The appropriate highway agency will make the final determination as to what traffic controls are implemented. Communications may also contact the media to advise the public of the situation.

XI. SPECIAL EVENTS

A. Special events are usually activities, which may involve large amounts of vehicular or pedestrian traffic. These may include parades, demonstrations, sporting events, festivals or other large public gatherings. WPD will provide traffic direction at these activities to ensure the proper flow of traffic through or around the area.

B. Traffic control planning for special events will be conducted by a designated member of the Field Services Bureau. Each proposed event shall be analyzed to determine its impact on the following areas:

1. Ingress and egress of vehicles and pedestrians;

2. Spectator control;

3. Availability and effect upon available public transportation;

4. Provisions for news media;

5. Alternate routes for through traffic;

6. Temporary traffic controls and parking prohibitions;

7. Emergency vehicle access; and

8. Manpower requirements.

C. When a Special Event Permit request is submitted to the Police Department, an operations plan will be developed addressing the safety of the proposed event and its impact on the surrounding community. The plan may also include recommendations, which would improve these aspects of the event. For events requiring WPD's services, the Field Services Bureau will outline in the plan assignments and manpower requirements for the event. The operations plan will then be submitted to the Chief of Police for approval.

D. Staffing for special events will be coordinated through the Field Services Bureau.

XII. TRAFFIC COLLISIONS

A. Officers and Cadets have primary responsibility for the direction and control of traffic at collision scenes. (Refer to Section VIII Traffic Direction and Control Responsibilities and Section IX Traffic Direction Procedures). They shall set up perimeter traffic control points to:

1. Allow for the ingress and egress of police and other emergency vehicles;

2. Stop or divert approaching traffic away from or around the collision scene; and

3. Provide for a system of alternate routes to move traffic around the accident site and alleviate "downstream congestion".

B. Incidents on major roadways may require a significant response for State, County and City agencies. The State Highway Administration will be notified of incidents requiring two or more lanes be closed for an extended length of time so that the State Highway Administration can implement the Freeway Incident Traffic Management Plan.

XIII. DISASTERS

A During natural or man-made disasters members will coordinate with the ranking Fire Department officer at the scene when determining the most appropriate access and detour routes.

1. These routes should be communicated to incoming emergency vehicles through Communications and the County 911 Center. If detour routes will be in effect for an extended period of time, the detour routes shall be communicated to the media through the Public Information Officer.

B. Members will prohibit access to unauthorized vehicles and persons attempting to enter the disaster site. Members will also maintain security of the disaster site to preserve law and order.

XIV. SCHOOL CROSSINGS

A. The Department of Public Works and the Police Department are responsible for the investigation and placement of school crossing sites throughout the City.

B. The Commander of the Field Services Bureau will ensure that all crossing guards are fulfilling their duties in a manner consistent with their annual Crossing Guard training.

XV. ANNUAL REVIEW

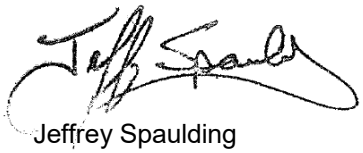
Supervisors shall review Sections V and VI of this order with their subordinates in February of each year.

XVI. CANCELLATIONS

This General Order cancels and replaces:

General Order H-6 entitled Directing Traffic, dated April 6, 1981.
General Order H-9 entitled Vehicle Towing Procedures, dated April 6, 1981.

Authority:



Jeffrey Spaulding
Chief of Police

Appendix A WPD Tow Form

Appendix B Letter of Vehicle Tow & Storage

WESTMINSTER POLICE DEPARTMENT

General Order: 2-04 Order# 2015-13

Subject: **ALCOHOL/DRUG RELATED TRAFFIC ARREST PROCEDURES**

Effective Date: April 18, 2016

This General Order contains the following numbered sections:

I. POLICY
II. DEFINITIONS
III. ALCOHOL/DRUG RELATED TRAFFIC OFFENSES
IV. BREATH TESTS - EVIDENTIARY
V. BLOOD TESTS
VI. DRUG RECOGNITION EXPERT (DRE)
VII. DUI LOG
VIII. DWI/DUI CHARGES
IX. ALCOHOL RESTRICTION VIOLATIONS/CHARGES
X. UNCONSCIOUS SUBJECTS
XI. FATAL AND LIFE THREATENING PERSONAL INJURY CRASHES
XII. RELEASE PROCEDURES
XIII. CANCELLATIONS

I. POLICY

All citizens have basic rights set forth in common law, statutory law and the Constitution. Members of the Westminster Police Department shall exercise the power of arrest in compliance with the Federal and State Constitution, the laws of the United States, State of Maryland and the Westminster City Code. Arrests made without a warrant shall conform to The Annotated Code of Maryland, Criminal Procedure, Title 2.

II. DEFINITIONS

Driving While Impaired - At the time of testing a person has an alcohol concentration of at least .07 but less than .08 as determined by an analysis of the person's blood or breath.

Driving While Under the Influence - At the time of testing a person has an alcohol concentration of.08 or more as determined by an analysis of the person's blood or breath.

Drug Recognition Expert (DRE) - A specially trained and certified officer who conducts a post-Intoximeter evaluation on subjects whose Breath Alcohol Concentration (BAC) is inconsistent with their level of impairment.

Intoximeter - An evidentiary alcohol detection device utilized by certified operators to determine a subject's Breath Alcohol Concentration (BAC). The Intoximeter is utilized post-arrest.

Preliminary Breath Testing Device (PBT) - A non-evidentiary alcohol detection device utilized by certified operators to determine a subject's Breath Alcohol Concentration (BAC). The PBT is utilized pre-arrest.

III. ALCOHOL/DRUG RELATED TRAFFIC OFFENSES

A. **Preliminary Breath Testing (PBT) Device**
Procedures for use of the Preliminary Breath Testing device (PBT) are as follows:

1. An officer may request a driver, stopped for suspicion of driving while intoxicated or impaired, to submit to a PBT after being advised of his rights in MSP form 102, "Advisement of Rights for Preliminary Breath Test." Requests for PBT's should be made **after** any field sobriety testing.

2. If a PBT is offered, it must be administered prior to arrest and the results may only be used as a guide in the establishment of probable cause for arrest.

3. The results of the test will be given to the driver under the following circumstances:

   a. When the driver is released without arrest; OR,

   b. Once the driver is arrested, but only after submission to, or refusal of, an evidentiary test of his breath or blood.

4. Only the preliminary breath test equipment approved by the Toxicologist, Office of the Chief Medical Examiner, and issued by the Department, shall be used.

5. Only officers authorized by the Toxicologist will be permitted to administer preliminary breath tests.

6. Each PBT device used to test suspected drinking drivers shall be checked once each month using a simulated 0.08g/210L alcohol reference solution. An approved operator shall perform this test.

   a. The results of the simulator test shall be recorded in the PBT Log by the operator.

   b. The results of this test shall be recorded in the "Accused Name or Calibration Test" column as "Monthly Test".

   c. The results of this test shall be between 0.07g/210L and 0.09g/210L. PBT devices that do not achieve this result shall be withdrawn from use and turned in to the Breath Test Supervisor for re-calibration. After re-calibration the results shall be recorded in the PBT Log as a "Calibration Test" in the "Accused Name or Calibration Test" column.

7. All tests conducted on suspected drinking drivers will be recorded in the PBT Log in the "Accused Name or Calibration Test" column. PBT operators will obtain the necessary information in order to complete the "Chemical Test Data" columns in the PBT Log.

8. A copy of the PBT Operator Log will be turned in to the Breath Test Supervisor by the fifth of the month for all tests conducted the previous month. PBT operators will maintain the original log sheet in their PBT Operator Log.

9. Supervisors of officers who are assigned a PBT shall conduct periodic inspections of the PBT Log to ensure compliance with the above requirements.

B. Arrest Procedures

In accordance TA § 16-205.1 and 21-902 of, the following procedures will be utilized when making an arrest for alcohol/drug related traffic offenses:

1. An officer observing a DWI/DUI violation or detecting an alcohol restriction violation

will arrest the person as soon as practical after probable cause has been established.

2. The arresting officer will read the defendant form DR-15 "Advice of Rights to a Chemical Test."

   a. If the defendant agrees to submit to a chemical test for alcohol, the arresting officer has **two (2) hours from the time of arrest** to have the test administered.

   b. If the defendant refuses to submit to a chemical test for alcohol or has a BAC of .08% or more, the arresting officer must complete the DR-15A "Officer's Certification and Order of Suspension," and mail the appropriate copy to the Motor Vehicle Administration to **within 72 hours.**

3. The advice of Miranda rights is not necessary until the defendant is in custody and information beyond identification requirements is requested. **Under almost all circumstances, Miranda rights should <u>NOT</u> be given to the defendant prior to the administration of an evidentiary blood or breath test.**

4. The arresting officer will keep the defendant under observation at all times and will not allow the defendant to eat, drink, or smoke from time of arrest and for a minimum of 20 minutes prior to a breath test.

5. A defendant is entitled to request and communicate with an attorney prior to taking the test. The attorney may contact the defendant at the test facility.

   a. All attorney-client contacts, prior to a Departmentally-administered Intoximeter test or a chemical test refusal, will be conducted in the presence of the arresting officer. **Confidential conversation between attorney and defendant does not eliminate the requirement of continued visual contact by the arresting officer.**

   b. The attorney is subject to a search and any containers will be checked for weapons, tools of escape and contraband.

   c. The attorney and his client will be afforded a place of privacy inside the Detention Area to confer. **The officer will maintain visual contact.**

   d. An attorney will only be permitted to administer a breath test when it will not substantially interfere with the timely and effective administration of the Department's testing procedures and will not negate the two hour limit mandated by state law.

   <u>NOTE</u>: The arresting officer must observe the defendant for 20 minutes before an Intoximeter test can be administered.

6. If a defendant requires any prescription medication, the following procedures will be utilized:

   a. Advise the defendant that if the taking of the medication causes the two-hour time limit to expire, the action will be considered a test refusal and may result in the suspension of the defendant's license. The defendant may present medical evidence substantiating the need for medication at the MVA hearing to rebut this action.

b. If the defendant still wants the medication, the officer shall afford an opportunity to take the medication, wait 20 minutes and then conduct the test. If the time limit expires, the officer shall process the defendant for refusing the test.

c. If any medication is taken, the arresting officer will include in his report the time, type and amount of medication taken.

NOTE: Arrestees suffering from acute medical conditions may require immediate medical care. Should this care negate their ability to complete alcohol testing within the 2 hour statutory limit, this would be treated as a refusal.

IV. BREATH TESTS - EVIDENTIARY

A. The Intoximeter test shall be administered in the designated area. If time and distance are limiting factors, or if there is an equipment malfunction, the test may be given at the MSP Westminster Barrack or the Carroll County Sheriff's Office. Whenever possible, Department personnel will administer the test, regardless of the facility used.

B. Intoximeter equipment will only be operated by officers certified by the State Toxicologist. Operators shall conduct tests in accordance with procedures set forth by the State Toxicologist.

C. The arresting officer must remain with the defendant during the twenty-minute (20) waiting period prior to the test and witness the administration of the test.

V. BLOOD TESTS

A. Blood tests may only be used in the following circumstances:

1. The defendant is unconscious or otherwise incapable of refusing the Intoximeter test; OR,

2. Injuries to the defendant require removal to a medical facility; OR,

3. The defendant cannot physically take a breath test (stoma, mouth wired shut, etc.); OR,

4. The equipment for administering the chemical test of breath is not available; OR,

5. When requested by a DRE and the subject has agreed, as provided in Section X.C.4 (below).

6. The subject refuses to take a breath test where compelled to do so by law. This is limited to cases where the defendant is involved in a collision that results in death or life threatening injury and the officer has reasonable grounds to believe the suspect is impaired or under the influence of alcohol.

B. The Attorney General's Office has concluded that a reasonable amount of force may be used to compel such a test. Officers confronted with an uncooperative subject shall contact their supervisor for assistance / guidance.

C. Blood kits are available in the Intoximeter Room at Police Headquarters. If the test sample will be collected outside of Carroll County, a test kit should be retrieved prior to responding to the hospital.

1. Only authorized blood collection kits will be used. Officers shall check the expiration date on the kit prior to use. (Expired kits will not be used.)

2. Blood samples will be collected only by qualified medical personnel. The arresting officer must witness the withdrawal of blood and take custody of the containers.

3. The arresting officer will follow the directions inside the test kit, complete the MSP form 34 and place it inside the mailing box of the test kit.

4. The test kit will be addressed to the CTAU, MSP Headquarters, Pikesville, MD 21208. The Records Section then places the completed and sealed test kit in the out-going mailbox.

VI. DRUG RECOGNITION EXPERT (DRE)

When the level of impairment of a person for arrested DWI/DUI appears inconsistent with the blood alcohol concentration, and provided the conditions set forth in subparagraph a, below are met, the arresting officer **shall** utilize a DRE. All DRE evaluations will be conducted at a secure police facility.

A. In order for a Drug Recognition Expert (DRE) to be utilized, the following conditions MUST be met:

1. The subject agrees to a certified breath test; and

2. The subject's level of impairment appears inconsistent with his/her Blood Alcohol Concentration (BAC); and

3. The subject's BAC is found to be below .07 (the Shift Supervisor may waive this limit with extenuating circumstances) OR, the circumstances of the arrest indicate the possible use of a controlled dangerous substance. Under no circumstances will an evaluation be conducted for a subject with a BAC of .08 or above.

B. **Officer Responsibilities**

1. The arresting officer will advise the subject of his/her DR-15 rights to a chemical breath test**. If the subject refuses to submit to a breath test, then no DRE evaluation will be conducted.**

2. When an officer arrests a subject for DUI and his/her level of impairment appears inconsistent with his/her BAC as determined by an Intoximeter test, a Drug Recognition Expert evaluation shall be requested. This request must be made through the Shift Supervisor.

3. The arresting officer will assist the DRE throughout the course of the entire process. The arresting officer will assist with prisoner security and will have the subject handcuffed during the darkroom examination, if requested to do so by the DRE.

4. If a blood test is ordered and agreed to by the subject, the arresting officer will transport the subject to the hospital for the withdrawal of a blood sample. The DRE will accompany the arresting officer to the hospital and take possession of the blood sample in accordance with the Medical Examiner's procedures for blood samples. It is noted that there is a **four (4) hour time limitation** for the purpose

of collecting blood for a drug test.

C. Drug Recognition Expert Responsibilities

1. All evaluations will be conducted by a certified Drug Recognition Expert, or one in training and under the direct supervision of a certified DRE instructor. All Drug Recognition Experts will be certified by the Chief of Police, in accordance with Maryland law (TA §16-205.1).

2. The DRE will conduct the evaluation in accordance with the National Highway Traffic Safety Administration, International Association of Chiefs of Police guidelines for conducting DRE evaluations, and the Maryland DRE Program

3. If, at any time during the evaluation, the DRE observes a medical condition that requires immediate medical treatment, he/she will:

   a. Summon emergency medical personnel; and

   b. Notify the Shift Supervisor; and

   c. Document the incident and forward a report to the Field Services Bureau Commander and DRE Coordinator; and

   d. Ensure that the arresting officer accompanies the subject in the ambulance if removal to a medical facility is required.

4. The DRE will enter the evaluation in the DRE's personal log.

5. When requested to conduct an evaluation for an allied agency, the WPD DRE will initiate a report for "Assist Other Agency" and document the incident. The evaluation will be entered in the DRE's personal log.

D. Shift Supervisor Responsibilities

1. The Shift Supervisor shall request an **on-duty** Drug Recognition Expert if all of the requirements of subsection a. have been satisfied.

2. The Shift Supervisor may request an **on-call** Drug Recognition Expert if:

   a. There is no WPD or allied agency DRE on duty; and,

   b. The requirements of Section 4.a. (above) have been satisfied.

3. If an on-call WPD DRE cannot be located, the Shift Supervisor shall direct the Communications Division to locate a DRE from an allied agency or contact the MSP Duty Officer in Pikesville to have a State-wide page sent to locate a DRE.

4. If a DRE cannot be located, the Field Services Bureau Commander, will be informed of the circumstances via a written communication or e-mail.

E. Communications Division Responsibilities

When a request is made by a Shift Supervisor to contact an on-call DRE, the Communications Division will contact the on-call DRE from the supplied on-call Drug Recognition Expert list.

F. **DRE Agency Coordinator Responsibilities**

The DRE Agency Coordinator, or his/her designee, will:

1. Coordinate all certification and recertification of WPD DREs in accordance with the guidelines established by the National Highway Traffic Safety Administration and the International Association of Chiefs of Police.

2. Act as a liaison between WPD and the State Drug Recognition Expert Coordinator, the National Highway Traffic Safety Administration and the International Association of Chiefs of Police.

3. Review and forward all DRE reports to the State DRE Coordinator. A copy of all approved DRE reports shall be placed in the corresponding case file in the Records Section.

4. Provide the Communications Division with a current list of the certified Drug Recognition Experts and the on-call Drug Recognition Expert list.

VII. DWI LOG

A. **An entry (results/refusal) is required for all DWI/DUI arrests, regardless of the type of test administered or refused.**

B. Alcohol restriction violations will be recorded in the log **only when a chemical test is administered**.

C. Results of the Intoximeter test will be entered at the time the breath test is conducted. Intoximeter operators will make an entry in their personal log as well. The Breath Test Supervisor will log results of blood tests upon receipt of the analysis from MSP laboratory.

VIII. DWI/DUI CHARGES

A. The arrestee should be given the chemical test before being formally charged with violations of TA § 21-902.

B. If the chemical test indicates a BAC of less than .05, the arrestee shall not be charged with TA § 21-902 unless:

1. There is physical evidence of the use of drugs or CDS; or

2. The arrestee admits consuming prescription drugs or CDS; or

3. Sufficient probable cause is developed which indicates the arrestee's physical condition manifests a gross physical impairment caused by CDS or prescription drugs.

NOTE: When the arresting officer observes that the arrestee's level of impairment appears inconsistent with the blood alcohol concentration, or the circumstances of the arrest indicate the possible use of a prescription drug or a controlled dangerous substance, the use of a Drug Recognition Expert may prove beneficial. **For information dealing with procedures governing the use of DRE's, refer to Section XI. of this Order.**

C. If the chemical test indicates a BAC of less than .05 and the arrestee is not charged with TA § 21-902, the officer shall:

1. Charge the arrestee with initial offense observed, if any;

2. Explain to the arrestee that the arrest was based on probable cause, that the chemical test gives an accurate indication of alcohol, and that because of the low BAC indicated, the arrestee will be released without prosecution for TA § 21-902; AND

3. Complete the required paperwork for a DWI arrest.

D. If the arrestee refused the chemical test, the arresting officer shall charge the arrestee with the appropriate violation under TA § 21-902.

E. **To avoid double jeopardy issues, negligent driving or reckless driving shall not be charged for any personal injury collision, where alcohol is involved.**

NOTE – SEE SECTION XI FOR GUIDANCE RELATING TO FATAL AND LIFE THREATENING INJURY COLLISIONS

IX. ALCOHOL RESTRICTION VIOLATIONS/CHARGES

A. Anyone under twenty-one (21) years of age has an alcohol restriction imposed on his driver's license. The restriction code will not appear on the driver's license or computer printout.

B. If the chemical test indicates a **BAC of .02 or greater** and the defendant has been arrested for an alcohol restriction violation, he may be charged with TA § 16-113.

C. If the chemical test indicates a BAC of .01, the defendant may be charged with TA § 16-113 if independent evidence supports the charge.

D. If the arrestee refuses the chemical test, the arresting officer shall charge the arrestee with the alcohol restriction violation and complete Form DR-15A.

X. UNCONSCIOUS SUBJECTS

When an operator of a motor vehicle is unconscious or otherwise incapable of refusing to take a chemical test for alcohol and probable cause exists to make an arrest, the investigating officer will:

A. Obtain prompt medical attention for the individual and if necessary, arrange for transportation to the nearest medical facility.

B. If a chemical test for alcohol will not jeopardize the individual's health or well-being, the officer will direct a qualified medical person to withdraw blood for a chemical test for alcohol to determine the alcohol content of the individual's blood. The consent form will be completed and the word "unconscious" written where the defendant's signature would normally be placed.

C. If the individual regains consciousness or otherwise becomes capable of refusing the test prior to the withdrawal of blood, the investigating officer will proceed with the DR-15 Rights. (Annotated Code of Maryland, Transportation Article, § 16-205.1).

D. Depending on the circumstances of the case, medical records of drivers who have been treated at a hospital may be available by State's Attorney subpoena or Court Order. **Officers requiring these records should consult with the State's Attorney's Office for guidance and assistance with obtaining the records.**

XI. FATAL AND LIFE THREATENING PERSONAL INJURY CRASHES

A. If a driver is involved in a motor vehicle accident that results in the death of, or life threatening injuries to, another person and the person is detained by a police officer who has reasonable grounds to believe that the person has been driving or attempting to drive while under the influence of alcohol, while impaired by alcohol, while impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, the person shall be **required** to submit to a test, as directed by the officer. (Annotated Code of Maryland, Transportation Article, § 16-205.1).

1. If the Intoximeter test is appropriate, the officer will follow the procedures previously set forth in this Order. Refusal of the detained person to cooperate will require transport to the hospital for a blood test. See above Section V.B. of this order for instructions for uncooperative individuals.

2. If the blood test is necessary, the officer will witness the withdrawal of blood and follow the procedures for blood testing previously set forth in this Order. **CASE LAW DICTATES THAT A SEARCH WARRANT BE OBTAINED PRIOR TO THE SEIZURE OF BLOOD PURSUANT TO THIS STATUTE UNLESS EXIGENT CIRCUMSTANCES EXIST. MEMBERS SHOULD CONSULT WITH THE STATES ATTORNEYS OFFICER FOR GUIDANCE AS APPROPRIATE.**

B. When the operator of a motor vehicle dies as a result of injuries sustained in an automobile accident, the investigating officer will request the Deputy Medical Examiner to respond to the scene. With permission of the Medical Examiner, the designated body removal service will take custody of the body and transport it to the morgue. As a matter of policy, the Deputy Medical Examiner will take a blood sample and report the blood analysis to the investigating officer.

XII. RELEASE PROCEDURES

A. Officers may release DWI/alcohol restriction arrestees without a Commissioners Hearing if the arrestee meets the following criteria:

1. The defendant is a Maryland resident;

2. There are no more than two (2) prior Failures to Appear (FTA's) on the defendant's driving record or criminal record (this may be waived with supervisory approval);

3. The defendant has no prior alcohol-related traffic arrests;

4. The defendant is cooperative and signed all citations;

5. The defendant agrees not to drive a motor vehicle for 12 hours after his arrest.

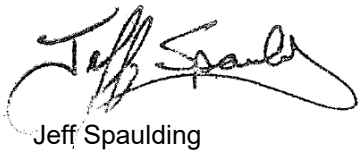
B. If a defendant is charged with an alcohol-related traffic offense and released by the arresting officer without a Commissioners Hearing, the officer will complete the appropriate citations and the Discretionary Release Advisement Form and provide the defendant with his copies.

C. Defendants not meeting the above criteria shall be transported to Central Booking as soon as practical. In addition to completing the Arrest Report and the appropriate citations, must complete a Statement of Probable Cause, prior to the defendant being transported to the Commissioner's Office.

XIII. CANCELLATIONS

This General Order cancels and replaces General Order I-1, Alcohol and Drug Related Traffic Arrest Procedures, dated March 15, 2011.

AUTHORITY:



Jeff Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 3-01

Subject: **Roll Call**

Effective Date: September 1, 2016

This General Order contains the following numbered sections:

I. POLICY
II. DISCUSSION
III. REQUIRED ROLL CALL
IV. ATTIRE
V. DAILY INSPECTION
VI. BIANNUAL UNIFORM INSPECTION
VII. DISSEMINATION OF INFORMATION
VIII. ROLL CALL TRAINING / MANDATORY POLICY REVIEW
IX. CANCELATION

I. POLICY

It is the policy of the Westminster Police Department to use structured roll call sessions to perform personnel inspections; to provide enhanced training; and, to provide personnel with the most up-to-date information available to ensure that the Department's daily operations are efficiently, effectively and safely executed.

II. DISCUSSION

Roll call affords supervisors the opportunity to provide timely dissemination of critical information in a structured environment during which they can inform, instruct and train personnel; review general orders, standard operating procedures (SOPs) and other directives; critique and discuss situations or incidents which have occurred; and, to have group discussions which improve overall effectiveness.

Roll call also affords supervisors the opportunity to discuss assignments and special details; to discuss information contained in any bulletins, and, to inspect their personnel prior to beginning scheduled tours of duty to ensure personnel project a professional image.

III. REQUIRED ROLL CALL

A. Each Patrol Squad will conduct roll call at the beginning of their tour of duty, unless an exigent circumstance exists requiring their immediate attention. All other workgroups will conduct roll calls in a forum and schedule that is conducive to their operations.

B. Normally, roll call (without training or policy review) will last no longer than fifteen (15) minutes, and will be held in the officers' room. Supervisors may change the location as needs require or circumstances dictate. Other workgroups will hold roll call at a location designated by their supervisor.

C. Roll call briefings should be well structured and flexible. Supervisors will use as many roll call training sessions as required to cover trainings and mandatory policy reviews. If a topic is determined to be critical to the safety of personnel, supervisors may extend roll call, provided the outgoing Patrol Squad Supervisor is notified and operational conditions allow for the extension of time.

D. Time permitting, personnel will check voicemail and email prior to or following roll call.

IV. ATTIRE

Personnel will attend roll call prepared for duty, in the uniform of the day and with all required equipment, unless exempted by their supervisor. They will be prepared to undergo supervisory inspection at the discretion of their supervisor.

V. DAILY INSPECTION

A. Inspection of officer readiness to assume their duties will include, but is not limited to: personal grooming, uniform clothing and gear, footwear, body armor, and assigned equipment such as firearms, batons, handcuffs, etc. Adjustments and/or corrections to appearance or equipment are to be made promptly.

B. Although daily inspections do not need to be formally reported, repeated deficiencies will be documented and remedial action taken or recommended.

VI. BI-ANNUAL UNIFORM INSPECTION

Supervisors will conduct bi-annual uniform and equipment inspections prior to uniform transition from short-sleeves to long-sleeves and vice-versa. These inspections will be documented on the WPD Personnel Inspection Report and forwarded to the Bureau Commander who will approve and coordinate any uniform or equipment replacement with the Property Management Specialist.

VII. DISSMENIATION OF INFORMATION

A. Supervisors will convey a variety of information to operational units at roll call, such as information received electronically or via the chain of command, reports from other agencies, crime bulletins and other community information or bulletins, officer safety concerns, special event information, special assignments or any other relevant information. They will also ensure that all personnel are aware of their assignments.

B. Supervisors of all workgroups will ensure that subordinate personnel are provided with any relevant information for them to accomplish their assignments effectively, efficiently and safely.

C. Additionally, supervisors will utilize roll call to discuss any general orders, SOPs, training topics, or other directives provided to personnel by the Department, including those directives requiring mandatory review. They will ensure that subordinate personnel in their workgroups are familiar with and understand the information in these documents.

D. Particular attention will be given to unusual situations, potential and actual police hazards, changes in the status of wanted persons, stolen vehicles, major investigations, and information regarding relevant community-based initiatives. Changes in schedules and assignments, as well as new and updated directives, will be addressed.

VIII. ROLL CALL TRAINING / MANDATORY POLICY REVIEW

A. The Support Services Division (SSD) Commander will be responsible for the coordination of roll call training and mandatory policy review.

B. Training Orders disseminated via PowerDMS will be utilized to schedule mandatory roll call training involving instructors. PowerDMS will also be utilized, whenever practical, to disseminate other roll call training topics. The SSD Commander will generate reports via PowerDMS to document the receipt and execution of mandatory roll call training topics. The SSD Commander will collect and file documentation of any required roll call training which cannot be disseminated via PowerDMS.

Documentation files may be electronic, as long as they remain accessible to Command Staff.

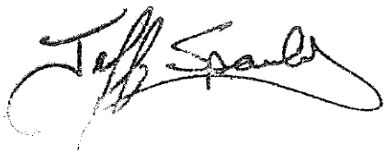
C. Supervisors may develop and execute additional roll call trainings for their workgroups at their discretion.

D. The SSD Commander will utilize PowerDMS to disseminate policies designated for mandatory review and discussion. The SSD Commander will generate reports via PowerDMS to document the completion of mandatory policy review and discussion. Documentation files may be electronic, as long as they remain accessible to Command Staff.

CANCELATION

This General Order cancels and replaces General Order D-1, Roll Call, dated April 6, 1981.

AUTHORITY:



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Jeffrey Spaulding

Chief of Police

Appendix A: Personnel Inspection Report

WESTMINSTER POLICE DEPARTMENT

General Order: 3-02

Subject: **INTERACTIONS WITH PERSONS AFFECTED BY MENTAL ILLNESS**

Effective Date: June 1, 2018

This General Order contains the following numbered sections:

I. POLICY
II. DISCUSSION
III. DEFINITIONS
IV. RECOGNITION OF MENTAL ILLNESS AND CRISIS
V. ASSESSING RISK
VI. RESPONSE TO PERSONS AFFECTED BY MENTAL ILLNESS OR IN CRISIS
VII. EMERGENCY PETITIONS AND REFERRALS TO MENTAL HEALTH PROFESSIONALS

I. POLICY

It is the policy of the Westminster Police Department (WPD) for its personnel to interact consistent with their specialized training when encountering persons who officers believe to be affected by mental illness or who are in crisis. Emphasis shall be to de-escalate the situation safely for all involved when reasonable, practical and consistent with established safety protocols. Officers shall be guided by Maryland Law regarding the detention of persons affected by mental illness or in crisis, including use of a "Petition for Emergency Evaluation" to assist those individuals who demonstrate a reason to believe that they present a danger to the life or safety of themselves or others. Officers shall use this policy to assist them in determining whether a person's behavior is indicative of mental illness or crisis, and provide guidance, techniques and resources that will resolve the situation in the best manner possible.

II. DISCUSSION

Interactions with individuals affected by mental illness or in crisis carries potential for violence; requires an officer to make difficult judgments about the mental state and intent of the individual; and necessitates the use of special police skills, techniques and abilities to effectively and appropriately resolve the situation, while avoiding unnecessary violence and potential civil liability.

III. DEFINITIONS

MENTAL ILLNESS: An impairment of an individual's normal cognitive, emotional or behavioral functioning, caused by physiological or psychosocial factors. A person may be affected by mental illness if he or she displays an inability to think rationally (e.g., delusions or hallucinations); exercise adequate control over behavior or impulses (e.g., aggressive, suicidal, homicidal, sexual); and/or take reasonable care of his or her welfare with regard to basic provisions for clothing, food, shelter or safety.

CRISIS: An individual's emotional, physical, mental or behavioral response to an event or experience that results in trauma. A person may experience crisis during times of stress in response to real or perceived threats and/or loss of control and when normal coping mechanisms are ineffective. Symptoms may include emotional reactions such as fear, anger or excessive giddiness; psychological impairments such as inability to focus, confusion, nightmares and potentially even psychosis; physical reactions like vomiting/stomach issues, headaches, dizziness, excessive tiredness or insomnia; and/or behavioral reactions including the trigger of a "fight or flight" response. Any individual can experience a crisis reaction regardless of previous history of mental illness.

IV. RECOGNITION OF MENTAL ILLNESS AND CRISIS

A. Only trained mental health professionals can diagnose mental illness, and even they may sometimes find it difficult to make a diagnosis. Officers are not expected to diagnose mental or emotional conditions, but rather to recognize behaviors that are indicative of persons affected by mental illness or in crisis, with special emphasis on those that suggest potential violence and/or danger.

B. The following are generalized signs and symptoms of behavior that may suggest mental illness or crisis, although officers should not rule out other potential causes, such as reactions to alcohol or psychoactive drugs of abuse, temporary emotional disturbances that are situational or medical conditions.

1. Strong and unrelenting fear of persons, places or things. Extremely inappropriate behavior for a given context;
2. Frustration in new or unforeseen circumstances; inappropriate or aggressive behavior in dealing with the situation;
3. Abnormal memory loss related to such common facts as name or home address (although these may be signs of other physical ailments such as injury or Alzheimer's disease);
4. Delusions, the belief in thoughts or ideas that are false, such as delusions of grandeur ("I am Christ") or paranoid delusions ("Everyone is out to get me");
5. Hallucinations of any of the five (5) senses (e.g., hearing voices commanding the person to act, feeling one's skin crawl, smelling strange odors); and/or
6. The belief that one suffers from extraordinary physical maladies that are not possible, such as persons who are convinced that their heart has stopped beating for extended periods of time.

V. ASSESSING RISK

A. Most persons affected by mental illness or in crisis are not dangerous and some may only present dangerous behavior under certain circumstances or conditions. Officers may use several indicators to assess whether a person who reasonably appears to be affected by mental illness or in crisis represents potential danger to himself or herself, the officer or others. These include:

1. The availability of any weapons.
2. Statements by the person that suggest that he or she is prepared to commit a violent or dangerous act. Such comments may range from subtle innuendo to direct threat that, when taken in conjunction with other information, paint a more complete picture of the potential for violence.
3. A personal history that reflects prior violence under similar or related circumstances. The person's history may already be known to the officer, or family, friends or neighbors might provide such information.
4. The amount of self-control that the person demonstrates, particularly the amount of physical control over emotions of rage, anger, fright or agitation. Signs of a lack of self-control include extreme agitation, inability to sit still or to communicate effectively, wide eyes and rambling thoughts and speech. Clutching oneself or other objects to maintain control, begging to be left alone or offering frantic assurances that one is “all right” may also suggest that the individual is close to losing control.
5. The volatility of the environment is a particularly relevant concern that officers

must continually evaluate. Agitators that may affect the person, or create a particularly combustible environment or incite violence, should be taken into account and mitigated.

B. Failure to exhibit violent or dangerous behavior prior to the arrival of the officer does not guarantee that there is no danger, but it might diminish the potential for danger.

C. An individual affected by mental illness or emotional crisis may rapidly change his or her presentation from calm and command-responsive to physically active. This change in behavior may come from an external trigger or statement, or from internal stimuli. A variation in physical presentation doesn't always mean he or she will become violent or threatening, but officers should be prepared for these rapid changes in behavior.

VI. RESPONSE TO PERSONS AFFECTED BY MENTAL ILLNESS OR IN CRISIS

A. When officers determine that an individual is exhibiting signs of mental illness or in crisis and is a potential threat to himself or herself, the officers or others, or may otherwise require law enforcement intervention as prescribed by Annotated Code of Maryland HEALTH GENERAL § 10-622, PETITION FOR EMERGENCY EVALUATIONS, the following responses should be considered:

1. Request a backup officer. Always do so in cases where the individual will be taken into custody.
2. When available, request a Crisis Intervention Team (CIT) officer as per General Order 310, Crisis Intervention Team.
3. Check the availability of the Carroll County Mobile Crisis Team (MCT) and request their response per Standard Operating Procedure Operations-05, Mobile Crisis Team.
4. Take steps to calm the situation. Where possible, eliminate emergency lights and sirens, disperse crowds and assume a quiet non-threatening manner when approaching or conversing with the individual. Where violence or destructive acts have not occurred, avoid physical contact and take time to assess the situation. Officers should operate with the understanding that time is an ally, and there is no need to rush or force the situation.
5. Move slowly and do not excite the person. Provide reassurance that the police are there to help and that the person will be provided with appropriate care.
6. Communicate with the individual in an attempt to determine what is bothering him or her. If possible, speak slowly and use a low tone of voice. Relate concern for the person's feelings, and allow the person to express feelings without judgment. Where possible, gather information on the individual from acquaintances or family members, and/or request professional assistance if available and appropriate to assist in communicating with and calming the person.
7. Do not threaten the individual with arrest, or make other similar threats or demands, as this may create additional fright, stress and potential aggression.
8. Avoid topics that may agitate the person, and guide the conversation toward subjects that help bring the individual back to reality.
9. Always attempt to be truthful with the individual. If the person becomes aware of a deception, he or she may withdraw and may become hypersensitive or retaliate in anger. In the event an individual is experiencing delusions and/or hallucinations and asks the officer to validate them, statements such as, "I am not seeing what you are seeing, but I believe you that you are," are recommended. Validating and/or participating in the individual's delusion and/or

hallucination is not advised.

VII. EMERGENCY PETITIONS AND REFERRALS TO MENTAL HEALTH PROFESSIONALS

Based on the totality of the circumstances and a reasonable belief of the potential for violence, the officer may provide the individual and/or family members with referral information on available community mental health resources, or take custody of the individual in order to seek an involuntary emergency evaluation. Officers should do the following:

A. Offer mental health referral information to the individual and or/family members per CIT protocols when the circumstances indicate that the individual should not be taken into custody.

B. Request a back-up officer, preferably a CIT officer when available, prior to taking custody of a potentially dangerous individual who may be affected by mental illness or in crisis, and who meets other legal requirements under Annotated Code of Maryland HEALTH GENERAL § 10-622 for involuntary Emergency Petition. When available, Mobile Crisis Team members or a CIT officer are preferred to assist with the custody and admission process.

C. A petition for emergency evaluation of an individual may be made under this section only if the petitioner has reason to believe that the individual presents a danger to the life or safety of the individual or others.

1. An officer who makes a petition for emergency evaluation under this section may base the petition on:

a. His/her examination or observations; or

b. Other information or history obtained that is pertinent to the factors giving rise to the petition.

2. Maryland State Form CC/DC 13/14 is the official form used to document the behavior of the patient for whom an emergency evaluation is requested.

D. Continue to use de-escalation techniques and communication skills to avoid provoking a volatile situation once a decision has been made to take the individual into custody. Remove any dangerous weapons from the immediate area. Be aware that restraints can aggravate any aggression, so continued use of de-escalation techniques should be considered. Officers should be aware of this fact, but should take measures necessary to protect their safety.

E. Always be vigilant and monitor the individual for signs of medical distress that could be indicators of excited delirium. Summons Emergency Medical Services (EMS) immediately upon recognition of these signs and render medical aid. Ensure that the individual is placed in a recovery position as soon as practical.

F. Document the incident when the individual was taken into custody or when referrals to Mental Health Professionals were made. Ensure that the incident report is as detailed and explicit as possible concerning the circumstances of the incident and the type of behavior that was observed. Terms such as "out of control" or "mentally disturbed" should be replaced with descriptions of the specific behaviors, statements and actions exhibited by the person. The reasons why the subject was taken into custody or referred to other agencies should also be reported in detail.

1. When circumstances dictate, officers shall complete paperwork outlined in General Order 310, Crisis Intervention Team Section IX “CIT Reporting Requirement,” to include:

a. WPD Incident Report;

b. CIT Report – specialized report to be utilized exclusively by CIT members;

c. Behavior Health Referral Form – utilized by non-CIT members to make referrals to the Carroll County Health Department (Bureau of Prevention, Wellness and Recovery); and,

d. Safety Plan Form (when utilized as part of the response).

2. The primary officer handling the incident is responsible for completing the WPD incident report (as required). The CIT officer is only responsible for completing the WPD incident report if they are the primary officer on the call.

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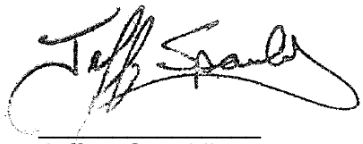

Jeffrey Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 3-03

Subject: **INTERACTIONS WITH PERSONS WITH IDD**

Effective Date: June 1, 2018

This General Order contains the following numbered sections:

I. POLICY
II. DISCUSSION
III. DEFINITIONS
IV. TRAINING
V. USE OF DE-ESCALATION TECHNIQUES
VI. TAKING PERSONS WITH IDD INTO CUSTODY
VII. INTERVIEWS AND INTERROGATIONS

I. POLICY

It is the policy of the Westminster Police Department (WPD) that its personnel shall be trained to recognize persons with intellectual and developmental disabilities (IDD); treat people with IDD with dignity and respect; utilize de-escalation protocols when appropriate; and seek alternatives to physical custody whenever appropriate.

II. DISCUSSION

It is important that all law enforcement officers be provided with training and guidelines for appropriately accommodating, interacting and communicating with individuals with intellectual and developmental disabilities (IDD).

III. DEFINITIONS

INTELLECTUAL DISABILITY (ID): A group of disorders characterized by limited or diminished intellectual functioning and difficulty with adaptive behaviors, such as managing money, schedules and routines, or social interactions.

DEVELOPMENTAL DISABILITY (DD): A long-term disability attributable to a physical, mental, or combination of impairments that result in functional limitations in major life activities, such as understanding and expressing language, learning, moving, self-direction, self-care, independent living and economic self-sufficiency. The disability must have originated before the age of 22, and is likely to continue throughout the individual's life. "Developmental Disability" is an umbrella term that encompasses intellectual disability, but also covers some physical disabilities. Some DDs might consist of physical or sensory impairments only, such as blindness from birth. Other DDs involve both physical impairments and diminished intellectual functioning stemming from genetic or other causes, such as Down Syndrome.

IV. TRAINING

A. Maryland Police & Correctional Training Commissions mandates that all police officers are required to successfully complete Commission-approved autism awareness training as part of their entrance-level training program or their in-service training program, if they did not receive this training at entrance-level.

B. The WPD shall continue to incorporate autism awareness training and training for interactions with persons with IDD into future in-service training curriculum.

V. USE OF DE-ESCALATION TECHNIQUES

Some people with IDD might become easily upset, and can engage in self-harming behaviors or act in aggressive ways. Fear, including fear of law enforcement, frustration and changes in their daily routines and surroundings can trigger such behavior. The mere presence of an officer can also be a source of stress. People with IDD often have impairments that make it difficult for them to process incoming sensory information. Therefore, when interacting with individuals with IDD, officers should:

A. Speak calmly.

B. Repeat short, direct phrases in a calm voice. Avoid slang or euphemisms.

C. Use non-threatening body language and soft gestures, and avoid abrupt movements or actions.

D. Whenever reasonable and practical, avoid touching the person unless there is an emergency situation.

E. Maintain a safe distance, providing the person with a zone of comfort that will also serve as a buffer for officer safety.

F. Eliminate, to the degree possible, loud sounds, bright lights and other sources of overstimulation by turning off sirens and flashing lights; asking others to move away; or, if possible, moving the person to quieter surroundings.

G. Be aware that police canines may be a source of stress for the individual.

H. Be aware that the person might have a service animal. When possible, don't separate the individual from his or her service animal.

I. If safe to do so, avoid taking mobility devices, such as canes, scooters or wheelchairs away from the person. If it is necessary to remove such items, ask the person the best way to do so.

J. Look for medical identification tags on wrists, necks, shoes, belts or other apparel. Some individuals with IDD, both verbal and non-verbal, carry wallet cards noting that they have an IDD, and that provide a contact name and telephone number of a family member or other information.

K. When reasonable and available, it is advisable to contact either a support person for the individual or a disability advocacy organization for assistance.

L. Be prepared for a potentially long encounter, as dealings with such individuals should not be rushed unless there is an emergency situation. Officers should inform Communications or their supervisor when a prolonged encounter is anticipated.

M. Do not interpret odd behavior as belligerent or aggressive. In a tense or unfamiliar situation, some people with IDD might shut down and close off unwelcome stimuli (e.g., cover ears or eyes, lie down, shake or rock, repeat questions, sing, hum, make noises or repeat information in a robotic way). This behavior is a protective mechanism for dealing with troubling or frightening situations.

N. Do not stop the person from repetitive behavior, unless it is harmful to him/her or others.

O. Be aware of different forms of communication. Some people with IDD carry a book of universal communication icons. Pointing to one (1) or more of these icons will allow them to communicate where they live, their family member or support person's name, address or what they might need. Those with communication difficulties may also demonstrate different speaking disabilities, such as incorrectly using words.

VI. TAKING PERSONS WITH IDD INTO CUSTODY

Depending on the severity of the disability, officers should consider alternatives to physical custody of individuals with IDD when feasible, as physical custody may initiate a severe anxiety response and further escalate the situation. Potential alternatives might include charging via Criminal Citation, Application for Statement of Charges or Criminal Information when appropriate, and releasing the person to his or her family, a support person or a community-based diversion program. When alternatives to arrest are not feasible, officers shall observe the following guidelines:

A. Contact a supervisor to discuss first whenever feasible.

B. Employ calming and reassuring language and de-escalation protocols.

C. If possible, contact the person's family member, support person or other trusted individual to accompany him or her and to assist in the calming and intervention process.

D. If a support person is not readily available, request an individual appropriately trained in crisis intervention (CIT Officer, Mobile Crisis Team), if available.

E. When reasonable, practical and appropriate, avoid physical restraints. The use of such restraints can injure the person or limit the person's ability to communicate (e.g., a person who uses American Sign Language can no longer sign) or move independently (e.g., someone who uses a wheelchair or scooter can no longer use these devices).

F. When possible, avoid using body weight to restrain the individual. When unavoidable, exercise extreme caution. Ensure that the individual is placed in a recovery position as soon as practical. Always be vigilant and monitor the individual for signs of medical distress. Summons Emergency Medical Services (EMS) immediately upon recognition of signs of medical distress and render medical aid.

G. When possible and appropriate, allow the individual access to his/her assistive devices such as communication icons, hearing aids, braces, etc.

H. Contact and consult with the on-call Criminal Investigations Bureau (CIB) Supervisor or the on-call Assistant State's Attorney prior to providing the individual with a *Miranda Rights* Form for any custodial interrogation.

I. Depending on the type and extent of the IDD, consider alternatives to incarcerating the person in a holding facility. Some people with IDD may be greatly harmed by being placed alone in a holding cell. If the person must be detained, consider options least likely to cause the person to be injured or traumatized.

J. Until alternative arrangements can be made, and when safe to do so, place the individual in a quiet room with a support person, another responsible individual or an officer who has experience interacting with people with IDD.

K. Consider providing the person with comfort items or assistive devices that might have been in his or her possession at the time of arrest (e.g., toys, reading devices, etc.).

VII. INTERVIEWS AND INTERROGATIONS

A. Officers conducting interviews or interrogations of a person who is suspected of having IDD shall first consult with the on-call Criminal Investigations Bureau (CIB) Supervisor or the on-call Assistant State's Attorney to determine how to proceed.

B. A support person or disability advocate should be allowed to be present during any interrogations or interviews to help ensure the person's rights are protected.

C. Many people with IDD are not able to fully understand their rights, but will agree with the officer in order to hide their disability or to appear cooperative.

D. Interrogations of suspects with IDD shall be recorded and the person shall be notified

that the interrogation is being recorded. If the interrogation is not recorded, the reason shall be documented.

E. When interviewing individuals with IDD, officers should do the following:

1. Determine the individual's primary mode of communication, and provide necessary accommodations, translation services or both.

2. Do not interpret lack of eye contact, and seemingly strange actions or responses, as indications of deceit, deception or evasion of questions.

3. Use simple, straightforward questions. However, avoid “yes” or “no” questions, as the individual might simply choose either “yes” or “no” in an effort to please the officer, rather than provide factual information.

4. Do not suggest answers, attempt to complete thoughts of persons slow to respond or pose hypothetical conclusions, recognizing that people with IDD can be more easily manipulated and might also be highly suggestible.

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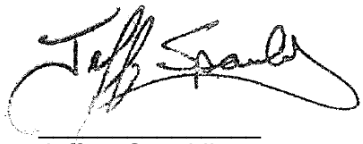


Jeffrey Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 3-05

Subject: **CANINE PROGRAM**

Effective Date: January 1, 2016

This General Order contains the following numbered sections:

I. POLICY
II. DEFINITIONS
III. K-9 PROGRAM STRUCTURE
IV. OPERATIONAL DEPLOYMENT
V. OFFICER RESPONSIBILITIES & INTERACTION WITH PATROL K-9 TEAMS
VI. OFFICER RESPONSIBILITIES & INTERACTION WITH A DRUG DETECTION K-9
VII. OFFICER RESPONSIBILITIES & INTERACTION WITH AN EXPLOSIVE DETECTION K-9
VIII. OFFICER AND DEPARTMENTAL PERSONNEL INTERACTION WITH POLICE CANINES
IX. HEALTH AND CARE OF CANINES
X. BITE/INJURY PROCEDURES
XI. CANINE TRAINING
XII. CANCELLATION

I. POLICY

It is the policy of the Westminster Police Department to effectively use the police canine's superior sense of smell, hearing and physical capabilities in support of police functions in order to apprehend criminal offenders and enhance the safety of police officers and the public. WPD police canines that are used for apprehension shall be trained in the "bark and hold" technique.

II. DEFINITIONS

A. **Cross-Trained:** A canine that is trained to perform the duties of a police canine as well as drug or explosives detection.

B. **Drug Detection Canine:** A canine that is trained to detect the presence of controlled dangerous substances.

C. **Explosives Detection Canine:** A canine that is trained to detect the presence of explosive materials and compounds.

D. **Force:** The use of a police canine consistent with this General Order to accomplish a Departmental objective is recognized as non-lethal force.

E. **K-9:** Synonymous with police canine.

G. **K-9 Coordinator:** A commissioned officer responsible for handling the administrative functions of K-9 operations.

H. **K-9 Handler:** A Police Officer trained in the use, care and training of a police canine and who is assigned one or more police canine partners.

I. **K-9 Operations:** Refers to all K-9 teams as a whole.

J. **K-9 Team:** K-9 handler and assigned police canine, drug or explosives detection canine.

K. **K-9 Trainer:** A K-9 handler designated by the Department who is responsible for coordinating activities of K-9 operations to include training, record keeping, and other duties as assigned by the K-9 Coordinator.

L. **Police Canine:** A canine that is trained to perform building/area searches, tracking,

handler protection, and other related functions.

III. K-9 PROGRAM STRUCTURE

The supervision and assignment of K-9 teams, as well as the administration of the K-9 Operations, are as follows:

A. The K-9 Coordinator shall be the Field Services Bureau (FSB) Commander or his/her designee.

B. K-9 teams will be assigned to a specific schedule within the patrol function of the FSB or to an FSB Squad. The direct supervision of each K-9 team is the responsibility of the Squad Watch Commander or to a designated FSB Watch Commander for those K-9 teams working a special shift. The Watch Commander is responsible for the completion of the assigned K-9 handler's annual performance evaluation, approval of leave and other administrative personnel matters. The Watch Commander should consult with the K-9 Coordinator (if different) when completing the K-9 handler's annual evaluation.

IV. OPERATIONAL DEPLOYMENT

A. Incidents which have potential for deployment of K-9 teams that are trained and certified in these functions include, but are not limited to:

1. Building searches
2. Area searches
3. Tracking
4. Evidence recovery
5. Narcotic/Controlled dangerous substance detection
6. Explosive material and compound detection
7. Firearms detection
8. Back-up for potentially violent incidents
9. Back-up for felony arrests
10. Arrest and search warrant service
11. Crowd control and civil disturbances
12. Pursuit/apprehension for vehicle and foot pursuits
13. Protection of law enforcement personnel

B. Ideally, on-duty K-9 teams trained and certified in these functions should respond to the following types of incidents when practical:

1. Part 1 crimes in progress
2. Alarms
3. Unsecured buildings
4. Breaking and entering scenes just discovered

5. Motor vehicle pursuits

6. Foot pursuits where a reasonable suspicion exists that a crime has been committed

7. Violent or potentially violent incidents

8. Lost/missing children and endangered subjects

C. Generally, the K-9 team should not be assigned to calls that are lengthy, prolonged, require extensive investigation, or would cause the K-9 to be unavailable if needed.

D. Due to the specialized nature of the K-9 teams, they may be required to assist with special details and assignments involving other Divisions of Sections within the Department. Whenever the K-9 team is needed to assist with an assignment or detail, the K-9 Coordinator shall be notified to ensure there is no negative operational impact.

E. The K-9 handler shall have exclusive control over the use of the canine on any scene where the K-9 team may be deployed. The K-9 handler's assessment of the situation as it pertains to the capabilities of the canine will determine how the canine is to be used, however, the K-9 handler shall coordinate with the on-scene supervisor.

F. Law enforcement agencies from other jurisdictions may request assistance of a Departmental K-9 team. When a request is made, an on-duty supervisor's approval is required for a K-9 team response. The K-9 handler is still bound by the Department's K-9 usage policies and reporting requirements.

G. If a K-9 team is required but unavailable due to leave or other circumstances, a supervisor may authorize the call-in of a WPD K-9 team, or the use of a K-9 Team from another agency.

H. Use or deployment of a K-9 team in a crowd control situation must be authorized in advance by the Watch Commander. A police canine may be deployed in such situations without supervisory approval when a K-9 handler perceives an immediate threat of serious bodily harm or death to an officer or bystander. In such cases, the K-9 handler will notify the Watch Commander as soon as practical after the situation has been stabilized.

I. In the event that a K-9 handler makes an arrest, the K-9 handler is discouraged from transporting the arrestee in his Departmental K-9 vehicle. The Watch Commander will generally assign an officer to transport the arrestee to the booking facility if requested.

J. Requests for public demonstrations or presentations of a K-9 team shall be forwarded to the K-9 Coordinator.

K. Police canines will not be deployed "off lead" to apprehend fleeing individuals whose only known offense is a motor vehicle violation. This does not preclude a police canine from being deployed "on lead" to follow or track a fleeing individual until successful apprehension.

V. OFFICER RESPONSIBILITIES & INTERACTION WITH PATROL K-9 TEAMS

A. When a suspect has fled the scene of a crime and a K-9 team is in route, the requesting officer should not pursue unless a reasonable chance of apprehension exists. If the pursuing officer loses sight of the suspect, the pursuit should be immediately terminated and a perimeter established and held for the K-9 team's arrival. The officer involved in the initial pursuit should note where the suspect was last observed and the direction of travel.

B. Officers at the scene shall contain the area to the extent possible to prevent the escape of the suspect and maintain the perimeter security, to include keeping the area clear of civilians, until notified by a supervisor.

C. Officers shall refrain from unnecessary conversation, stay clear of doors and windows, and shall not enter the search area unless instructed to do so by the K-9 handler or a supervisor.

D. Officers shall avoid contaminating the search area prior to the completion of the K-9 team's search.

E. When the K-9 team enters a building or search area, another officer may be assigned to accompany the K-9 team at the handler's discretion.

F. If an officer is requested to accompany the K-9 team during a trail, area, or building search, he/she shall take a position to the rear of the K-9 handler and carefully follow all instructions given by the K-9 handler.

G. Officers shall avoid illuminating the K-9 team with flashlights, headlights or spotlights.

H. Once the canine has been sent to make an apprehension, other officers shall not attempt to take the suspect into custody until the canine has been called off, unless directed to do so by the K-9 handler.

I. Officer interference with a police canine in pursuit may result in injury to the officer. If an officer comes between a suspect and the canine, he should stand as still as possible and make no movements.

J. If officers have entered the search area or building prior to the K-9 team's arrival, they should ensure that all officers are out of the area prior to deployment of the K-9 team for the search. This contamination of the scene should only occur under the most exigent circumstances. The K-9 handler should be notified that the area has been contaminated.

K. When a K-9 team has been requested or is responding to an incident, it is the responsibility of the officer handling the incident to cancel the K-9 team if its assistance is no longer needed.

L. In the event a K-9 team makes an arrest or apprehension as a result of its deployment, the officer handling the incident or another officer designated by a supervisor shall take custody of the arrestee from the K-9 handler and be responsible for transport and processing.

M. When a K-9 team is deployed for crowd control or a civil disturbance, officers should be mindful to maintain sufficient distance from the police canine and should avoid any physical contact with the K-9 team. Officers should never approach the immediate vicinity of the K-9 team without first announcing to the K-9 handler that they are approaching.

VI. OFFICER RESPONSIBILITIES & INTERACTION WITH A DRUG DETECTION K-9

A. Areas of potential deployment of the drug detection canine include, but are not limited to:

1. Scans of motor vehicles,

2. Establish probable cause for search warrants,

3. Drug interdiction in public places,

4. Scans relative to search warrant execution.

B. Incidents involving motor vehicles, such as traffic stops, where the officer feels the drug detection canine may be needed should immediately request the K-9 team's response. By doing so, it allows the K-9 team to arrive in a timely manner.

C. If the officer requesting a K-9 team determines there is no longer a need for the K-9 team to respond, the officer at the scene shall make the appropriate cancellation.

D. When a motor vehicle is being scanned by a police canine that is cross-trained as a drug detection canine, it is the officer's responsibility to situate and control the vehicle's occupants in a manner that will not jeopardize the K-9 handler's safety while conducting the scan.

VII. OFFICER RESPONSIBILITIES & INTERACTION WITH AN EXPLOSIVE DETECTION K-9

A. The supervisor on scene should brief the explosive detection canine handler and provide the following information:

1. When and how the bomb threat was received

2. Detonation time, if given

3. Location of suspected device

4. Any information provided by the suspect, to include the type of device and motive for placement

5. Past history of bomb threats or related activities

B. The investigating officer should attempt to ascertain if any hazards (environmental, biological, structural, etc.) are present in the area where the explosives detection canine is to search and advise the K-9 handler before the team is deployed.

C. When a location is to be searched by the explosives detection canine, the Watch Commander shall ensure that a representative who is familiar with and has access to all areas within the location is available to accompany the K-9 team.

D. If an officer accompanies the explosives detection canine team during the search, the officer will follow all directions given by the K-9 handler relating to the search.

VIII. OFFICER AND DEPARTMENTAL PERSONNEL INTERACTION WITH POLICE CANINES

A. Departmental personnel shall not touch, handle or pet any police canine unless given permission by the K-9 handler.

B. Departmental personnel shall not tease, agitate or harass any Departmental canine.

C. Departmental personnel shall refrain from horseplay with other personnel or the K-9 handler when the canine is present, and shall not make aggressive gestures towards the K-9 handler.

D. If a police canine is working (such as actively tracking, scenting or apprehending) and approaches a member, that member should stand still and make no overt movements.

E. If a K-9 handler is injured and cannot control his canine, officers shall follow the K-9 handler's direction in how to take control of the canine.

IX. HEALTH AND CARE OF CANINES

K-9 handlers are responsible for the health, care and well-being of their assigned canine to include:

A. Each handler will ensure that their canine is kept in the best possible health and state of cleanliness, which will be facilitated by routine bathing and dipping and a yearly physical examination by and approved veterinarian.

B. In the event of a serious illness or injury, canines will immediately be taking to and approved veterinarian, whether occurring during on or off duty hours. The FSB Commander will be

notified of the illness/injury as soon as practical.

C. When an assigned handler will be away from home for extended periods, canines will be quartered only at kennels/locations approved by the K-9 Coordinator.

D. K-9 officers are authorized to obtain food from approved dealers, and canines will be fed only a diet prescribed/approved by the veterinarian.

E. K-9 handlers will not use excessive force in the handling, training or working of any canine, nor will they intentionally allow injury to the canine.

X. BITE/INJURY PROCEDURES

If a bite or injury results from the deployment of the police canine the following procedures shall be followed, as well as criteria set forth in General Order 6-01, Use of Force.

A. The injured person shall be afforded medical care as soon as practical.

B. The Watch Commander will be immediately notified.

C. A supervisor shall personally view the injury, take a statement from the injured person as soon as possible, and ensure that the bite or injury is photographed and document their observations. They will also ensure that all available witnesses are identified and their observations/statements documented.

D. The K-9 handler shall complete and submit the following to the K-9 Coordinator:

1. Police report or supplement detailing the facts regarding the bite or injury and use of force;

2. A Memorandum through channels to the Chief of Police detailing the incident;

3. Departmental Use of Force report; and

5. A Carroll County Health Department Dog Bite Report.

E. The police report and related documents (Subsection D above) will be completed prior to the end of the shift during which the bite occurred and submitted to the Watch Commander for approval. The K-9 Coordinator will ensure that copies of all forms and reports, with supervisory endorsements, are forwarded to the Chief of Police through channels within 24 hours.

XI. K-9 TRAINING

A. The K-9 Coordinator is responsible for arranging and facilitating K-9 training with the allied law enforcement agency providing that training. The Chief of Police must approve the training arrangements in advance.

B. When K-9 training is being conducted, the K-9 handler will notify Communications that the K-9 team is out of service, the hours of the training, and supply a cell phone number to allow for notification in the event the K-9 team is needed.

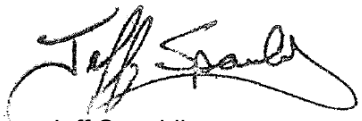
C. An on-duty Watch Commander must authorize the call out of the K-9 team from training.

D. If during K-9 training, the K-9 team is notified that its services are needed, training will be suspended and the K-9 team will respond.

XII. CANCELLATION

This General Order cancels and replaces General Order D-5, Canine Unit, dated November 1, 1992.

AUTHORITY:



Jeff Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 3-06

Subject: **BICYCLE PATROL PROGRAM**

Effective Date: January 1, 2016

This General Order contains the following numbered sections:

I. POLICY
II. BICYCLE PATROL PROGRAM COORDINATOR
III. SELECTION OF BICYCLE PATROL OFFICERS
IV. QUALIFICATIONS AND TRAINING
V. BICYCLE PATROL OFFICER DUTIES AND RESPONSIBILITIES
VI. BICYCLE USE AND DEPLOYMENT
VII. UNIFORMS AND EQUIPMENT
VIII. BICYCLE MAINTENANCE
IX. ISSUED EQUIPMENT AND SAFETY CONSIDERATIONS
X. ACCIDENTS AND DAMAGE

I. POLICY

It is the policy of the Westminster Police Department (WPD) to utilize trained bicycle patrol officers to enhance patrol efforts in areas that will benefit from the specialized capabilities of bicycle patrol, to staff certain special events and to promote community-oriented policing through face to face interactions with members of our community. Only properly trained officers shall be permitted to conduct bicycle patrols.

II. BICYCLE PATROL PROGRAM COORDINATOR

A. The WPD will designate a sworn supervisor to be the Bicycle Patrol Coordinator (BPC).

B. The BPC shall be responsible for certain administrative and maintenance tasks associated with the bicycle patrol program, including coordination and oversight of the selection and training of bicycle patrol officers, coordination of bicycle patrols at special events, and the selection, purchase and maintenance of bicycles and bicycle patrol equipment.

C. The Support Services Bureau (SSB) shall maintain a current list of authorized bicycle patrol officers.

D. The Property Management Specialist shall maintain an inventory of issued bicycle patrol uniforms and equipment.

III. SELECTION OF BICYCLE PATROL OFFICERS

Bicycle Patrol Officers must meet the following qualifications:

A. Successful completion of the Field Training and Evaluation Program (FTEP), and

B. Positive endorsement from supervisors in their chain of command.

IV. QUALIFICATIONS AND TRAINING

A. Initial training shall be conducted through a WPD-approved training program selected by the BPC and subject to the approval of the Deputy Chief of Police. The lead instructor of the approved bicycle patrol training course will determine if an officer has successfully completed the basic bicycle patrol officer training.

B. Prior to conducting bicycle patrols, selected members must attend and successfully complete a certified police cyclist-training course taught by a certified instructor.

C. Bicycle patrol officers shall attend a twenty-four+ (24+) hour basic police cyclist course sanctioned by a nationally recognized police cyclist organization, such as The International Police Mountain Bike Association. At a minimum, initial training courses should incorporate blocks of instruction on the following topics:

1. Physical cycling skills;

2. Health and fitness;

3. Bike maintenance;

4. Obstacle detection and hazard avoidance;

5. Patrol operations;

6. Night operations;

7. Community policing;

8. Uniforms and equipment; and,

9. Applicable state bicycling laws.

D. Bicycle patrol officers shall review this general order during January of each year. The SSB Commander will distribute the general order via PowerDMS.

E. The BPC shall make recommendations to the SSB Commander for any remedial action he/she believes necessary to maintain all bicycle patrol officers at a safe and professional standard to include remedial training or suspension from the bicycle patrol program.

V. BICYCLE PATROL OFFICER DUTIES AND RESPONSIBILITIES

A. The direct day-to-day supervision of each bicycle patrol officer is the responsibility of the assigned squad supervisor or watch commander.

B. Bicycle patrol officers shall obey all appropriate state and local laws governing bicycle operation, except in exigent circumstances.

C. Bicycle patrol officers shall function as an integrated part of their bureaus by maintaining their normal duties.

D. Bicycle patrol officers shall generally be used to provide high visibility patrol operations in areas not normally accessible by a police vehicle to include downtown, footpaths, retail centers and residential settings. The use of bicycle patrol officers for the following types of calls and events should be considered due to the specialized nature of the assignment.

1. Crimes in progress where the use of a bike would be beneficial in conducting searches for victims and/or the apprehension of suspects;

2. Lost or missing persons of a critical nature;

3. Bicycle safety programs;

4. Community policing events and details; and,

5. Special events such as parades, athletic events, concerts, firework displays and similar types of events where crowd control is an issue.

E. Bicycle patrol officers shall fulfill a community relations and preventive patrol functions by working to resolve community problems in a directed patrol area and to diminish criminal conduct in these areas.

F. Bicycle patrol officers shall notify Communications when they begin and end a bicycle patrol.

G. Bicycle patrol officers shall be accountable for all dispatched calls for service in their assigned area, unless specifically exempted by their supervisor or watch commander.

H. Bicycle patrol officers shall record and report their daily bike activity on their Daily Activity Report.

I. Bicycle patrol officers shall be responsible for ensuring that their assigned bicycle and related equipment are maintained in a clean, professional manner and in good working order consistent with this order.

VI. BICYCLE USE AND DEPLOYMENT

A. Authority for the use or deployment of the bicycle patrol officers may come from either a supervisor or the watch commander on duty in those situations where a bicycle patrol could reasonably assist in the handling of a call for service or investigation.

B. Bicycle patrol officers may deploy their bicycle at any time during their shift in the furtherance of their patrol and community policing duties.

C. Bicycle patrol officers should consider the following, when deciding whether to deploy or not:

1. Sufficient staffing in Patrol;

2. Increased response time to calls for service;

3. Temperature and weather factors such as high winds and precipitation; and,

4. Surface conditions as a result of weather and other hazards.

D Bicycle patrol officers may respond to assist other jurisdictions when requested, with the authorization of the watch commander.

E. Bicycle patrol officers may operate in a covert assignment, such as surveillance or decoy operations, with supervisory approval. Officers involved in these types of operations shall ensure that the bicycle used, if not the officer's assigned bike, is in good working order and properly equipped for the assignment. Plainclothes attire is acceptable in these circumstances.

VII. UNIFORMS AND EQUIPMENT

A. Bicycle patrol officers shall wear the issued bicycle patrol uniform in accordance with General Order 15-03 UNIFORM AND GROOMING STANDARDS.

B. The bicycle patrol uniform may be worn during patrol shifts when it is likely that a bicycle will be deployed. Bicycle patrol officers may only wear their bicycle patrol uniform if they are properly equipped with a bicycle and prepared to ride. The bicycle patrol uniform may be worn

during attendance in District Court, but may not be worn when appearing in Circuit Court.

C. WPD bicycles shall be equipped with a derailleur gearing system and the following:

1. Cable bicycle lock;

2. Rear rack and pack;

3. Front mounting headlight/emergency lights;

4. Flashing rear taillight;

5. Audible siren;

6. First aid kit; and,

7. Water bottle.

D. Bicycle patrol officers shall secure their assigned bicycle with the issued cable lock to their vehicle or other fixed object when left unattended. All other related equipment, such as the bike rack bag, is vulnerable to theft and shall be secured at all times unless prevented by exigent circumstances.

VIII. BICYCLE MAINTENANCE

A. Prior to a bicycle patrol, bicycle patrol officers shall inspect their assigned bike to ensure it is in a safe operational condition. Any defects or damage will be immediately reported utilizing a Bicycle Patrol Inspection Form (Appendix A). The inspection will include the following:

1. Proper tire pressure and condition;

2. Proper front and rear brake operation;

3. Proper operation of crank, chain, and derailleur system; and,

4. All quick releases are secure.

B. The BPC will be responsible for coordinating all maintenance/repairs for departmental mountain bicycles(s).

C. Bicycle patrol officers shall ensure that their assigned bicycle is maintained in a clean and serviceable condition at all times. Road grime and dirt should be removed from the bicycle prior to and upon completion of any assignment. Any problems or deficiencies with the officer's bicycle shall be addressed prior to deployment either by the bicycle patrol officers, or an authorized repair facility, as approved by the BPC.

1. Officers are responsible for minor repairs (i.e. flat tire) and ensuring the routine maintenance of their assigned bicycle (i.e. proper tire pressure, lubrication, barrel adjustment for brakes). Officers shall not perform repairs on the bicycle that are outside of their scope of expertise and training.

2. Any repair performed at a repair facility must be pre-approved by the BPC. The initiating officer shall obtain a copy of the invoice from the repair facility upon completion of the repair and forward the invoice to the BPC within forty-eight (48) hours. The SSB Commander will pay the invoice.

D. The BPC shall ensure that all WPD bicycles currently assigned to active bicycle patrol officers receive, at a minimum, annual Preventive Maintenance (PM) at an authorized

repair facility. A record of the annual PM will be maintained in a file by the BPC for a period of three (3) years. Reserve bicycles do not require the annual PM, however they will receive a PM prior to being assigned to a new bicycle patrol officers.

E. The BPC shall conduct documented quarterly inspections of WPD bicycles assigned to bicycle patrol officers. Supervisors shall also conduct an inspection of the vehicle bicycle rack, if one is mounted, to ensure it is secure.

IX. ISSUED EQUIPMENT AND SAFETY CONSIDERATIONS

A. Bicycle patrol officers shall wear the following safety equipment whenever operating a bicycle:

1. Approved helmet with chinstrap engaged;
2. Riding Gloves; and,
3. Protective eyewear (may include officer's prescription glasses or sunglasses).

B. While in public, bicycle patrol officers shall be mindful of pedestrian traffic and shall be alert for unpredictable actions of the public while operating their bicycles.

C. No one, except certified bicycle patrol officers and trainers, may operate a WPD bicycle.

X. ACCIDENTS AND DAMAGE

A. Any damage to a WPD bicycle or equipment which occurs during a tour of duty is to be reported in a detailed memorandum to the BPC with the squad supervisor's endorsement by the end of the tour of duty or as soon as practical after the incident.

B. Motor vehicle collisions involving WPD bicycles shall be handled in the same manner as any other departmental motor vehicle collision in a manner consistent with G.O. 8-05 DEPARTMENTAL TRAFFIC COLLISIONS.

C. Whenever a bicycle patrol officer receives an injury as a result of riding the bicycle, his/her supervisor shall be notified immediately, and the City of Westminster First Line of Injury Report Form shall be completed.

AUTHORITY:

Thomas Ledwell
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 3-08 Order# 2009-04

Subject: **VICTIM ASSISTANCE**

Effective Date: April 1, 2009

This General Order contains the following numbered sections:

I. POLICY
II. ADMINISTRATION AND MANAGEMENT
III. GENERAL RIGHTS OF CRIME VICTIMS
IV. PRELIMINARY INVESTIGATION GUIDELINES - INVESTIGATING OFFICER
V. FOLLOW UP INVESTIGATION GUIDELINES – INVESTIGATING OFFICER
VI. ARREST/POST-ARREST PROCEDURES
VII. ASSISTANCE FOR LIMITED ENGLISH PROFICIENT PERSONS
VIII. CANCELLATION

I. POLICY

The Westminster Police Department shall ensure that the rights of victims and witnesses are protected and that they are treated with fairness, compassion and dignity. In addition, the Department is committed to the development, implementation and continuation of victim assistance programs and activities consistent with available resources and a realistic needs assessment.

II. ADMINISTRATION AND MANAGEMENT

A. Throughout this Order, the term victim shall include witnesses.

B. Since the patrol officer is the first person to have contact with the victim of a crime, it is the patrol officer's responsibility to see that the needs of the victim are addressed and satisfied. Patrol responsibilities in providing victim/witness assistance are directed by the Commander of the Field Services Bureau.

C. A full array of crime victim referral information (governmental and private sector) will be maintained in card racks in the lobby of Police Headquarters. This information is available on a 24-hour basis to provide continuity of service to those in need.

III. GENERAL RIGHTS OF CRIME VICTIMS

A victim of crime is entitled to be treated with dignity, respect and sensitivity during all phases of the criminal justice process. Legal rights address issues of compensation, restitution, suspect apprehension, impact statements, notification on court proceedings, return of property, and more. Specific responsibilities of law enforcement personnel follow in this order.

IV. PRELIMINARY INVESTIGATION GUIDELINES – INVESTIGATING OFFICER

During the preliminary investigation of any criminal incident, the investigating officer will ensure that the following services are provided to the victim, at a minimum:

A. Upon first contact, every victim, regardless of severity of the crime, receives a copy of the Maryland "*Crime Victims and Witnesses: Your Rights and Services*" booklet which is provided by the Governor's Office of Crime Control and Prevention (§ 11-104 [b] of the Criminal Procedure Article). This will ensure that all victims of crime are apprised of basic criminal justice procedures and are directed to a number of useful resources.

NOTE#1: *The reporting officer will document the distribution of the victim's rights booklet in the body of their police report relating to the incident.*

NOTE #2: *Officers handling police reports via telephone reporting will ensure that a copy of the victim's rights booklet is mailed to the victim in a timely manner. The reporting officer will document the mailing of the victim's rights booklet in the body of their police report relating to the incident.*

B. Provide the victim with the case number and explain subsequent steps in the processing of their case.

C. Provide the victim with the investigating officer's phone number in the event the victim wishes to report additional information about the case or wishes to receive an update on the status of the case. If immediate action is needed, the victim should be directed to contact an on-duty officer.

D. The officer will provide the victim all necessary information on any suspect or suspects, including date of birth and descriptive information, if the victim is referred to the Court Commissioner's Office for charges.

NOTE – The personal identification information (I.E. home address, home phone number, date of birth or social security number) of governmental employees and private security officers shall NOT be included in a police report or released to the public if there is objective reason to believe that the employee was acting under color of law and within the scope of their employment. In these limited circumstances, the employee's name, work address and work phone number will be recorded in lieu of their personal identifiers.

E. Encourage victims to report incidents of threats or intimidation to the Department.

1. Threats to victims will be documented in a police report and forwarded to the Commander of the Field Services Bureau. Appropriate assistance will be determined by the nature of each individual case and the resources available to the Department and, if possible, be commensurate with the danger faced by the victim.

2. When appropriate, the Office of the State's Attorney will be notified of threats received by victims. Notification will be made verbally and confirmed in writing.

F. Offer to transport a rape/sexual assault victim to an approved Department of Health & Mental Health Facility (Carroll Hospital Center) (§ 11-924 of the Criminal Procedure Article). ***This regulation in no way changes existing protocols with respect to the notification of and cooperation with the Carroll County Advocacy and Investigation Center.***

G. Protect a domestic violence (DV) victim from harm when responding to a request for assistance and accompany the victim to his/her residence so that he/she may remove:

1. Personal clothing; and

2. Personal effects (immediate needs items only) from the home (Section 4-502 [a][2][ii] of the Family Law Article). This includes provisions for the removal of personal effects of any children who will accompany the victim.

3. ***The officer shall also provide the victim with a written notice that sets forth the victim's specific DV rights pursuant to Section 4-503 of the Family Law Article - to include the ability to file a petition for relief from abuse in District Court or Circuit Court. This information is contained within the "Crime Victims and Witnesses: Your Rights and Services" booklet that must be provided to all crime victims.***

NOTE: THESE DUTIES ARE TO BE COMPLETED BY THE RESPONDING OFFICER AND SHALL APPLY FOR ALL CRIME VICTIMS.

V. FOLLOW UP INVESTIGATION GUIDELINES – INVESTIGATING OFFICER

During the follow up portion of the investigation of a serious crime, and as directed by the investigating officer's supervisor, the following services shall be provided by the investigating officer, at a minimum:

A. Re-contact the victim periodically to update them on the status of their case.

B. Explain to victims the procedures involved in the prosecution of their case and their role in those proceedings.

C. If feasible, schedule line-ups, interviews and other required appearances at the convenience of the victim and, at the option of the investigating officer, provide transportation.

D. In accordance with all applicable policies and when otherwise possible, promptly return any of the victim's property taken as evidence (except for contraband, disputed property and weapons used in the course of the crime), where permitted by law, rules of evidence, or approved by the Office of the State's Attorney.

VI. ARREST/POST ARREST PROCEDURES

Upon the arrest and post-arrest processing of a suspect, the investigating officer will advise the victim of the arrest and the post-arrest proceedings of the suspect including the criminal charges placed against the suspect (exception: unwaived juvenile defendants) and the arrestee's custody status.

VII. ASSISTANCE FOR LIMITED ENGLISH PROFICIENT PERSONS

Limited English proficient individuals are those persons who cannot speak, read, write or understand English well enough to interact effectively with government agencies, to include the Department.

A. Every effort will be made to ensure access to victim services to those individuals with limited English proficiency.

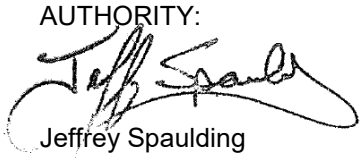
B. Agency and allied agency personnel who have the ability to translate and interpret will be utilized whenever possible.

C. The "Language Line", a telephone-based translation service, is available on a 24/7 basis through the Communications Division. This service may be utilized to assist victims as appropriate.

VIII. CANCELLATION

This General Order cancels and replaces General Order 102-94, D-10, Victim Assistance, dated November 1, 1994.

AUTHORITY:



Jeffrey Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 3-09 Order# 2013-03

Subject: **LICENSE PLATE READER PROGRAM**

Effective Date: November 1, 2013
(Revised on April 15, 2014 to amend portions of Sections III and VI of this policy)

This Special Order contains the following numbered sections:

I. POLICY
II. DEFINITIONS
III. RESPONSIBILITIES
IV. AUTHORIZED USES FOR THE LPR
V. EQUIPMENT
VI. DATA COLLECTION, RETENTION AND DISSEMINATION

I. POLICY

It is the policy of the Westminster Police Department (WPD) to increase the detection of stolen vehicles, vehicles with revoked or suspended registrations, uninsured vehicles, vehicles operated by drivers with suspended or revoked licenses, wanted and missing persons, and other vehicle related crimes that impact the safety of citizens. The License Plate Reader (LPR) program shall be used to increase the safety on roadways while reducing the impact of economic losses caused by auto theft and other vehicle-related crimes. The program shall also be used to enhance security at designated locations by supplementing existing security measures.

II. DEFINITIONS

A. LPR – A License Plate Reader is a device that uses cameras and computer technology to compare digital images of license plates to lists of known plates of interest.

B. LPR Data – Data obtained by the LPR including images of license plates and vehicles on which they were displayed, and information regarding the date, time and location they were viewed by the LPR.

C. Hot List – List of license plates associated with vehicles of interest compiled from several law enforcement and Motor Vehicle Administration databases.

D. LPR Operator – Sworn member of WPD trained and approved to operate LPR equipment.

III. RESPONSIBILITIES

A. LPR Program Coordinator (LPRPC)

The LPR Program will be maintained and supervised by the LPR Program Coordinator (LPRPC). The LPRPC will be trained and proficient with all aspects of the LPR system. Duties include, but are not limited to:

1. Maintaining a detailed inventory record of all LPR system equipment to include an annual physical inventory of all LPR system equipment and reconciling it with the detailed inventory record.

2. Ensuring that all LPR equipment is inspected monthly and that the inspections are properly documented. Any malfunctions or deficiencies will be immediately brought to the attention of the Commander of the Field Services Bureau.

3. Pre-approving & overseeing the installation or transfer of any LPR system from vehicle to vehicle. They will also oversee the installation and maintenance of LPR equipment and all related hardware and software.

4. Reporting any damaged LPR equipment in accordance with established WPD policy.

5. Establishing and maintaining close working relationships with the LPR vendor, the City Office of Technology Services and the Maryland State Police.

6. Ensuring appropriate initial and periodic training to all authorized members involved in the program and maintaining a list of those members authorized to operate LPR equipment.

7. Ensuring all required LPR program logs and records are properly maintained according to this policy.

B. **LPR Operator**

Authorized LPR operators are responsible for the use, maintenance and security of WPD LPR equipment to include the following:

1. Only using the LPR equipment in a manner consistent with their training, existing law and this policy.

2. Cleaning and maintaining the LPR equipment in accordance with training and manufacturers specifications.

3. Starting the installed CarSystem software on their assigned MDC to activate the LPR system and downloading updated "hot lists" from the Maryland State Police at the beginning of each shift.

4. Ensuring that the LPR is utilizing the most current hot list update from the MCAC. The LPR will not be utilized if the hot list data is outdated by more than 24-hours.

5. Ensuring a positive "hit" on a scanned license plate by visually comparing the digital image of the license plate to the NCIC information to verify the "hit." (NOTE - The LPR system does not interface with real time METERS and NCIC data. As a result, data may be up to 24-hours old.)

6. **Prior to taking enforcement action, providing information by radio to the WPD Communications Division for any stolen or wanted alarms so Communications personnel may immediately confirm the hit. Hit confirmation is required prior to the initiation of any enforcement action. As circumstances permit, if the hit relates to the owner of the vehicle and not the car itself (I.E. open warrant) the operator should attempt to verify that the vehicle operator/occupant(s) match the description of the person identified in the hit.**

7. Ensuring that all local hot list additions have a specific criminal investigative or law enforcement purpose.

8. Ensuring that relevant data is accurately recorded daily on a Daily Plate Reader Activity Log and that the completed log sheets are forwarded to the LPRPC by the 15th of each month.

9. Informing the LPRPC immediately of any problems with the LPR equipment or software.

10. In the event that an LPR alert leads directly to an arrest, the LPR operator will perform a manual export of the LPR data from the alert. The LPR data printout will be forwarded to the Records Section for inclusion in the case file.

NOTE – Evidence of value in a criminal case includes evidence that tends to inculpate or exculpate a suspect. To the extent that any data constitutes exculpatory evidence, also known as "Brady material" (Brady v. Maryland, 373 U.S. 83 (1963), it must be preserved and made known to the prosecutor.

IV. AUTHORIZED USES FOR THE LPR

A. Enforcement of Maryland criminal and traffic law.

B. Enforcement of City of Westminster parking ordinances (I.E. parking flags).

C. Canvass of areas in which a felony in progress and/or crime of violence has just occurred, to include the immediate area and likely routes of escape.

D. Proactive patrols of high crime areas of the City or in areas where crime patterns have been identified.

E. Sobriety checkpoints and targeted enforcement details, with the permission of the Commander of the Field Services Bureau.

V. EQUIPMENT

A. Mobile LPR systems will be installed in WPD vehicles as determined by the Chief of Police or his designee.

B. LPR operators will not make any modifications to the LPR system hardware or software.

C. If the vehicle containing an LPR is being transferred from the Carroll County Vehicle Maintenance Facility to a third-party vendor for service work or repairs, the LPR operator or LPRPC will secure the trunk cameras prior to the vehicle leaving the County repair facility.

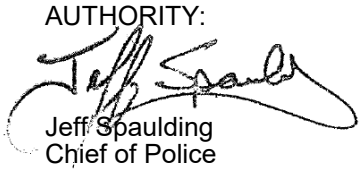
VI. DATA COLLECTION, RETENTION AND DISSEMINATION

A Pursuant to a decision of the Westminster Common Council, LPR scan data will not be shared with the Maryland Coordination and Analysis Center or any other entity. No LPR scan data will be stored locally by the WPD or the City of Westminster. All LPR scan data will be purged from the WPD mobile data computer automatically at the end of each shift.

B. Only trained personnel, approved by the LPRPC, may access WPD LPR system data.

C. Any WPD member with a need for LPR data for investigative purposes must contact the MCAC to request the needed information.

AUTHORITY:



Jeff Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 3-10 Order# 2014-01

Subject: **CRISIS INTERVENTION TEAM**

Effective Date: November 21, 2014

This General Order contains the following numbered sections:

I. PURPOSE
II. POLICY
III. DEFINITIONS
IV. SELECTION STANDARDS FOR CIT MEMBERS
V. CIT TRAINING
VI. DUTIES OF THE INITIAL RESPONDING OFFICER
VII. CIT OFFICER DUTIES AND RESPONSIBILITIES
VIII. CIT PROGRAM COORDINATOR
IX. CIT REPORTING REQUIREMENTS
X. EFFECTIVE DATE

I. PURPOSE

The purpose of this General Order is to establish operational guidelines for the implementation and use of the Crisis Intervention Team (CIT). This policy shall apply to all Westminster Police Department (WPD) personnel as specified in the policy.

II. POLICY

To enhance safety and quality of life in the community, the Westminster Police Department recognizes the need to bring community resources together to target behavioral health issues. The primary goal of the CIT program is to have law enforcement personnel with specialized training available to assist individuals experiencing mental health crisis in an effective and safe manner. The primary method of accomplishing this goal is to identify the needs of the individual in crisis and make referrals to appropriate mental health services. If in the best interest of the community and individual, CIT intervention may be considered as an alternative to arresting the individual experiencing a mental health crisis (assuming law or policy does not mandate an arrest). Adhering to these procedures should further the Agency's goal of reducing the number of mentally ill individuals entering the criminal justice system. This policy was developed in collaboration with mental health professionals.

III. DEFINITIONS

A. **Crisis Intervention Team (CIT)** - A team consisting of sworn police/correctional officers who have received specialized crisis intervention training in order to enhance their ability to safely and effectively respond to individuals experiencing a mental health crisis.

B. **CIT Program Coordinator** – A WPD supervisor or manager responsible for operational and administrative oversight of the Crisis Intervention Team.

C. **Mental Illness** – A range of conditions, each with its own specific characteristics; including but not limited to:

Schizophrenia
Bipolar disorder (manic depression)
Major depression
Schizoaffective disorder

Panic Disorder
Personality disorders such as (obsessive compulsive, borderline, etc.)
Anxiety and phobias
Co-occurring addiction/mental health disorders
Other mental and/or medical illness which may cause disturbances in thinking, feeling, and relating with others or the environment to include persons in crisis and/or suicidal subjects.

D. **Crisis Intervention Training** – A specialized course of instruction for law enforcement/correctional officers relating to the safe and effective response to incidents involving individuals experiencing a mental health crisis. Mental Health First Aid (MHFA) Training for Law Enforcement is a core element of the CIT training process.

IV. SELECTION STANDARDS FOR CIT MEMBERS

A. The CIT Coordinator will oversee the selection process of new WPD CIT members in consultation and coordination of the Commander of the Field Services Bureau;

B. Selection criteria will include, but is not limited to, the following:

1. Current assignment (with priority for patrol personnel)
2. Demonstrated empathy and excellent communication skills
3. Review of performance evaluations and disciplinary history
4. Supervisory recommendations

C. Upon selection, successful completion of the CIT training course is mandatory prior to appointment as a CIT officer.

D. Upon successful completion of the CIT training course, personnel are authorized to wear the agency approved CIT pin. The CIT pin is recognized internationally by law enforcement, mental health professionals and mental health consumers as a symbol of advanced training in the area of mental health for first responders. The CIT pin will be worn on the uniform shirt above the right breast pocket and centered above the nameplate.

V. CIT TRAINING

A. The Mental Health First Aid (MHFA) for Law Enforcement shall be a prerequisite for all CIT officers and shall serve as the foundation for CIT training.

B. The CIT training course shall be comprised of approximately 32 hours of behavioral health training (to include the 8 hour MHFA training course) and shall be required training for all CIT members prior to their certification as a CIT officer.

C. CIT in-service training will be provided to all CIT officers on at least an annual basis.

D. The CIT training curriculum will be reviewed and updated annually based upon best practices in the mental health and law enforcement fields.

VI. DUTIES OF THE INITIAL RESPONDING OFFICER

Officers responding to incidents involving mental health emergencies shall:

A. Secure the scene, making it safe for the individual in crisis and anyone else at the scene;

B. Determine if the circumstances indicate that the services of a CIT officer are appropriate and, if so, request a CIT response;

C. Be prepared to brief the CIT officer by gathering all appropriate information. Information gathered should include, but is not limited to, the following:

1. Observations of the person's actions and demeanor;

2. Interviews conducted on scene with family, friends and other witnesses. These interviews should attempt to gather information relating the individuals mental health diagnosis, medications and when they last received their medication; and

3. Officers should be attentive to evidence of preexisting medical conditions (I.E. medical alert bracelets, medications etc...).

VII. CIT OFFICER DUTIES AND RESPONSIBILITIES

A. CIT officers shall assume the lead role when interacting with the individual in crisis.

B. The CIT officer shall attempt to resolve the incident by the safest and least confrontational means practical. To ensure the least confrontational approach, the CIT officer shall engage the person in crisis by attempting to speak calmly, slowly, with compassion and in a manner consistent with their CIT training.

C. The CIT officer shall attempt to develop a rapport with the individual in crisis to assist in the interview process and facilitate a safe and timely resolution to the crisis.

D. As appropriate to the circumstances, the individual in crisis will be referred to community support and treatment programs.

E. The CIT officer shall contact other resources as necessary to safely and effectively resolve the crisis. This could include the Watch Commander and/or emergency medical services as appropriate to the circumstance. If the individual experiencing the crisis is taken into police custody, the CIT officer will assist with the custody of a mentally ill individual where practical.

VIII. CIT PROGRAM COORDINATOR

The CIT Program Coordinator is responsible for general oversight of the CIT program to include:

A. Overseeing the development and implementation of the selection process for CIT members.

B. Maintaining a roster of current CIT members.

C. Ensuring that members of the CIT Program are operating in a manner consistent with their training and the policies of their host agency.

D. Serving as the Westminster Police Department's liaison with other law enforcement agencies involved in the CIT Program and those in the behavioral health system.

E. Collection and qualitative review of reports relating to CIT responses.

F. Ensuring that members of the CIT receive periodic updated training reflective of best practices in the field.

IX. CIT REPORTING REQUIREMENTS

A. The reporting of incidents involving individuals experiencing a mental health crisis will be accomplished using one or more of the following reports – depending upon the circumstances:

1. Standard WPD Incident Report
2. CIT Report – specialized report to be utilized exclusively by CIT members
3. Behavior Health Referral Form – utilized by non-CIT members to make referrals to the Carroll County Health Department (Bureau of Prevention, Wellness and Recovery)
4. Safety Plan Form (when utilized as part of the response)

B. The primary officer handling the incident is responsible for completing the WPD incident report (as required). The CIT officer is only responsible for completing the WPD incident report if they are the primary officer on the call.

C. Report Form Requirements (See tables below)

1. Reporting requirements for mental health incidents INVOLVING CIT OFFICERS:

CALL TYPE	INCIDENT REPORT	CIT REPORT	BEHAVIORAL HEALTH REFERRAL
Crime with Mental Health Emergency	Yes	Yes	No
Emergency Petition	Yes	Yes	No
Mental Health Related Calls (no crime)	As Appropriate *(See G.O. D-7)*	Yes	No

2. Reporting requirements for mental health incidents **NOT** INVOLVING CIT OFFICERS:

CALL TYPE	INCIDENT REPORT	CIT REPORT	BEHAVIORAL HEALTH REFERRAL
Crime with Mental Health Emergency	Yes	No	Yes
Emergency Petition	Yes	No	Yes
Mental Health Related Calls (no crime)	As Appropriate *(See G.O. D-7)*	No	Yes

D. Completed CIT Reports/Behavioral Health Referral Forms/Safety Plan Forms will be reviewed and approved by the on-duty Patrol supervisor.

E. Copies of completed CIT Reports/Behavioral Health Referral Forms/Safety Plan Forms will be faxed or emailed to the appropriate contact with the Carroll County Health Department (Bureau of Prevention, Wellness and Recovery) by the end of the shift in which the incident is handled**. A copy will also be forwarded to the WPD CIT Program Coordinator.**

F. A copy of the completed CIT Report/Behavioral Health Referral Form/Safety Plan Form will be filed in the WPD case file.

X. EFFECTIVE DATE

This General Order shall become effective the 21st day of November, 2014.

AUTHORITY

Jeffrey Spaulding
Chief of Police

Appendix A: CIT Report
Appendix B: CIT – Behavioral Health Referral Form
Appendix C: CIT – Safety Plan

WESTMINSTER POLICE DEPARTMENT

General Order: 3-11

Subject: **Speed Measuring Devices**

Effective Date: November 1, 2016

This General Order contains the following numbered sections:

I. POLICY
II. DEFINITIONS
III. GENERAL TOWING PROCEDURES
IV. ENFORCEMENT AND USE DESCRETION
V. SPEED-MEASURING DEVICES COORDINATOR
VI. EQUIPMENT
VII. TRAINING AND CERTIFICATION
VIII. SPEED-MEASURING DEVICE USAGE
IX. OPERATOR PROCEDURES
X. COURT PRESENTATION
XI. SAFETY / HEALTH PRECAUTIONS
XII. USE OF POLICE VEHICLE SPEEDOMETER TO "PACE"
XIII. CANCELLATIONS

I. POLICY

The Westminster Police Department (WPD) will use speed-measuring devices in high or potentially high collision locations, where speed is determined to be a possible collision factor; in areas where speed limit violations are prevalent; and, in areas where citizens have expressed concern about speeding motorists. The methods used by the WPD to determine speed will include RADAR and LIDAR.

II. DEFINITIONS

RADAR: An acronym for speed measuring device using radio waves and range (RAdio Detecting And Ranging)

LIDAR: An acronym for speed measuring device using laser technology (LIght Detection And Ranging.)

III. GENERAL

1. The WPD will have officers trained and certified in the use of RADAR and LIDAR, and will deploy these officers to enforce the City's speed limits during patrol shifts and during selective enforcement details, such as those funded by State Highway Office grants. The use of RADAR and LIDAR to enforce traffic laws is authorized in Title 10 Sub-Title 301 of the Courts and Judicial Proceedings Article, which states, "The speed of a motor vehicle may be proved by evidence of a test made upon it with a device designed to measure and indicate the speed of a moving object by means of radio-micro waves."

2. Procedures have been established to:

   A. Ensure officers are trained and certified to use speed-measuring devices;

   B. Ensure that adequate maintenance, calibration, and operational record systems which are suitable for introduction as evidence into court are developed and maintained; and,

   C. Ensure that all speed-measuring devices are tested, calibrated, certified, and any preventive maintenance is completed per manufacturer's specifications.

IV. ENFORCEMENT AND USE OF DISCRETION

Officers enforcing speed violations should consider, but not be limited to, the following factors:

1. The amount of speed the vehicle was traveling over the posted speed limit;

2. The vehicle's speed through a congested area, construction area, school zone, etc.

3. The number and location of speed limit signs (or lack of adequate signs) posted in the area where the violation was committed;

4. The degree of hazard (negligence vs. recklessness) that the vehicle caused;

5. The contribution to, or cause of, a collision attributable to speed; and/or,

6. The violation occurred in an area that was selected for enforcement due to citizen requests for enforcement, previous collision history, etc.

V. SPEED-MEASURING DEVICES COORDINATOR

A "Speed-Measuring Devices Coordinator" will be assigned from the Field Services Bureau (FSB). The Coordinator will be responsible for ensuring the maintenance/repair and calibration of all speed measuring devices utilized by the Department; all documentation (including repair work orders, equipment calibration certificates, etc.); and ensuring that a maintenance log is kept for the speed measuring units. Appropriate copies will be maintained for inventory purposes as well as for officers' use in court testimony, which will be clearly labeled and stored in an accessible location.

VI. EQUIPMENT

1. Equipment specifications for speed-measuring devices will meet or exceed National Highway Traffic Safety Administration (NHTSA) standards.

2. All speed measuring devices will be calibrated by an authorized person annually with the documented results maintained by the Speed-Measuring Devices Coordinator.

VII. TRAINING AND CERTIFICATION

1. The certification course for speed-measuring device operators will consist of classroom instruction and practical field application of speed-measuring equipment.

2. Each officer successfully completing the course will be authorized and certified by the Department to operate speed-measuring devices. Training will be received during the Academy and during Field Training.

VIII. SPEED-MEASURING DEVICE USAGE

The precise method for using a speed-measuring device and the enforcement of laws applying to speed will vary according to the type of speed-measuring device used. Generally, the following procedures are applicable:

1. The speed-measuring device must be properly installed and connected to the appropriate power supply.

2. The effective range of the particular speed-measuring device must be thoroughly understood by the operator to ensure that visual observations can support the speed readings.

3. The operator must choose an appropriate location that is conducive to the effective and safe operation of the speed-measuring device.

4. The speed-measuring device will be properly tested to ensure accuracy in calibrating speed. Most manufacturers recommend specific methods of checking calibration. These methods will be followed without exception. If the device fails any portion of the test, it will be taken out of service immediately and notification will be made, in writing via chain of command, to the Speed-Measuring Devices Coordinator.

5. The operator will repeat accuracy testing, minimally, after each of the following:

   A. at the beginning and end of the operator's tour of duty; or,

   B. each time a site location is changed.

IX. OPERATOR PROCEDURES

1. Certified operators will use only speed-measuring equipment on which they have received training and certification. Officers not certified in the use of speed-measuring devices are not permitted to use the equipment.

2. The operator will be responsible for the care and upkeep of the device used. This includes taking the device out of service if it does not meet calibration checks or is otherwise inoperable. If taken out of service, the operator will notify, in writing via chain of command, the Speed Measuring Devices Coordinator, outlining the problem.

3. Whenever the hand-held speed-measuring device is connected to a power source, it should be held in the hands of the operator or secured in a safe location where the device cannot be damaged from abrupt movement. When the device is not connected to a power source, it will be properly stored per Departmental procedures.

4. If and when requested by a violator, an operator will provide available information on the device, unless the request interferes with ongoing enforcement activities or officer/violator safety, at which time the person inquiring will be referred to a supervisor.

5. In selecting a location for speed enforcement, officers will position their vehicles so as not to impede traffic or cause a traffic hazard.

X. COURT PRESENTATION

The following elements must be established by the officer for court presentation when speed-measuring device charges are placed:

1. The time, place, and location of the violator's vehicle; the identity of the operator and the speed of the vehicle; coordinated with visual and audible tracking history to establish approximate speed;

2. An overview of officer qualifications and training in the use of speed measuring devices, if requested;

3. That the device was operated properly, and that it had been tested for accuracy before and after use by an approved method; and,

4. The speed limit listed in the zone in which the officer was operating and where the speed limit signs were posted.

XI. SAFETY / HEALTH PRECAUTIONS

Research has shown that speed-measuring devices are of such limited range and power that the risks due to exposure to microwave radiation are almost negligible. The issue of long-term use of speed measuring being linked to cancer has been debated for years, but no conclusive data has ever been presented substantiating the theory that speed-measuring device usage poses a threat to users. Nonetheless, there are some common sense precautions recommended by the Department that should be followed to reduce the possibility of exposure to microwave radiation. They are as follows:

1. Officers should not place activated speed-measuring devices on their laps or between their legs.

2. With the models of speed-measuring devices that are equipped with a hold mechanism, the hold mechanism should be set so that the signal will not continuously operate.

3. An operator should never hold onto the antenna or hold the antenna closer than six inches to the body.

XII. USE OF POLICE VEHICLE'S SPEEDOMETER TO "PACE"

1. Although this method will be limited in the municipal environment, the Department does allow the use of "pacing" to determine speed. Generally, the pace should be maintained for a reasonable distance to be accepted and recognized by the Courts as adequate. Officers will be trained in this technique during their Field Training Evaluation Program (FTEP), and must demonstrate their competence to their Field Training Officer (FTO) prior to issuing citations based on a pace.

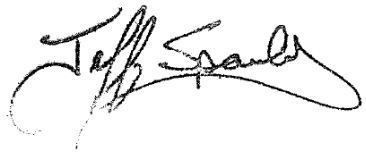
2. In order to utilize pacing in court, the police vehicle's speedometer must be calibrated by a certified RADAR or LIDAR operator at least once per year. The speedometer in each police vehicle will meet the vehicle manufacturer's specifications. Any officer who discovers his police vehicle has a malfunctioning speedometer will immediately discontinue the use of "pacing," and will inform the Deputy Chief of the problem for corrective action.

3. A record of the initial calibration, and every subsequent calibration, will be maintained by the Speed-Measuring Devices Coordinator in the maintenance and certifications log. The record will indicate the name of the officer that calibrated the speedometer, the date of the calibration and the speed of the vehicle versus what the RADAR or LIDAR indicated. The Speed-Measuring Devices Coordinator will be responsible for ensuring that each police vehicle used for pacing is calibrated annually and that all records are maintained accurately. Additionally, each police vehicle that is calibrated will have a "calibration card / log" kept in the glove box. When the annual calibration is completed for the vehicle, the RADAR / LIDAR operator will update the card. Officers will bring the card to court for dockets where a "pacing" citation was written.

XIII. CANCELLATIONS

This General Order cancels and replaces General Order H-4, Radar Operation, - August 18, 1982.

Authority:



Jeffrey Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 3-13 Order# 2015-01

Subject: **NASAL NALOXONE PROGRAM**

Effective Date: January 14, 2015

This General Order contains the following numbered sections:

I. POLICY
II. PURPOSE
III. DEFINITIONS
IV. TRAINING
V. PROCEDURES
VI. REPORTING
VII. REPLACEMENT
VIII. INSPECTION

I. POLICY

When possible and practical, appropriately trained members of the Westminster Police Department will administer Nasal Naloxone to aid persons suffering from apparent opiate overdoses. The Naloxone program is a collaborative effort between law enforcement and public health officials in Carroll County intended to reduce the number of opiate-related deaths occurring in our community.

II. PURPOSE

This policy defines the training requirements and operational procedures relating to the administration of Nasal Naloxone by members of the Westminster Police Department.

III. DEFINITIONS

A. Opiate - An opiate is a medication or drug that is derived from the opium poppy or that mimics the effects of an opiate (a synthetic opiate). Opiate drugs are narcotic analgesics that depress activity of the central nervous system, reduce pain, and induce sleep. Officers often encounter opiates in the form of morphine, methadone, codeine, heroin, fentanyl, oxycodone (Oxycotin, Percocet and Percodan), and hydrocodone (Vicodin).

B. Naloxone - Naloxone is an opioid antagonist that can be used to counter the effects of opiate overdose. Specifically, Naloxone displaces opioids from the receptors in the brain that control the central nervous system and respiratory system. It is marketed under various trademarks including Narcan, Nalone and Narcanti.

IV. TRAINING

A. All officers engaged in operational duties will receive training relating to the identification of common indicators of opiate overdose and the proper administration of Nasal Naloxone. This training shall be conducted in a manner consistent with guidance provided by the Carroll County Health Department. Only officers that have successfully completed the specified Naloxone training are authorized to carry and administer Nasal Naloxone.

B. Naloxone recertification training will occur biannually, as scheduled by the Training Division Commander.

V. PROCEDURES

A. Officers who have successfully completed Naloxone training will be issued a Nasal Naloxone kit. Each Nasal Naloxone kit includes a single dose of Naloxone, the nasal atomizer and a pair of surgical gloves. The Nasal Naloxone kit will be carried by all certified Patrol staff during their tour of duty and will be readily available for use as necessary.

B. Naloxone can be damaged by temperatures extremes (heat or cold)**. Naloxone kits shall not be stored in a vehicle for extended periods – particularly during periods of extreme heat or cold.** Officers are responsible for the proper care and maintenance of their issued Nasal Naloxone kits.

C. As with all medical situations, officers will utilize universal medical precautions at all times to minimize the risk of exposure to harmful substances and contagious diseases.

D. Officers dealing with apparent medical emergencies will assess the circumstances based upon their training and information obtained from witnesses and/or family members regarding the possibility of opiate or drug use.

E. Indicators of opiate use include, but are not limited to:

1. Face is extremely pale and/or clammy to the touch
2. Body is limp
3. Fingernails or lips have a blue or purple appearance (cyanosis)
4. Patient is vomiting or making gurgling noises
5. Breathing is very shallow, slow or has stopped
6. Heart rate (heart beat) is very slow or has stopped (cardiac arrest)
7. Unusual sleepiness or drowsiness
8. Mental confusion, slurred speech, intoxicated behavior
9. Pinpoint pupils

F. Officers identifying an apparent opiate overdose will request emergency medical services and provide emergency medical care, consistent with their training, to include the administration of Nasal Naloxone as appropriate.

G. Officers administering Nasal Naloxone shall ensure the nasal atomizer is properly affixed to the Naloxone syringe, then administer 1mg of Naloxone in each nostril.

NOTE - Naloxone must be administered slowly, as the rapid reversal of an opiate overdose may result in projectile vomiting and/or violent behavior by the patient.

H. Following the administration of Nasal Naloxone, officers will continue to monitor the patient and provide care, consistent with their level of training, until the arrival of emergency medical services. Upon the arrival of EMS personnel, the officer will provide them with the details relating to his or her observations and treatment provided - including the dosage of Nasal Naloxone administered.

I. Within two (2) hours of the administration of Nasal Naloxone, the administering officer will contact Maryland Poison Control by calling (800) 222-1222 and provide them with the required information. The date/time of this notification will be documented in the narrative portion of the Offense Report relating to the incident.

VI. REPORTING

Officers administering Nasal Naloxone will complete a WPD Offense Report detailing their actions during the incident including:

A. The dosage of Naloxone administered,

B. The affect of the Naloxone on the patient,

C. A description of any other emergency medical care provided by the officer,

D. Details relating to the disposition of the patient (I.E. transported to the hospital, refused further treatment, deceased etc…).

E. The date and time of the notification to the Poison Control Center.

VII. REPLACEMENT

A. Following the administration of a Nasal Naloxone kit, the administering officer will complete an Overdose Response Program (ORP) Naloxone Use Report (DHMH form) providing all requested information. The completed form, and the expended Nasal Naloxone Kit, will be presented to an on- duty supervisor. The supervisor will place the expended kit and form in the Naloxone storage box in the Supervisor's storage closet in Patrol. The supervisor will then issue a replacement Nasal Naloxone kit and note the appropriate tracking information on the sign-out board within the storage box.

B. In the event that a Naloxone kit is lost, damaged or otherwise unusable, the assigned officer will complete a written memo to his or her Bureau Commander explaining the circumstances. The officer will also complete the top section of an ORP Naloxone Use Report form. A copy of the memo, the ORP Naloxone Use Report form and the damaged/unusable Nasal Naloxone kit will then be presented to an on-duty supervisor who will provide a replacement Nasal Naloxone kit per the guidance provided in Section VII. 1. (above).

C. The Naloxone Program Administrator (or his/her designee) will be responsible for obtaining replacement Naloxone kits from the prescribing entity (Access Carroll).

VIII. INSPECTION

Officers are responsible for inspecting their assigned Nasel Naloxone kits on a weekly basis. Lost or damaged Naloxone kits will be documented and replaced utilizing the procedures described in Section VII of this order. The date of each inspection will be noted in the "Other/Misc" section of the officer's Daily Activity Report.

AUTHORITY

Jeffrey Spaulding
Chief of Police

Appendix A: Overdose - Naloxone Use Report
Appendix B: Overdose – Naloxone Initial Kit Sign Out
Appendix C: Overdose – Naloxone Replacement Kit Sign Out

NALOXONE INITIAL KIT
Sign Out Form

DATE	KIT NUMBER	ISSUING SUPERVISOR	ISSUING SUPERVISOR ID#	ASSIGNED OFFICER	ASSIGNED OFFICER ID#	COMMENTS

NALOXONE REPLACEMENT KIT
Sign Out Form

DATE	KIT NUMBER	ISSUING SUPERVISOR	ISSUING SUPERVISOR ID#	ASSIGNED OFFICER	ASSIGNED OFFICER ID#	COMMENTS

WESTMINSTER POLICE DEPARTMENT

General Order: 3-14 Order #2009-06

Subject: **PANDEMIC INFLUENZA PREPAREDNESS**

Effective Date: August 24, 2009

This General Order contains the following numbered sections:

I. POLICY
II. BACKGROUND INFORMATION
III. LEGAL AUTHORITY
IV. PROCEDURES
V. WORKPLACE CONSIDERATIONS

I. POLICY

It is the policy of the Westminster Police Department to maintain a state of readiness to effectively and safely respond to disasters of any type. This order provides specific guidance for all Departmental personnel relating to operations during a pandemic influenza outbreak in our community. The Department is committed to ensuring that reasonable and appropriate precautions will be taken to ensure the safety of all personnel during such an emergency.

II. BACKGROUND INFORMATION

The Centers for Disease Control defines “pandemic flu” as a virulent human flu that causes a global outbreak of serious illness. Because there is little natural immunity to these novel strains of flu, the disease can spread easily from person to person. The following is known about pandemic influenza:

A. It is estimated that as much as 30% of the general population could be affected. This would represent more than 50,000 residents here in Carroll County. If the Police Department should experience similar rates of infection, 18 or more of our 59 employees may become ill and be unable to work.

B. The incubation period (the timeframe between acquiring the infection and becoming ill) for influenza averages just 2 days. People who become ill may begin transmitting infection to others one-half to one day prior to becoming ill. Transmission of the infection is greatest in the first two days of illness and children have been found to transmit the infection most easily.

C. Influenza infection rates are typically highest among school-aged children and risk of illness generally declines with age.

D. The severity of influenza is likely to be highest in the young, middle-aged persons, as well as those with serious pre-existing medical conditions.

E. Approximately 50% of those who become ill will seek outpatient medical care.

F. In an affected community, a pandemic outbreak will last 6 to 8 weeks. At least two waves of the disease are likely.

G. A large number of Carroll County citizens commute out of the county for employment, increasing the potential for influenza exposure from other areas.

H. A lethal pandemic flu will affect all aspects of society to include public safety, governmental services, transportation, commerce, utilities, agriculture and communications. This would likely adversely impact the availability of basic human needs such as power, food, potable water, access to finances, health care and emergency services.

III. LEGAL AUTHORITY

A. During a pandemic influenza outbreak the **Police Department** may be called upon to assist public health officials with the enforcement of isolation or quarantine orders. These orders are defined as follows:

1. **Isolation:** The separation or restriction of movement of an individual who is ill or has (or is suspected of having) an infectious illness.

2. **Quarantine:** The separation or restriction of movement of an individual who, though not ill, has been exposed to an infectious illness.

B. **Public Safety Article 14-107 of the Annotated Code of Maryland** provides the **Governor of Maryland** with the authority to declare a state of emergency by Executive Order or Proclamation. The initial state of emergency is in effect for thirty (30) days or until the threat or danger has passed. The Governor may renew the state of emergency after the initial period as required.

1. After declaring a state of emergency, the Governor may do the following in order to protect the health, welfare or safety of the public:

   a. Suspend any State or local statute or regulation,
   b. Direct and compel the evacuation of all or part of the population from a stricken or threatened area of the State,
   c. Set evacuation routes and modes of transportation to be used in an emergency,
   d. Direct the control of ingress to or egress from an emergency area, the movement of individuals in the area (to include curfews), and the occupancy of premises in the area,
   e. Authorize the use of private property with compensation to the owner,
   f. Provide for temporary housing, and
   g. Authorize the clearance and removal of debris and wreckage.

2. In addition, the Governor may proclaim that a **catastrophic health emergency** exists. That proclamation will include the following:

   a. The nature of the catastrophic health emergency,
   b. The areas threatened or affected, and
   c. The conditions that lead to the catastrophic health emergency.

3. During a **catastrophic health emergency** the Governor may order designated officials to accomplish the following:

   a. Require individuals to submit to medical examination, testing, vaccination or medical treatment,
   b. Establish places of treatment, isolation and quarantine (to include curfews in defined areas),
   c. Require individuals to remain in certain places of isolation and quarantine, and
   d. Order the public to evacuate, close or decontaminate any facility.

C. **Health General Article 18-901 et seq. of the Annotated Code of Maryland** provides the **Maryland Secretary of the Department of Health and Mental Hygiene** (DHMH) with the legal authority to accomplish the following during a declared **catastrophic health emergency:**

1. Seize anything needed to respond to the medical consequences of the health emergency,
2. Control, restrict, or regulate the use, sale, dispensing, distribution or transportation of anything needed to respond to the medical consequences of a catastrophic health emergency. This may be accomplished by rationing, stockpiling, prohibiting shipments, setting prices or any other actions deemed necessary,
3. Require a person to seek medical treatment or evaluation, and
4. Order an individual or group to go to and remain in places of isolation or quarantine until such time the Secretary determines that the individual no longer poses a substantial risk of transmission of an infectious disease to the public.

    a. If the Secretary requires an individual or group to go to and remain in a place of isolation or quarantine, the Secretary shall issue a directive to the individual or group which specifies:

        i The identity of the individual or group subject to the order,
        ii. The premises subject to isolation or quarantine,
        iii. The date and time at which isolation or quarantine commences,
        iv. The suspected deadly agent causing the outbreak or disease (if known),
        v. The basis upon which isolation or quarantine is justified, and
        vi. The availability of a hearing to contest the directive.

5. ***Order any sheriff, deputy sheriff or other law enforcement officer of the State or any subdivision to assist in the execution or enforcement of any order issued under this subtitle (emphasis added).***

6. ***Section 18-907 establishes that a person may not knowingly and willfully fail to comply with any order or directive issues pursuant to this statute. A person who violates this statute is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $3,000 or both (emphasis added).***

D. **Health General Article 3-306 et seq.** provides that the **County Health Officer** shall enforce the State health laws and the policies, rules, and regulations that the Secretary of DHMH adopts. In the performance of those duties the Health Officer may do the following:

1. Enter and inspect any private house if the Health Officer:

    a. Has obtained consent to enter and inspect, or
    b. Has obtained a warrant, or
    c. Does not have the time or opportunity to obtain a warrant and any exceptional emergency exists.

2. Have an individual moved to a suitable place for the reception of the sick if:

    a. A physician certifies that the individual has an infectious disease that endangers public health,
    b. and the sick individual is staying in a room occupied with more than one family, on board a vessel or otherwise does not have proper housing.

IV. PROCEDURES

A. Prior to a pandemic influenza emergency it is imperative that all citizens, ***particularly public safety employees and their families,*** plan for and employ effective strategies to minimize their potential for infection and minimize the impact on their families. These strategies should include the following:

1. Obtaining annual flu vaccinations for themselves and their family members.
2. Frequently washing their hands and using hand sanitizers.
3. Employing proper respiratory "etiquette":

    a. Covering coughs and sneezes.
    b. Frequent cleaning of surfaces such as telephone receivers, door knobs, public counters etc…

4. Strict adherence to guidance provided by public health officials.
5. Employ "Social Distancing" strategies. The strategies are intended to reduce the spread of infection and they include:

    a. Staying away from people who appear to be ill.
    b. Avoiding crowds and public events.
    c. Staying at home when possible.
    d. Canceling public events.
    e. Closing schools.

6. "Self-Quarantine" - Elements of self-quarantine include the following:

    a. Keep your family at home and away from people who may be infectious.
    b. Be prepared for a period of time where customary services are not available to the public due to the spread of the flu. Those preparations should include keeping a 3 to 5 day supply of food on-hand, as well as one-gallon of water per day per family member.
    c. Have a family "Go Kit" available in case there is a need to relocate. This "Go Kit" should contain basic necessities to include:

        i. A 3 to 5 day supply of food and water
        ii. Flashlight and batteries
        iii. A change of clothing
        iv. Prescription medications for one-week
        v. A list of physician and important medical information
        vi. Cell phone and charger
        vii. Identification, credit cards and cash
        viii. Battery powered radio and batteries

    d. Be prepared to care for ill family members at home. This includes keeping a supply of basic medical supplies in your home and knowing how to isolate sick people in home away from other family members (I.E. separate bedrooms and bathrooms).

7. Utilize personal protective equipment in a manner recommended by the County Health Officer. **This equipment will be provided to Departmental personnel as recommended by the County Health Officer.**

B. During a pandemic flu outbreak the Police Department will maintain frequent and regular communication with the Carroll County Health Department and the Carroll County Emergency Operations Center. The Department will ensure that accurate and timely information is provided to all City employees throughout the emergency.

C. Any significant decisions relating to the provision of police services as a result of the emergency (I.E. changes in shifts or duty hours, reduction of services provided etc…) will be made by the Chief of Police in consultation with the City Administrator. These decisions will be communicated to all Police Department employees in a timely manner.

D. The Department will make arrangements through the County Health Department to obtain anti-viral medications and/or vaccinations for emergency personnel and their families as recommended by the County Health Officer. These arrangements will be communicated to all affected personnel in a timely manner.

E. Prior to or during a pandemic emergency it may be necessary for the Department to initiate an enhanced "emergency mobilization" status per WPD General Order R-2. In preparation for such an event, all departmental personnel shall:

1. Employees - Ensure that Departmental records relating to their home address and contact information are correct.
2. Supervisors - Ensure that they have current contact information for all of their assigned staff readily available.

F. Sworn members may be required to assist with the transportation and security of the National Pharmaceutical Stockpile and the security of any mass vaccination sites established within the City of Westminster. These efforts will be coordinated through the County Emergency Operations Center and the County Health Department.

V. WORKPLACE CONSIDERATIONS

A. The Department will ensure that all employees are provided with the training and equipment necessary to minimize their risk of infection or illness. The following personal protective equipment and supplies will be provided to employees consistent with the recommendations of the County Health Officer:

1. N-95 (Hepa) Mask
2. Gloves
3. Eye Protection
4. Hand Sanitizer
5. Disposable Tissues
6. Disinfectant Supplies
7. Paper Masks (to be provided to members of public when interacting with staff as directed by the County Health Officer.

B. Employees may be required to work additional hours due to unavailability of other staff due to illness. They should bring a personal "Go Kit" with them when they report to work.

C. Non-essential staff may be directed to work from home or not to report for duty. These decisions will be made by the Chief of Police or the Chief's designee in consultation with City Administrator.

D. Employees shall ensure that all issued personal protective equipment (PPE) and supplies are maintained in good order and readily available for service. Direction as to the recommended or required use of PPE will be provided to employees based upon guidance received from the County Health Officer.

E. Anti-viral medication and influenza vaccinations may be provided to essential public safety employees and their families by the County Health Department consistent with the guidance of the United States Centers for Disease Control (CDC).

F. Efforts will be made to ensure the frequent removal of trash from the Headquarters building and the regular cleaning and disinfection of environmental surfaces within the building. Cleaning and disinfecting supplies will also be available for cleaning and disinfecting police vehicles and equipment.

AUTHORITY:

Jeffrey Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 3-15

Subject: **"SAFE HAVEN" PROTOCOLS**

Effective Date: November 15, 2016

This General Order contains the following numbered sections:

I. POLICY
II. LEGAL ISSUES
III. PROCEDURES
IV. CANCELATION

I. POLICY

In October of 2002 the Maryland Legislature passed the **Maryland Safe Haven Act**. The purpose of the law is to reduce the potential for newborn infant deaths due to abandonment by their mothers. The Westminster Police Department has been identified as a Safe Haven location in Carroll County – although the same technically applies to all law enforcement facilities. As a result, it is important that every employee – sworn and civilian - understand the provisions of the Safe Haven Act in the event a newborn is surrendered to our staff or at our facility.

II. LEGAL ISSUES

A. The law provides that the mother of an unharmed newborn – **birth to 10-days of age** – may legally surrender her infant at a hospital, to law enforcement, or with a responsible adult. As it relates to law enforcement, this could occur at Police Headquarters or in the field.

B. The baby may be surrendered by the mother or by another responsible adult who is doing so at the request of the mother.

C. The person surrendering the unharmed newborn is immune from civil or criminal prosecution for child abandonment. Likewise, the law provides immunity for the responsible person receiving the child.

III. PROCEDURES

A. Individuals surrendering babies pursuant to the Safe Haven Program are instructed to advise the receiving employee ***"This is a Safe Haven baby".*** The receiving police employee may not conduct an investigation regarding the abandonment of the infant. Likewise, the person surrendering the infant may not be detained for investigative purposes – nor can they be compelled to identify themselves or answer questions relating to the circumstances.

B. The employee receiving the infant should attempt to obtain medical history and medical risk factor information about the baby on a "voluntary basis" from the person surrendering the infant.

C. The on-duty supervisor will be notified of the abandonment immediately.

D. The employee receiving the infant shall ensure that the newborn is transported to the Carroll Hospital Center for a medical evaluation as soon as practical.

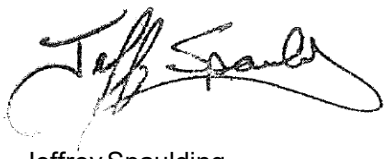
E. Upon receipt of the infant from the Police Department employee, hospital personnel are responsible for notifying the Department of Social Services regarding the abandonment of the infant.

F. A detailed incident report will be completed by all Police Department employees involved in the surrender of the child.

IV. CANCELATION

This General Order cancels and replaces the guidance provided in a memorandum entitled “Maryland Safe Haven Act” dated August 21, 2007.

AUTHORITY:



Jeffrey Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 4-02

Subject: **Critical Incident Response**

Effective Date: January 1, 2017

This General Order contains the following numbered sections:

I. POLICY
II. INTRODUCTION
III. DEFINITIONS
IV. RESPONDING OFFICERS
V. COMMUNICATIONS DIVISION
VI. RESPONDING SUPERVISORS
VII. COMMAND STAFF
VIII. CRISIS NEGOTIATIONS TEAM
IX. CRISIS RESPONSE TEAM
X. AFTER ACTION REPORTS
XI. CANCELLATION

I. POLICY

It is the policy of the Westminster Police Department (WPD) to attempt to resolve critical incidents in a peaceful manner through communication, negotiation and de-escalation whenever possible. In situations where these strategies are not successful, the Department will only use appropriate and reasonable force and tactics necessary for successful resolution. The WPD will utilize the Carroll County Crisis Negotiation Team (CNT) and Crisis Response Team (CRT) in situations best resolved through their specialized training, equipment and skill set.

II. INTRODUCTION

Critical incidents may involve active shooters, barricaded suspects, hostage situations, suicidal individuals or a variety of other dangerous events. Critical incidents often pose extreme danger, not only to responding officers, but to other persons as well. Good judgment dictates that police agencies prepare and employ best practice response protocols to effect the best possible outcomes. Procedures outlined in this directive will be followed to ensure the Department's success in responding to these types of incidents.

III. DEFINITIONS

ACTIVE SHOOTER / ASSAILANT: A suspect who is actively engaged in a shooting, or who is immediately causing death or serious bodily injury by another means

BARRICADED SUBJECT: Any individual who is reasonably believed to be a threat to commit serious bodily injury or death to self or others, and who has barricaded himself in a stronghold position to avoid apprehension

CRISIS NEGOTIATIONS TEAM (CNT): A team of specially trained law enforcement officers who attempt to resolve critical incidents through direct negotiation / communication

CRISIS RESPONSE TEAM (CRT): A team of sworn officers who are specially trained and equipped to handle a variety of tactical scenarios and critical incidents

CRITICAL INCIDENT: Any situation in which an individual has used or is threatening to use deadly force or serious bodily injury against self or others and is able to hold or is currently holding the responding officers at bay, or a situation where a subject is facing arrest and has barricaded himself

HOSTAGE: Any person held by another against his/her will by force or threat of force, either expressed or implied with the intent to use that person as leverage for a specific gain

INCIDENT COMMAND SYSTEM (ICS): A standardized on-scene emergency management concept specifically designed to allow the immediate designation of an incident commander to coordinate and direct emergency response

IV. RESPONDING OFFICER(S)

A. The first responding officers to a critical incident will encounter one (1) of two (2) situations:

1. An active shooter / assailant (someone who is currently causing death or serious bodily injury), or

2. One that does not involve someone who is currently causing death or serious bodily injury.

B. The two (2) above-listed categories can change back and forth from one (1) category to the other.

C. For critical incidents involving an active shooter / assailant, responding officers will:

1. Request any additional officers needed to prevent the immediate escape of the suspect;

2. After assessing the situation and associated dangers, utilize the incident command system (ICS) to:

a. **Immediately** attempt to locate, engage, isolate and eliminate the threat;

i. When there is an active shooter / assailant, individual responding officers may be required to make immediate entry based on the information known to them at the time to locate, engage, isolate and eliminate the threat.

ii. Officers will make this decision based on the information available at the time, understanding that an **active shooter / assailant** requires immediate action.

b. Rely on sound tactics and immediate actions to resolve the incident, such as:

i. Forming a contact team (optimally 4-5 first responders, realistically 2-3) when feasible

ii. Entering the structure to address the active shooter

iii. Passing information to additional responders regarding wounded victims

iv. Directing victims to safety via escape routes or by sheltering in place

v. Communication amongst those in the contact team and to other units responding to the scene is critical.

3. Keep in mind that the primary objective of officers responding to such incidents will be the preservation of life.

D. For critical incidents involving someone not currently causing death or serious bodily injury, responding officers will implement the "5Cs" – Contain, Control, Communicate, Call CRT/CNT, Create a Plan:

1. Assess the situation; protect self, other responding officers and citizens through time, distance and shielding, as necessary;

2. Request any additional officers needed to prevent the immediate escape of the suspect;

3. Attempt to stabilize the situation, but not initiate any tactical action other than necessary to protect citizens and officers from injury;

4. Attempt to determine the exact scene of the incident;

5. Attempt to determine the exact nature of the incident;

6. Communicate the nature and location of the incident to the Communications Division via police radio, directing other responding units on the safest route of approach and staging location;

7. Begin to isolate the incident by controlling pedestrian and vehicular access to the area; and,

8. Stabilize the situation until sufficient back-up personnel have arrived to establish an inner and outer perimeter, so that a planned response can be developed and deployed.

V. COMMUNICATIONS DIVISION

A. The Communications Division plays a vital role in the successful resolution of any critical incident.

B. The Communications Division will notify and dispatch the on-duty Patrol Supervisor to the scene in addition to other responding units.

C. The Communications Division will also:

1. Coordinate the assignment of both responding and non-responding personnel to appropriate radio channels per the responding supervisor's direction;

2. Follow procedures outlined in Carroll County Crisis Response Team (CRT) and Crisis Negotiations Team (CNT) Standard Operating Procedures (SOP) for requested activation of the CRT, the CNT and Command Staff;

3. Notify medical and fire personnel to respond to a staging location as needed / instructed;

4. Provide communication support and notifications as required by on-scene personnel; and,

5. Coordinate communication with any other agency, should the need arise, including those with specialized capabilities.

VI. RESPONDING SUPERVISOR(S)

First responding supervisors at the scene of a critical incident will:

(* **Complete only those tasks that apply and not necessarily in this sequence)**

1. Evaluate the situation to verify the exact location and nature of the incident;

2. Determine the need for any appropriate personal protective equipment (PPE), and implement its use for all affected officers;

3. Determine and broadcast safe ingress and egress routes and request allied agency response, as needed;

4. Determine the need to activate the CNT and/or the CRT, and notify the Communications Division per Carroll County CRT and CNT SOPs;

5. Establish an inner and outer perimeter restricting unauthorized access to the scene and preventing the escape of any suspects;

6. Arrange for the safe evacuation of bystanders or uninvolved civilians from the scene by either removing them from the location, or by directing them to a less vulnerable position within the established perimeters;

7. Establish a command post outside the line of sight/fire of the suspect (Consider the use of the CC Mobile Command Post);

8. Ensure radio discipline and restrict unnecessary radio transmissions as much as possible;

9. Request and stage medical and fire personnel, as needed;

10. Arrange for the evacuation of any injured persons;

11. Establish a staging area;

12. Maintain tactical control of the situation;

13. Notify and brief arriving command officials as needed;

14. Watch for fatigue in officers assigned to the scene and arrange for relief as needed;

15. Coordinate with other divisions and agencies as needed for control of the scene or for the surveillance or pursuit of the suspect, should the incident become mobile;

16. Designate an officer to record information concerning units involved in the incident and events taking place; and

17. Transfer incident command to appropriate commander upon his / her arrival.

VII. COMMAND STAFF

A. Command Staff will be notified whenever a critical incident occurs and whenever the CNT or the CRT are activated.

B. On-scene command personnel will assume command and control of the Department's response to the critical incident, and will only relinquish this on-scene operational responsibility to the appropriate higher ranking officer of the Department who arrives at the scene, and then only after ensuring that there has been a detailed, thorough briefing about the incident and the steps taken to this point to resolve the incident.

C. The on-scene commander will be responsible for authorizing any use of force involving on-

scene units to include any use of chemical agents, should it become necessary or unavoidable.

D. The on-scene commander will establish a media staging area outside of the outer perimeter and separate from the command post.

VIII. CRISIS NEGOTIATIONS TEAM

A. As part of its standard operating procedures, the CNT will be deployed for all critical incidents requiring its specialized capabilities. CNT members will coordinate their response per Carroll County CNT SOP when activated for a critical incident.

B. CNT members will deploy per their training and standard operating procedures, and will remain deployed at a critical incident until relieved by the on-scene commander.

IX. CRISIS RESPONSE TEAM

A. As part of their training and standard operating procedures, members of the CRT have been instructed to respond to the staging location when activated for a critical incident. CRT members will coordinate their response per Carroll County CRT SOP when activated for a critical incident.

B. Upon arrival at the staging location, CRT members will deploy as instructed by the CRT Team Leader who will liaise with on-scene command at the command post, and will initiate action as directed by the on-scene commander.

X. AFTER ACTION REPORTS

A. Following every critical incident, an "After Action Report" will be generated by the Incident Commander, which will be forwarded through the chain of command to the Chief of Police. The After Action Report will have related incident reports attached.

B. After Action Reports may include the CRT / CNT Mission Report(s).

C. After Action Reports will be submitted within seven (7) days of the critical incident.

XI. CANCELLATION

This General Order cancels and replaces General Order E-2, Resolution of Barricade, Sniper and Hostage Incidents dated April 6, 1981.

Authority of:

_____
Jeffrey Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 4-06 Order# 2006-01

Subject: **EMERGENCY MOBILIZATION**

Effective Date: February 15, 2006

This General Order contains the following numbered sections:

I. POLICY
II. AUTHORITY
III. APPLICABILITY
IV. STAGES OF MOBILIZATION
V. ACTIVATION
VI. RESPONSIBILITIES
VII. EOC AND PTOC
VIII. TRANSPORTATION

I. POLICY

It is the policy of the Westminster Police Department (WPD) to ensure the ability to mobilize resources, to include sworn and civilian personnel, in response to large-scale emergencies and other events requiring enhanced staffing. Mobilization/readiness will consist of three (3) stages: "Operational Status", "Alert Status", and "Call Up Status".

II. AUTHORITY

A. Only the Chief of Police or Deputy Chief shall have the authority to place the WPD on a heightened mobilization status.

B. In the event that an upgrade in the mobilization status is made by the Deputy Chief, immediate notification shall be made to the Chief of Police.

C. The Chief of Police, or in his absence the Deputy Chief, shall have the authority to upgrade or downgrade the mobilization status as needed.

D. The Chief of Police or Deputy Chief may utilize multiple methods to announce the appropriate mobilization status or change in status for all employees, to include but not limited to the use of media broadcasts, Carroll County's Reverse-911 system, police radio broadcasts, pagers, and individual phone calls.

III. APPLICABILITY

A. Officers and civilian employees may be mobilized Department-wide or in sub-groups based on duty status, work group, or the nature of their assignment.

B. Members who are not immediately mobilized may be assigned a designated time to report or be given a telephone number they can call to obtain periodic updates or further instructions.

C. The Chief of Police or Deputy Chief may designate additional civilian employees as "essential" should the need arise during any mobilization status.

D. It shall also be at the discretion of the Chief of Police or Deputy Chief to form special groups consisting of personnel with specialized skills to accomplish specific tasks.

IV. STAGES OF MOBILIZATION

A. Operational Status

1. "Operational Status" is the lowest readiness status and indicates no specific or credible threat information. Under this status, no active call-up is anticipated but potential exists to escalate to "Alert Status".

2. Essential civilians shall ensure that they are accessible, prepared, and able to swiftly respond in an appropriate time period once placed in "Alert Status".

3. All sworn personnel shall ensure that they are accessible, prepared, and able to swiftly respond in an appropriate time period should they be placed in "Alert Status". Sworn personnel shall be ready to report with all equipment and materials needed to perform any duty assigned them.

NOTE: If specialized equipment is required, it shall be distributed to individuals and units based upon assignments and duties resulting from the particular emergency. The issuing official will be responsible for ensuring that such distribution is properly recorded.

B. Alert Status

1. "Alert Status" shall be the second step in a heightened state of alert/readiness. This status mandates a heightened state of readiness for mobilization as a result of a credible threat or operational need.

2. Upon the activation of "Alert Status", Watch/Division Commanders will notify subordinate officers and essential civilians. Members placed in "Alert Status" shall prepare for immediate mobilization and maintain a state of readiness that will allow them to report to a designated location within one (1) hour, if they are deployed under "Call-up Status".

3. Officers and essential civilians shall make all necessary child care and transportation arrangements in anticipation of a possible call-up.

4. Officers and essential civilians placed on "Alert Status" shall refrain from consuming alcoholic beverages or doing anything which might impair their ability to swiftly respond.

C. Call-up Status

1. "Call-up Status" is the highest level of readiness/mobilization and indicates that personnel are actively being called-up to report for emergency duty.

2. Upon the activation of "Call-up Status", Watch/Division Commanders will notify affected subordinate members who shall then report for duty at the designated time and place. Generally, members will report to headquarters or a command post/staging area as designated. Sworn personnel shall report with all equipment and materials needed to perform any duty they may be assigned.

3. Members should contact their immediate supervisor or the on-duty Watch Commander if there is a question as to whether or not they are being activated, the reporting location, or the time to report.

V. ACTIVATION

A. If the Deputy Chief places the Department in any heightened state of mobilization, he shall immediately advise the Chief of Police.

B. The Deputy Chief, or his designee, shall designate personnel to notify all affected Watch/Division Commanders, via the Chain of Command. Consideration should be given to contacting County EOC to implement the use of the Carroll County Reverse-911 System to automate notifications, with the appropriate authorization from the Chief of Police.

C. Only the Chief of Police or Deputy Chief may determine if media alerts are required and shall contact the Public Information Officer to coordinate, as appropriate.

D. Updated information may be available through the Communications Section on a periodic basis where affected members may call to receive an update on the status of the event.

E. Information should be disseminated to affected members via telephone, alpha page, Departmental e-mail, Internet e-mail, police radio broadcasts with the alert tone, personal contact, or any other means as necessary and appropriate.

F. At least once each year, the Deputy Chief shall undertake a drill of the WPD mobilization plan. The rehearsal may be a part of a more comprehensive readiness exercise. The rehearsal will serve to test notification procedures and measure response levels and times. Written documentation of the results of the drill shall be provided to the Chief of Police and appropriate commanders.

VI. RESPONSIBILITIES

A. CHIEF OF POLICE

The Chief of Police is responsible for activating appropriate mobilization statuses, advising the Mayor, and re-evaluating mobilization status regularly.

NOTE: During all phases of mobilization, the personnel implementing the Emergency Mobilization procedures are acting under the express authorization of the Chief of Police. Notification of personnel to report to work or a specific staging area is considered a direct order of the Chief of Police.

B. DEPUTY CHIEF

1. The Deputy Chief, in the absence of the Chief of Police, is responsible for activating appropriate mobilization statuses, advising the Chief of Police, and re-evaluating mobilization status regularly.

2. The Deputy Chief is responsible for initiating the notification/alerting process to all personnel by contacting each affected Bureau Commander.

3. When the Deputy Chief activates an alert status, he shall be responsible for contacting the Public Information Officer, if needed.

C. BUREAU COMMANDERS (Captains)

1. Bureau Commanders are responsible for contacting the subordinate commanders or supervisors of any affected component within his Command.

2. Bureau Commanders shall be responsible for the direct personnel notifications in the event they cannot make swift contact with the necessary commander for any given work group.

3. Bureau Commanders will track the status of affected components and the number of available personnel throughout any mobilization status.

4. Bureau Commanders shall report current mobilization status of their subordinate staff to the Deputy Chief, or his designee.

D. WATCH/DIVISION COMMANDERS (Lieutenants)

1. Watch and Division Commanders are responsible for contacting all affected subordinate staff during the notification process. It is the responsibility of Watch/Division Commanders to maintain immediate access to current telephone numbers, Departmental pager numbers and addresses of their immediate subordinates. Watch/Division Commanders are encouraged to obtain alternate means of contacting their subordinates such as cellular phone, pager, and personal e-mail. When updating work group information, Watch/Division Commanders should ensure the information is also updated through the City Human Resource Division.

2. During Alert Status or Call-up Status, it is the responsibility of the Watch/Division Commander to contact their subordinates and relay the pertinent information and status. If the Watch/Division Commander making the notification is also required to respond and mobilize and cannot make direct contact with a member in his/her work group, that Watch/Division Commander shall leave a contact person's name and number for the member to contact to receive pertinent information (place and time to report, etc.).

3. Watch/Division Commanders will track the status of personnel notifications and the number of available personnel throughout any mobilization status and periodically report the current status of their mobilization efforts to their Bureau Commander or the PTOC (if activated).

4. Watch/Division Commanders shall be responsible for immediately attempting to contact any officers, within their command, who could not be contacted or acknowledge the mobilization notification.

E. SUPERVISORS (Sergeants)

1. Supervisors may be directed to handle the notification process to their subordinate staff in the absence of their Watch/Division Commander. In these circumstances, all of the requirements of sub-section D above will be carried out by the supervisor.

2. Supervisors are required to maintain the contact information reflected in sub-section D.1. (above) in the event they may be called upon to make notification to their subordinate staff.

F. OFFICERS/CIVILIAN PERSONNEL

1. It shall be the responsibility of all officers and essential civilians to adhere to any instructions they receive in the event of a mobilization and to follow the appropriate chain of command instituted under the Incident Command System.

2. Officers and essential civilians are responsible for providing contact numbers to their Watch/Division Commander and shall ensure that they are reachable at all times when placed in a heightened mobilization status.

G. ALL WPD MEMBERS

1. It is the responsibility of all personnel to keep their current address and telephone numbers on file with their Watch/Division Commander and the City Human Resource Division.

2. It is the responsibility of all patrol officers to ensure their current information is on the Emergency Notification Forms at headquarters.

3. If contacted by the Reverse-911 system, all members are required to adhere to the instructions given on the message.

4. Due to their nature, emergencies may cause communications difficulties; therefore it shall be incumbent upon officers and essential civilian personnel to initiate contact with the WPD when they become aware of an emergency situation that may warrant their activation and they have not been accessible for call up. This should be accomplished through direct contact with their Watch/Division Commander. If this is not possible, the member should make contact with Communications Section.

VII. EOC AND PTOC

A. During emergency situations the County Emergency Operations Center (EOC) may be activated to coordinate emergency management resources and responses. The WPD may assign a representative to the EOC at the direction of the Chief.

B. During incidents which require federal assistance, such as natural or man-made disasters, and weather events, it may become necessary to request assistance from other agencies. These requests will be made through the County EOC. The County EOC will handle the process of making the request of other agencies through mutual aid, or other procedures as required by State and Federal emergency planning procedures.

C. The Police Tactical Operations Center (PTOC) may also be activated to manage police operations and the scheduling of available personnel.

VIII. TRANSPORTATION

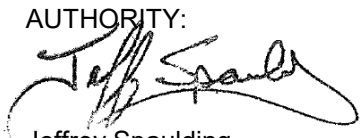
A. If a mobilization is necessitated by a weather emergency, or if so directed by Command, members shall follow the policies and procedures set forth in the Emergency Transportation System section in the WPD policy regarding Severe Weather.

B. When transportation of personnel and equipment to the site of an emergency is required, or the transportation of evacuees, or mass arrestees, all sources of transportation shall be considered including but not limited to:

1. Marked / Unmarked WPD vehicles;
2. Tactical truck;
3. Armored Personnel Carrier;
4. Bus;
5. Prisoner van; and the
6. Mobile Command Post.

NOTE: All Department vehicles are to be operated in a manner consistent with any applicable Departmental policy at all times.

AUTHORITY:



Jeffrey Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 4-07 Order# 2006-02

Subject: **SEVERE WEATHER**

Effective Date: February 15, 2006
(Revised August 1, 2014 to include hotel/food accommodations – Section V.A.3. on page 3 of this policy)

This General Order contains the following numbered sections:

I. POLICY
II. DEFINITION
III. PROCEDURES
IV. EMERGENCY TRANSPORTATION SYSTEM
V. HOUSING OF POLICE PERSONNEL
VI. TEMPORARY ASSIGNMENT OF PERSONNEL
VII. VEHICLE REMOVAL OPERATIONS
VIII. ROAD CLOSURES
IX. GUIDELINES FOR HANDLING FLOODING CONDITIONS
X. THE RED CROSS

I. POLICY

The Westminster Police Department (WPD) shall strive to minimize the hazardous effects of severe weather and utilize all available resources to continue police services and promote the safety and security of the citizens.

II. DEFINITION

Severe weather is defined as violent electrical storms, substantial rainfall, flooding, high winds, tornadoes, destructive hail and winter storms that can cause major disruption of normal activities, property damage, injury and loss of life.

III. PROCEDURES

A. During times of severe weather and/or heavy snow the County Emergency Operations Center (EOC) may be activated to coordinate resources and responses. The WPD may assign a representative to the EOC.

B. The Police Tactical Operations Center (PTOC) should be activated to manage police operations and the scheduling of available personnel. The PTOC can be activated by the Chief, Deputy Chief or an Incident Commander, regardless of the activation of the EOC.

C. A severe weather event will necessitate the implementation of the Incident Command System, consistent with General Order R-1.

D. Field Services Bureau will produce an annual Snow Emergency Plan and will generate an OPS Plan when severe weather events are anticipated.

E. As severe weather is forecast and/or develops, the Watch Commander or Incident Commander shall:

1. Notify the Field Services Bureau Commander of the developing situation.

2. Arrange for Department-owned four-wheel-drive (4WD) vehicles to be available for patrol use through their commands.

3. Consider the possibility of a high-risk situation that would need an immediate response by CRT officers before mobilizing any 4WD vehicle assigned to the CCCRT. Should

these vehicles be assigned to the weather event, provisions will be made to ensure that needed CRT personnel are provided transportation.

4. Consider requesting additional 4WD assets via EOC (if activated). National Guard assets may be requested through MEMA. Additional resources include Carroll County Emergency Management, which may be able to access a list of citizen volunteers with 4WD vehicles.

5. Consider "holding over" on-duty personnel or requesting the institution of a mobilization phase, consistent with General Order R-2, Emergency Mobilization, to handle anticipated needs.

6. Consider instructing non-4WD field units to discontinue random patrol as the situation worsens. Patrol officers may be ordered to station themselves strategic locations in their beat.

7. Consider suspending routine police services that do not affect health and safety and can be handled at a more opportune time. Telephone reporting procedures may be implemented by the Watch Commander as appropriate.

8. Begin using 4WD vehicles for patrol as the situation worsens. 4WD vehicles should remain on constant patrol to check for stranded persons and respond to those emergencies a standard police vehicle cannot reach.

NOTE: The Watch Commander or Incident Commander has the authority to change the deployment of resources as the situation warrants.

F. 4WD vehicles shall have extraneous equipment such as K-9 cages and tactical gear removed (if possible) prior to deployment. Rear seats should be reinstalled for transporting stranded persons. **Each vehicle should be manned with two (2) officers for safety reasons**.

G. Each vehicle shall be checked to ensure the availability of first-aid equipment, flares, blankets, and general readiness prior to deployment.

H. If the EOC is activated, additional 4WD vehicles may become available through other County and State agencies and the Maryland National Guard. An operator may be supplied with each of these vehicles. Whenever possible, these vehicles should also be manned by two officers and have the necessary first-aid equipment. Communications will be conducted via the officers' portable radio. These vehicles will not be deployed unless each carries at least one spare battery for the portable radio.

I. The Administrative Bureau will coordinate with the City Shop to supply tire chains for non-4WD vehicles.

IV. EMERGENCY TRANSPORTATION SYSTEM

A. In addition to the Department's regular duties of preserving life and property, it may also be responsible for emergency transportation during periods of severe weather. This Emergency Transportation System will go into effect when the EOC or PTOC is activated due to severe weather. 4WD vehicles from the Department, other City agencies, the military, and civilian volunteers will serve the following functions:

1. Transportation for police service;

2. Transportation support for City agencies; and

3. Transportation support for legitimate civilian emergencies.

B. All requests for transportation support, except for those in the course of normal police services,

shall be forwarded to the PTOC or the on-duty Watch or Incident Commander.

V. HOUSING OF POLICE PERSONNEL

A. As the weather situation deteriorates, consideration must be given to the appropriate housing of WPD personnel. Although a 4WD capability exists for ferrying personnel, the time expended in such an effort may be better spent devoted to operational tasks. When it becomes evident that the time is approaching where it will no longer be practical to transport personnel to and from residences, the following contacts should be made by the Watch Commander/Incident Commander.

1. Contact the EOC to begin preparations for food and bedding to be transported to WPD.

2. Contact the Carroll County Detention Center to see what assistance they can offer in regard to meals, bedding, food and linens.

3. With permission of the Chief of Police, the Department may provide essential staff with local hotel/motel accommodations to ensure their availability for work during an actual or anticipated emergency. The Department may also provide a supply of food at Police Headquarters for essential staff to sustain operations during emergencies when community resources such as restaurants and grocery stores may be closed for extended periods due to power outage, inclement weather etc…

B. As these supplies become available, two (2) dormitory areas will be established at headquarters. A female dormitory area will be established in an area designated by the Watch Commander. A male dormitory will be established in the Briefing Room. Shower facilities are available in the male locker room.

C. If it is more practical to house personnel outside of headquarters, other options to be considered are schools, fire stations, community centers, etc.

VI. TEMPORARY ASSIGNMENT OF PERSONNEL

A. During conditions of severe weather, it is very likely that only a limited number of personnel will be available to maintain police service. These personnel will be temporarily reassigned to form the necessary number of operational units to provide essential functions such as patrol and police dispatch.

B. Personnel will be formed into either two or three shifts, as needed, and will be supervised by available supervisors. These temporary units will provide police service to the City until the weather emergency abates.

C. Commanders should consider requesting a mobilization phase consistent with General Order R-2, Emergency Mobilization.

VII. VEHICLE REMOVAL OPERATIONS

A. A primary concern in the handling of a weather emergency is the clearing of roadways (snow, debris) so that traffic flow can return to normal. An impediment to the clearing operations is usually the numerous abandoned vehicles left on the roadside or in the roadway. Therefore, the Police Department will start removing these abandoned vehicles as soon as practical in order to prevent a delay in clean-up operations.

B. Legal authority for this removal is granted by:

1. Transportation Article, Annotated Code of Maryland, TR 25-203

"A police department may take any abandoned vehicle into custody. For this purpose, the police department may use its own personnel, equipment, and facilities for removing, preserving and storing abandoned vehicles."

2. Transportation Article, Annotated Code of Maryland, TR 21-1119(e)

"A person may not park a vehicle on any highway that is designed and appropriately signposted as a snow emergency route and for which a snow emergency has been declared and is in effect. The Department of State Police or the police of any political subdivision of this State may have any vehicle parked in violation towed from the highway."

3. Westminster City Code Section 155-10.A.

"Whenever any vehicle is parked or stopped at a location where parking or stopping is prohibited or is otherwise parked so as to constitute a hazard to public safety or is so parked, stopped or standing so as to impede or obstruct the normal movement of traffic or pedestrians, the officer who discovers the vehicle illegally parked shall deliver a citation to the operator or, if the vehicle is unattended, attach a citation to the vehicle in a conspicuous place. In addition, if the vehicle is unattended, the Police Department may proceed immediately to have the vehicle removed, towed and impounded. The cost of the removal, towing and storage of any vehicle, together with any unpaid fines and administrative expenses, shall be paid prior to the release of the vehicle…"

4. Westminster City Code Section 155-47, Subsections A&C

"A – It shall be unlawful for any vehicle to be parked and left unattended within the right-of-way of any snow emergency route two hours or later after a snow emergency has been declared by the Director of Public Works."

"C – Any vehicle parked and left unattended on a snow emergency street in violation of this section may be impounded and removed by the Police Department, and all costs of towing, storage and impounding shall be charged to the owner of the vehicle. All such charges, including any fine or penalty, shall be paid to the City before the owner may reclaim the vehicle…"

C. Vehicle removal operations shall be conducted in accordance with current impoundment procedures.

VIII. ROAD CLOSURES

During severe weather events, some City roads routinely develop hazardous conditions, such as low-lying roads that are prone to flooding or steep hills during snow or icy conditions. Officers who are familiar with such hazards in their beats are encouraged to preemptively close these roads to ensure the safety of motorists. Supervisory approval should be obtained prior to closing a roadway. The Supervisor shall be responsible for ensuring appropriate notifications (i.e. to the EOC or the Communications Section).

IX. GUIDELINES FOR HANDLING FLOODING CONDITIONS

Officers need to be cognizant of the danger presented by even a small amount of fast moving water when determining whether to enter a flooded area, either in a vehicle or on foot. Officer safety may necessitate waiting for the Fire Department to aid a stranded motorist or citizen.

A. When called to the scene of significant flooding, the area supervisor shall:

1. Institute the Incident Command System and take command of police operations at the scene, in accordance with General Order R-1, Incident Command System;

2. Summon additional units as necessary and available;

3. Provide for any rescue response as needed (personnel are reminded that water rescue operations are inherently dangerous and proper safety considerations are warranted, the

use of the Swift Water Rescue Team should be considered, as appropriate);

4. Block access to the affected area to prevent additional victims;

5. Begin evacuations as necessary;

6. Coordinate with on-scene senior fire officer, and establish Unified Command if applicable; and

7. Ensure that the Watch Commander is notified.

B. When called to the scene of significant flooding, the Watch Commander shall:

1. Take command of police operations at the scene;

2. If seriousness indicates, request that the EOC or PTOC be activated for additional guidance;

3. Have the appropriate Bureau Commanders notified;

4. Establish an incident command post;

5. Notify residents and proceed with evacuations, as necessary;

6. Receive specific guidance from the EOC or PTOC in regard to evacuations and shelter locations;

7. Be aware of the possibility of providing transportation to shelters;

8. Provide security for evacuated buildings and property;

9. Provide security for shelters, if needed;

10. Record specific locations (street addresses or block numbers) that are affected by the flooding. These will be furnished to the Department of Public Works for post-incident inspection of buildings, roadways or bridges; and

11. Have the damaged areas photographed, if possible. When the flood has subsided, guidance for clean-up operations and returning residents to the affected area will come from the EOC or PTOC.

X. THE RED CROSS

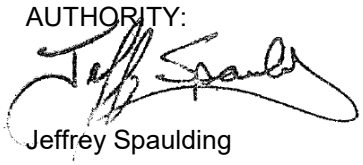
The American Red Cross will respond whenever any person is left homeless due to a disaster. When officers are on a disaster scene, they will ensure that Red Cross personnel desiring entry to the scene have valid identification. The Red Cross will be contacted by the following procedures:

A. If the EOC or PTOC is open, they will notify the Red Cross.

B. If the Red Cross is needed due to a fire, the Fire Department will make notification.

C. If the EOC is not open or the Fire Department is not on the scene, the decision to contact the Red Cross will be made by the Incident Commander. Notification will be made via the Communications Section.

AUTHORITY:



Jeffrey Spaulding

Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 5-01

Subject: **MISSING PERSONS INVESTIGATIONS**

Effective Date: January 1, 2011

This General Order contains the following numbered sections:

I. POLICY
II. DEFINITIONS
III. PROCEDURES
IV. PRIMARY OFFICER RESPONSIBILITIES
V. GENERAL AREA SEARCH
VI. FOLLOW-UP INVESTIGATION
VII. MARYLAND AMBER ALERT PROGRAM
VIII. MARYLAND SILVER ALERT PROGRAM
IX. "A CHILD IS MISSING" AUTOMATED NOTIFICATION PROGRAM
X. RECOVERY OF MISSING PERSON
APPENDIX A: STATE OF MARYLAND MISSING PERSONS REPORT FORM 79 (COPY)
APPENDIX B: INITIAL INVESTIGATIVE RESPONSE CHECKLIST

I. POLICY

It is the policy of the Westminster Police Department to make every effort to report, investigate, and locate lost or missing persons and critical missing persons. Officers shall follow up any and all investigative leads that may result in the immediate location of a missing person. The Westminster Police Department will provide a planned, strategic search by Patrol personnel upon verification of a missing subject, when foul play is suspected or as otherwise directed by a supervisor.

The Westminster Police Department shall participate in the Maryland Amber Alert Program and/or the "A Child is Missing" automated notification system to effectively use technology and the broadcast media to disseminate information about missing or abducted children or critically missing adults.

II. DEFINITIONS

Abduction – Any child who is reported to be involuntarily missing from the person(s) having custodial responsibilities. An abduction is also an instance when an eyewitness states that a child was taken by a person or persons for whom there is a physical description, a vehicle description (if one is involved), and a direction of travel from the point last seen; or, lacking an eye witness, there exists articulable evidence that the child's disappearance was not voluntary.

Cognitive Disorder – A mental disorder that affects cognitive functions such as memory processing, perception and problem solving. Some examples include Alzheimer's Disease and dementia.

Critical Missing Juvenile – A person under the age of eighteen (18) who is the subject of a missing persons report and who investigation shows to be absent due to suspicious circumstances. This would include a juvenile who is reported to be senile, mentally deficient, physically handicapped, suicidal, in need of medical treatment or medication or a suspected victim of foul play.

Critical Missing Person (Adult) – A critically missing adult is a person over the age of eighteen (18) who is reported to be senile, mentally deficient, physically handicapped, suicidal, in need of medical treatment or medication or a suspected victim of foul play.

Missing Adult - An adult is described as 18 years of age or older. They are considered missing if their disappearance is unexplained and their whereabouts are unknown.

Missing Juvenile – A person who is under the age of eighteen (18) and who is the subject of a missing persons report filed with a law enforcement agency and whose whereabouts are unknown. **This section does not include a legally emancipated juvenile.**

III. PROCEDURES

No waiting period exists before taking a missing persons report, further, the initial report may be taken in person or by telephone. Any situation where the caller knows the missing person's location shall not be considered a missing person for the purposes of these procedures. Under circumstances involving a juvenile, where this occurs, the child could be considered an unmanageable child or a Child in need of Supervision (CINS). Officers should investigate these incidents accordingly. The report of a missing juvenile should not be assumed to be a runaway unless investigation yields this finding.

A. Missing person reports shall be taken when:

1. The missing person's whereabouts is unknown and knowledgeable persons regard the disappearance as unusual or uncharacteristic.

2. The person was last seen within the city limits of Westminster regardless of the subject's place of residency. A missing person traveling to Westminster, whose arrival is not confirmed, shall be reported to the jurisdiction in which the subject was last seen.

3. The Missing Person has a history of physical/mental disability, thereby subjecting themselves or others to personal and immediate danger.

4. The person is missing under circumstances indicating that their physical safety may be in danger.

5. The person is missing and the disappearance may not have been voluntary, (i.e. abduction or kidnapping).

6. The person is missing after a catastrophe (i.e. natural or man-made disaster).

B. The missing person may be deemed critical if the officer taking the report has reason to suspect:

1. Foul play or suspicious circumstances; or

2. The missing person may be unable to safeguard or look out for him- or herself, regardless of age; or

3. A risk of suicide; or

4. A risk of accident (i.e. while boating or swimming); or

5. The missing person is a mental patient who may endanger him- or herself or others or suffers from a physical or mental incapacity, including lack of access to needed medication that may be life threatening.

Should the missing person, at this point, be deemed a critical missing person by the primary officer, contact should be made with the Watch Commander, who in turn will notify the Commander of the Field Services Bureau for consideration of the use of the Amber Alert and/or the "A Child is Missing" programs.

IV. PRIMARY OFFICER RESPONSIBILITIES

The primary officer shall meet with the complainant and complete a Maryland Missing Persons Report, Form 79 (See Appendix A of this General Order). If the officer determines the missing individual meets the critical missing person's criteria the Watch Commander will be notified immediately. If the reporting person is a parent/custodian or the missing person is a juvenile, the officer will make certain the complainant signs the medical and dental release and is given their copy of this form. The primary officer shall broadcast a local lookout, and a message **may** be sent to all area jurisdictions via teletype, fax or telephone when the person is not immediately located.

A. The primary officer shall also obtain the following information:

1. Name, age, physical description of missing person and a recent photograph.

2. Relationship of reporting party to the missing person.

3. Time and place of the missing person's last known location and the identity of anyone in their company.

4. Behavior of the missing person, including whether the person has been missing before and relevant habits or patterns.

5. Recent history of problems or trauma such as illness, domestic violence, substance abuse, history of mental illness, use of prescription drugs.

6. Extent of any search for the missing person.

7. Indications of missing money or belongings.

8. Names of the person's associates, friends or relatives the missing person is likely to contact, and addresses, if possible. Contact should also be made with local taxi companies, CATS bus service and the Carroll Hospital Center when appropriate.

To assist the primary officer with conducting a thorough preliminary investigation, refer to Appendix B – "Initial Investigative Checklist" located at the end of this General Order.

B. Missing Adult:

1. Upon receipt of a missing adult complaint and in addition to the above information, the reporting officer should obtain, when feasible:

   a. A statement from the reporting person stating "firsthand" knowledge of a mental or physical illness; or

   b. A statement from a parent, legal guardian, family member or other authoritative source advising the missing person's disappearance was not voluntary or that the subject is in the company of another person under circumstances indicating that the subject's physical safety is in danger.

2. Once obtained, these statements should be included, in supplement form, to the missing persons report.

C. The primary officer will:

1. Conduct a thorough check of the home or immediate area at least twice (in the event the party is hiding/moving). Two separate officers, one preferably a supervisor, should be utilized for the search of the home or immediate area.

2. Ensure that an appropriate party remains at the home, or scene, in case the critical missing person returns.

3. Make immediate entry into NCIC as appropriate, in accordance with NCIC procedures.

D. Missing Juveniles:

1. Maryland Law Enforcement are now required to enter missing juvenile data in NCIC within two (2) hours of receipt of minimum information necessary to make the entry.

2. "Minimum information" includes the following fields:

   a. Name
   b. Sex
   c. Race
   d. Date of Birth or Other Numerical Identifier (such as Social Security Number)
   e. Height*
   f. Weight*
   g. Hair Color*
   h. Eye Color*

   *If these fields are not known, they may be marked "unknown" to ensure that entry is not delayed.

3. Maryland Law Enforcement are no longer required to provide a copy of the Missing Person report to the State Clearinghouse for Missing Children.

E. Watch Commander:

1. The Watch Commander will determine if additional officers should be dispatched to immediately conduct a physical search of the area.

2. The Watch Commander will also determine whether other personnel, special equipment, or other agencies are immediately required to assist in conducting the search (i.e. police canine, Bloodhound or a helicopter).

3. The Watch Commander will make an initial determination regarding the need for a response from the Criminal Investigations Bureau (CIB):

   a. CIB assistance may be helpful (tracking credit card use, interviewing witnesses, etc.) in furthering the investigation and locating the missing person through investigative means.

   b. Supervisors should be aware of the potential for criminal activity in any missing person case. CIB may wish to begin a "parallel" investigation early in the incident.

4. The Watch Commander will determine if the criteria have been met to initiate an Amber Alert, Silver Alert or "A Child Is Missing" protocols (see sections VII, VIII and IX of this policy for additional details). If the criteria have been met, the Watch Commander will immediately contact the Commander of the Field Services Bureau and seek their authority it initiate the appropriate protocol(s).

5. The Watch Commander will determine the need for the Westminster Fire Department or Fire Department Rescue Services.

6. The Watch Commander, unless relieved by the Commander of the Field Services Bureau, will be responsible for the search operation and the coordination of all personnel and agencies involved.

F. Commander of the Field Services Bureau:

1. The Commander of the Field Services Bureau may assume command of any incident regarding the search and rescue of lost or missing persons if the situation meets the following criteria:

   a. The search will involve more than four officers at any time.

   b. The search may be longer than two hours in duration.

   c. The search will involve two or more Departments within the County.

   d. The search involves significant community impact/outreach.

2. The Commander of the Field Services Bureau or his designee will be responsible for the following:

   a. Determining the need to activate the Incident Command System (ICS).

   b. Determining if a flyer needs to be developed and circulated.

   c. Deciding if the Amber Alert, Silver Alert or the "A Child is Missing" programs should be activated, if not already activated. As these are excellent tools to locate missing persons quickly and efficiently, the decision to activate this plan should occur at once and without delay. Should this determination be made the Commander may refer to sections VII VIII and/or VIII of this General Order for additional guidance.

   d. Determining if the Public Information Officer will be needed in the event that media coverage is anticipated or desired to assist in getting vital information publicized.

   e. Determining when to discontinue the search operation.

3. A specific plan will be developed by the Commander of the Field Services Bureau to provide for the following:

   a. Designation of an Incident Commander.

   b. The Incident Commander will coordinate operations within the department and with outside agencies. Such agencies may include the Carroll County Sheriff's Office, Maryland State Police, Department of Juvenile Justice, Civil Air Patrol and other County Resources.

   c. The use of any special operational components of the department, such as the Carroll County Crisis Response Team, K-9, Bike Officers, Fire Police or special operational components from other agencies.

   d. Any travel or search routes required will be planned and mapped.

   e. Provisions for emergency first aid, ambulance, and medical assistance.

f. Applicable procedures for coordination with Department units and outside agencies, to include Telecommunication procedures.

g. Logistics requirements, to include the number of officers and other personnel needed, and the use of special equipment.

4. The Commander of the Field Services Bureau or Incident Commander will be responsible for preparing an after-action report of any significant search operation. The completed after-action report will be forwarded to the Chief of Police for review and filing. A copy of the documentation shall be provided to the Training Division for purposes of review and training of problem areas.

V. GENERAL AREA SEARCH

A. The general area search includes any wooded or uninhabited areas not far from the victim's residence or area last seen, bodies of water, areas that attract curious children (vacant buildings, shafts, holes, underpasses, and neighbor's backyards), neighborhood hangouts, all vehicles to which the victim may have had access including trunks of vehicles, abandoned vehicles, and secluded areas.

B. The following areas should also be checked: playgrounds, parks, malls, theatres, stores, video arcades, schools and hospitals.

C. Personnel assigned to the neighborhood canvass should ask the persons they contact for consent to search their residences/ businesses for the victim. Areas searched and persons contacted should be fully documented in a police supplement report.

VI. FOLLOW-UP INVESTIGATION

Following the preliminary missing persons report, the supervisor may direct a search, if necessary. A follow-up inquiry includes the following steps.

A. If the missing person is a child, with a parent's permission and under their supervision, search the child's home, as appropriate.

B. Obtain fingerprints and dental records.

C. Contact the medical examiner's office and local hospitals for injured or deceased persons meeting the description of the missing person.

D. Conduct interviews with persons who were in the area where the missing person was last seen, or who may work in or frequent the area.

E. Conduct interviews with co-workers, family, friends, schoolmates, teachers, counselors, social case workers, or others to help determine whether the missing person might have left voluntarily or was coerced into a kidnapping or prostitution.

F. Document in a supplement report the information received, regardless of its relevance, and file the supplement with the original Missing Persons Report.

G. If the missing person has not been located at the end of the investigating officer's tour of duty, all information will be forwarded to the Watch Commander of the oncoming squad for delegation of follow-up of the investigation. This will be the responsibility of the initial Watch Commander. Further, it will be the responsibility of the Watch Commander of the oncoming shift to assign an officer to the case during their tour of duty, until such a time that the missing person has been

located.

VII. MARYLAND AMBER ALERT PROGRAM

Background: In 1996 Amber Hagerman, a nine-year old from Arlington, Texas was abducted in front of witnesses while innocently riding her bicycle. Her body was found four days later. In response to community concern following this tragedy, the Association of Radio Managers with the assistance of area law enforcement in Arlington, Texas, created the "Amber Alert Plan". Named for Amber Hagerman, the plan uses the Emergency Alert System (EAS), formerly the Emergency Broadcast System, to report serious abduction cases.

Under the plan, radio and television stations immediately interrupt programming to broadcast information about child abduction by using the EAS. The plan is simple – to alert the public as quickly as possible to child abduction in hopes of gaining information which will lead to the safe recovery of that child and the capture of the abductor.

A. Activation criteria for the Maryland Amber Alert Plan:

1. **There must be a confirmed report of a child abduction.** Child abduction by a non-custodial parent is not a case which would routinely meet Maryland Amber Alert Plan criteria, unless the Captain of the Field Services Bureau or his designee can articulate a reasonable suspicion that the parent intends to physically harm the child.

2. Corroboration that the circumstances surrounding the abduction indicate that the child is in serious danger of bodily harm or death.

3. There is enough descriptive information about the child, abductor, and suspect's vehicle to believe an immediate broadcast alert would assist the investigation.

4 The abductor and/or child are likely to still be in the broadcast area (Maryland, Pennsylvania, Delaware, the District of Columbia and Virginia).

5. The Commander of the Field Services Bureau or his designee must authorize the Alert and notify Communications to prepare for a possible increase in 911 calls.

B. Amber Alert activation is accomplished by contacting the Maryland State Police Headquarters Duty Officer at:

1. Telephone (410) 486-3101 or (800) 525-5555
2. Fax (410) 653-4269
3. Miles Teletype Terminal LPH1

C. Information required upon activation:

1. Location of abduction
2. Description of the child, to include name, age, and physical descriptors
3. Description of the abductor
4. Description of the vehicle involved
5. Last known direction of travel of the suspect vehicle

D. The Maryland Amber Alert Plan Coordinator from either the Maryland Amber Alert Plan Command Staff or the Criminal Enforcement Command of the Maryland State Police or the Maryland Center for Missing Children will immediately contact the Captain of the Field Services Bureau to confirm that all activation criteria have been met. Once confirmed, MSP will initiate notifications to the media and the Maryland Department of Transportation for the activation of "Dynamic Message Signs" and Highway Advisory Radios. As programming permits, participating broadcasters will broadcast the AMBER Alert four (4) times per hour for the first two (2) hours,

continuing with three (3) times per hour for the next three (3) hours. All alerts will direct persons with information to call 911.

E. Immediately following the Amber Alert activation, the Commander of the Field Services Bureau or his designee shall ensure that the Chief of Police, Deputy Chief, and the Commander of the Criminal Investigations Bureau are notified of the activation.

F. The Commander of the Field Services Bureau will immediately contact the Maryland Amber Alert Plan Coordinator if the child is located. If the child is not recovered within 24 hours, the alert is self-canceling.

G. The Communications Section, upon notification, will identify all available, appropriate Westminster Police Department personnel to assist with the possible increase in the call taking workload.

VIII. MARYLAND SILVER ALERT PROGRAM

Background: On October 1, 2009 Maryland law creating the Maryland Silver Alert Program went into effect. This law directs the Maryland State Police (MSP) to coordinate a notification plan to be activated when certain criteria are met involving a missing person with a cognitive disorder.

A. Silver Alert Activation – The Maryland Silver Alert Program is activated statewide by the Maryland Emergency Management Agency (MEMA) upon a request from the MSP Silver Alert Coordinator. Once activated, the following will occur:

1. MEMA will issue an alert to all Maryland police/sheriff departments, media outlets and 911 Centers. **Media outlets must be contacted directly by the Departmental PIO as new information becomes available.**

2. The State Highway Administration will broadcast a description of the missing person, his or her vehicle and their direction of travel on overhead dynamic message signs and broadcast their description on the Highway Advisory Radio Network.

B. The Silver Alert Program will be activated in all cases when the following criteria are met:

1. The missing person suffers from a cognitive disorder such as Alzheimer's Disease or dementia. **NOTE – there is no age requirement for the activation of a Silver Alert.**

2. The person's disappearance poses a true threat to his or her health and safety.

3. The missing person **must be traveling in a vehicle** for police to issue an alert.

4. The investigating police agency has already activated a local alert by contacting media in their area.

5. The missing person has been entered into the NCIC database.

NOTE – IF THE PRECEDING CRITERIA HAVE NOT BEEN MET, THE STANDARD MISSING PERSON PROCEDURES WILL BE EMPLOYED.

C. Silver Alert Procedures – The following procedures apply to cases meeting the Silver Alert criteria and are **in addition** to those listed elsewhere in this policy relating to missing persons investigations:

1. Any officer receiving information that an individual with a cognitive disorder is missing will immediately notify his or her supervisor to respond to the scene.

2. The investigating officer will verify that the above requirements for the activation of a Silver Alert have been met.

3. If the circumstances of the case meet the activation criteria, the Watch Commander will report all known information to the MSP Silver Alert Coordinator. The MSP Silver Coordinator can be reach by calling the MSP Duty Officer at MSP Headquarters 24/7 at (410) 653-4200. **The initial Silver Alert will remain active for four (4) hours, but can be extended depending upon the circumstances of the case.**

4. In addition to all required Departmental notifications, the Watch Commander will notify the Departmental Public Information Officer (PIO). The PIO will contact regional media outlets and provide them with information relating to the missing person. The PIO will also provide updated information to the media as it becomes available.

5. The investigating officer will document all of his or her efforts in a police report, to include a notation as to when a Silver Alert was issued.

6. The Watch Commander will contact the MSP Silver Alert Coordinator and cancel the Silver Alert when the subject of the alert has been located.

IX. "A CHILD IS MISSING" AUTOMATED NOTIFICATION PROGRAM

Background: The first several hours after a child, elderly, or disabled person is reported missing can be critical to the successful outcome of the case. "A Child is Missing" is a valuable tool for law enforcement if used properly. "A Child is Missing" will generate telephone calls to local residents, advising them of the missing person, within fifteen (15) minutes after initiation by law enforcement.

"A Child is Missing" is an additional tool for law enforcement. It does not replace or preclude a thorough investigation and/or search by law enforcement officers in the field.

It is the policy of the Westminster Police Department to utilize "A Child is Missing" only for missing children, elderly, and disabled persons whenever the following criteria are met.

A. Missing Persons:

1. Whenever an officer receives a report of a missing person, the case will be investigated without delay.

2. If the missing person is a child (age 0 to 18), an elderly person with Alzheimer's, or a disabled person **that is in danger**, the Watch Commander should immediately contact the Captain of the Field Services Bureau for authorization to initiate "A Child is Missing." All other circumstances would need approval for the use of "A Child is Missing" by a program administrator affiliated with this program.

B. Use of the "A Child is Missing" Program:

1. Juveniles:

a. A juvenile is defined as 18 years of age or younger.

b. The reporting person must be an adult family member, teacher, or another adult who is responsible for the child.

c. If the juvenile is a habitual runaway, "A Child is Missing" would only be used if foul play is suspected.

d. A first time runaway, when exigent circumstances or an indication of foul play exist.

e. Stranger abduction prior to calling the Amber Alert system.

f. College students who are living on campus.

2. Senior Citizens:

a. The person must be sixty-five (65) years of age or older.

b. Being missing must be out-of-character for the elderly person.

c. "A Child is Missing" will be used even if an elderly person is a frequent walk away from a nursing facility.

3. Disabled Person:

a. There is no age stipulation for a disabled person.

b. Caution must be used when determining whether a person is truly disabled because there are many definitions of a disabled person. For purposes of this General Order, a disabled person will fall into one of the following categories:

i. The person has a physical or mental impairment that severely limits self-care.

ii. The person is disoriented or unable to respond to simple questions.

iii. The person is dependent upon life sustaining medication or is unconscious.

iv. The approving supervisor may take into account exigent circumstances that may influence using "A Child is Missing" even if the person is a habitual runaway or walk-away. Examples of these circumstances are: suspected foul play, imminent severe weather, etc.

4. Using "A Child is Missing:"

a. Upon being notified of a missing person who falls into the previously listed categories, the officer will complete the steps provided in section **IV-A, Responsibilities,** of this General Order.

b. When the decision to use "A Child is Missing" has been made by the Captain of the Field Services Bureau, the Watch Commander will immediately call "A Child is Missing" at 1- 888-875-2246 or page the operator at 1-954-492-4778.

c. Suggested calling times are from 0600 hours until 2230 hours Calls after 2230 hours can be placed after receiving approval from the Chief of Police or his designee. The fact that this service will be placing a large amount of telephone calls to homes during a time when most residents will likely have retired for the evening should be taken into consideration when making this determination.

d. While the officers are completing the search, the approving supervisor will determine what phone number will be supplied to "A Child is Missing" for the public to contact the department and provide information about the missing person. The department's phone number (410-848-4646) is generally provided,

however, if a decision is made to use another number, thought should be given to the possibility of a large volume of phone calls occurring in a short span of time. The approving supervisor will contact the Communications Section to make them aware that "A Child is Missing" will be utilized.

5. Investigating Information Received From "A Child is Missing:"

   a. Information received from a citizen concerning the missing person or a possible sighting of the missing person will be relayed to the supervisor in charge of the case. After evaluation, the supervisor, detective, or officer will take the appropriate action.

   b. If a sighting of the missing person is confirmed, the supervisor may want to consider using "A Child is Missing" again using the most recent known location in the notification of residents. This is particularly important if the sighting location is in a different Zip Code than the original report.

   c. If "A Child is Missing" is used more than once in the same case, there is no need to complete an additional report or other paperwork; a notation of each instance will be documented in the existing report. The notation will include each subsequent use by date, time and location the missing person was last seen.

6. Follow-up Investigation:

   a. If the missing person is found, the supervisor/officer on the scene will call "A Child is Missing". A "Case Follow-Up Report" will be faxed to the department. The Watch Commander in charge of the case will fill out the report and fax it back to "A Child is Missing" (954-763-4569). This report will be filed with the original Missing Persons Report.

   b. If the missing person is not found by the end of the officers tour of duty, the supervisor will pass the case on to the next shift and make them aware that "A Child is Missing" is working with them on the case and, if additional calls are necessary, "A Child is Missing" will know what areas have been called and can assist the officer in further searches.

X. RECOVERY OF MISSING PERSON

A. Juveniles:

1. When a missing child has been located, officers shall ensure that medical care is provided immediately, as appropriate.

2. The investigating officer will question the child about the circumstances of his or her disappearance and identify any persons who may be criminally responsible or whether an abusive or negligent home environment contributed to the child's disappearance.

3. If no abuse or neglect is apparent, return the child and any pictures which may have been provided, to the child's family.

4. Close the report on a supplement report and remove subject from NCIC.

B. Adults:

1. Officers shall inform the reporting party of the well-being of the person who had been reported missing. Unless the law compels another course of action, the department shall

comply with the located person's wishes not to make his or her whereabouts known.

2. Before closing a missing persons case, officers shall question the located person to establish the circumstances and to ensure that no criminality was involved.

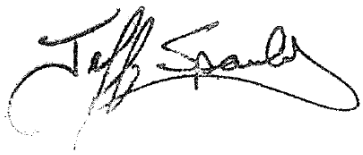
3. Close the report on a supplement report and remove subject from NCIC.

C. Reports - A missing persons report is retained indefinitely until the Westminster Police Department can verify no foul play has occurred or until the missing person has been located.

Authority

Jeffrey Spaulding
Chief of Police

Appendix A: Maryland Missing Person Report
Appendix B: WPD Missing Person Initial Investigative Checklist



WESTMINSTER POLICE DEPARTMENT

General Order: 5-02 Order# 2009-07

Subject: **PAWN SHOP UNIT AND TRANSACTIONS**

Effective Date: March 16, 2012

This General Order contains the following numbered sections:

I. POLICY
II. PURPOSE
III. DEFINITIONS
IV. PROCEDURES
V. CANCELLATION
APPENDIX A: PROPERTY RECOVERY SHEET
APPENDIX B: RAPID DEALER REPORTING SITE CORRECTION PROCEDURES
APPENDIX C: RAPID POLICE BULK UPLOAD PROCEDURES

I. POLICY

It is the policy of the Criminal Investigations Bureau to maintain files in the Regional Automated Property Database (RAPID) and coordinate efforts by the CIB Pawn Unit to locate and recover stolen property that is in possession of pawn dealers and secondhand dealers.

II. PURPOSE

Pawn Shop laws in Westminster are regulated by the Business Regulation Article, Title 12 – Secondhand Precious Metal Object Dealers and Pawnbrokers ACM and by the Westminster City Code Chapter 103. The purpose of this subtitle is to protect the safety and welfare of the citizens of Westminster by regulating pawnshops and secondhand dealers in order to prevent the disposition of stolen property, to identify stolen property and to return stolen property to its owners and assist in the arrest and conviction of offenders. Pawnshops are instructed to electronically submit records daily and must hold all items for ten (10) days from the date of electronic filing. The exception is precious metal objects that are controlled by the State-mandated 18 day hold from the date of electronic filing.

III. DEFINITIONS

The following terms have the meanings indicated.

A. Pawn: To deliver personal property to another in pledge or as security for a debt or sum borrowed.

B. Pawnbroker: A person who engages in pawn transactions.

C. Dealer: Precious Metal Object Dealers

D. Pawner: The person pawning goods or delivering goods to another in pledge.

E. Pawn transaction: A loan of money by a dealer on deposit or pledge of personal property or other valuable thing other than securities or printed evidences of indebtedness, or a purchase by a dealer of personal property or other valuable things on condition of selling the same back at a stipulated price.

F. Precious Metal Object: A precious metal that is: gold, iridium, palladium, platinum, titanium or silver. A precious or semiprecious stone, or a pearl, that is or appears to have been attached to or inlaid in a precious metal listed above. An object that is composed of the metal in the object lies principally in its precious metal component or at least 25% of the weight of the object is precious metal.

G. Pawn Unit: The designated investigator(s) assigned to the Criminal Investigation Division.

H. Property Recovery Sheet: Designated Westminster Police Department form that must be duly executed and signed by the appropriate parties related to any recovered item(s). This form is available on the shared drive of the WPD computer network. (Attachment)

I. Request for Pawn Check Form: Designated Westminster Police Department form for requesting appropriate data base searches to check for property that has been pawned. This form is available on the shared drive of the WPD computer network.

J. RAPID: Regional Automated Property Information Database.

K. DCRPDSS: Metropolitan Washington Council of Governments Regional Pawn Data Sharing System

L. OAN: Owner Applied Number, examples are initials, driver's license number, date, social security number and engravings applied to items for identification purposes.

M. Record Amendment Procedures**:** Adopted procedures in place for Dealers to amend a record that is required to be submitted in accordance with Md. Code Ann., Business Regulation Article, §12-304.

IV. PROCEDURES

All pawn shop related activity will conform to the following procedures:

A. Electronic Submission by Dealers

1. There are currently two different methods for Dealers to electronically submit their daily transaction data into RAPID

   a) Direct Dealer Reporting (dealer direct upload into RAPID)
   b) Police Bulk Upload (upload completed by Pawn Shop Unit)

B. Pawn Transaction Searches

1. Officers must fill out the Request for Pawn Check Form and submit it to the CID Pawn Unit. The form must include;

   a) Name of the submitting officer
   b) Officer's ID Number
   c) Officer's e-mail address

2. All responses from the Pawn Unit will be through the Department's Outlook e-mail system.

3. Searches can be conducted in two ways:

   a) By suspect Name, and / or
   b) By property description to include but not limited to;

      1. identification number (model, serial, owner applied number)
      2. Manufacturer
      3. Style
      4. Metal type (yellow gold, silver etc.,)
      5. Metal weight (10 karat, 14 karat)
      6. Size or color

4. The following information must also be provided

   a) Suspect's name (if known)
   b) Suspect's DOB, race & gender (if known)
   c) Suspect's last known address (if known)
   d) Date of theft
   e) Detailed description of property to be searched

5. Searches will automatically be conducted in RAPID and DCRPDSS.

C. Obtaining the Pawn Hit

After the Pawn Unit has obtained the request for a pawn check it will respond as soon as practical with the results of the pawn check.

1. If a pawn check results in a confirmed "hit", the Pawn Unit will immediately contact the investigating officer of the results via e-mail.

   a) A copy of the paperwork will be forwarded to the investigating officer.
   b) Case responsibility will remain with the investigating officer unless otherwise directed by a CID Supervisor.

2. The Pawn Unit Detective or his designee will assume the responsibility of recovering the stolen property, while the investigating officer will continue with their investigation.

3. If a pawn check proves negative results the investigating officer will receive an e-mail from the Pawn Unit attached to a copy of the pawn check request form.

D. Pawn Shop Recoveries in Carroll County

The following actions must be taken in order to properly hold and recover identified stolen property.

1. The investigating officer with reasonable articulable suspicion has the right to place stolen items located in a pawn shop on **temporary hold**.

2. Immediate notification must be provided to the Pawn Unit via e-mail, telephone call or fax.

3. Upon confirmation with the Pawn Unit the item(s) will be placed on "Official Police Hold" at the pawn shop by the Pawn Unit Detective.

4. The Pawn Unit will issue a prompt and official confirmation in writing to the investigating officer documenting that the item(s) have been placed on "Official Police Hold".

5. All recoveries will be performed by the Pawn Unit Detective.

   a) The Pawn Unit Detective will pick up the property placed on hold.
   b) A property recovery sheet will be completed and a copy provided to the pawnbroker or his designee. (See Appendix A)
   c) The recovered property will be inventoried.
   d) The recovered property will be logged as evidence.
   e) Under extenuating circumstances Items can be released at the pawn shop directly to the owner or owner's designee. The

releasing officer must have approval of a CIB supervisor prior to releasing said item(s).

E. Pawn Shop Recoveries in Other Jurisdictions

Surrounding jurisdictions have different Second Hand and Precious Metals Laws and different standard operating procedures. All pawn hits from surrounding jurisdictions must be processed through the Westminster Police Pawn Unit.

1. When an Officer discovers there is stolen property in a pawn shop in another jurisdiction, the officer will immediately notify the Pawn Unit.

2. Most jurisdictions pawn shops will not honor a police hold unless the Pawn Unit in their jurisdiction places the hold.

3. The Westminster Pawn Unit will place a hold with the proper jurisdiction.

4. The Pawn Unit will send verification via e-mail to the investigating officer and the proper jurisdiction of the item(s) to be held / recovered.

F. Identification of Property

In order to properly recover any stolen item(s) there must be a positive identification of ownership. This can be affected in a number of ways by the recovering investigator to include;

1. The investigating officer can effect an identification of stolen property by serial numbers and/or OAN.

2. If the investigating officer CAN NOT identify the item in the method described above then the victim must positively identify the item.

3. The victim must sign the Property Recovery Sheet acknowledging ownership.

4. This form must accompany any supplemental report and a copy forwarded to the Records Section.

G. Release of Property

Recovered stolen property will remain in the Property Room unless the investigating officer determines it appropriate to release the property to the owner/victim in their case.

1. The Pawn Unit does not have the authority to release property

2. The investigating officer is responsible for disposition on the property once it has been logged in as evidence.

3. The investigating officer shall consult with the State's Attorney's Office before releasing any recovered property when there are or may be criminal charges pending against a suspect in the case.

4. **Prior to the release of any stolen property the item(s) shall be photographed for future identification to include identifying characteristics.**

H. Transaction Documentation

All original pawn transaction documents will be kept on file in the Criminal Investigation Bureau in accordance with State law and in the ordinary course of business at the Westminster Police Department.

1. If documents are needed for Court the investigating officer will contact the Pawn Unit to obtain true test copies of transaction documents.

2. Investigating Officers will NOT wait until the date of trial to make such a request. Requests for records shall be made at least 24 hours in advance of any Court date.

3. Officers removing documents from the Pawn Unit for Court purposes will acknowledge release and receipt of the documents in writing.

4. The Police Department has adopted specific record amendment procedures to allow for record corrections requested by the Dealer or Pawnbroker. These procedures are applicable as they are related to dealer functionality.

   a) **Direct Dealer Reporting**

      1. Each applicable Dealer shall receive a copy of the procedures outlined in Appendix B.
      2. Corrections shall be made by the Dealer within 24 hours of the original submission of the record after contact has been made with the Pawn Shop Unit of the Westminster Police Department.
      3. Notification should be in the form of an electronic message (e-mail) to the Pawn Shop Unit documenting the change that was made to include the seller's name, date of the transaction, ticket number as well as the change that was made. **Please NOTE that the holding period starts with the date of the correction.**
      4. The Dealer shall use the same class and sub-class as the original transaction.
      5. The Dealer will reference the original transaction number followed by the suffix – "c". Any future changes should be marked with the suffix; c2, c3 etc.,
      6. The corrected transaction will be printed and attached to the original transaction and kept with the document.

   b) **Police Bulk Upload**

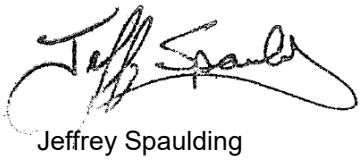
      1. Each applicable Dealer shall receive a copy of the procedures outlined in Appendix C.
      2. Corrections shall be made by the Pawn Shop Unit within 24 hours of the original submission of the record to the Westminster Police Department. **Please NOTE that the holding period starts with the date of the correction(s).**
      3. The Dealer must submit an electronic message (e-mail) to the Westminster Police Department Pawn Shop Unit (*the same recipient normally utilized for reporting daily transactions*), documenting the requested change, update or record amendment. The message will include in the seller's name, date of the transaction, ticket number, as well as the requested change(s).

4. Upon receipt of the message by the Police Department, the Police Department will acknowledge the request no later than the next regular business day.
5. Upon completion of the correction(s) / amendments to the original entry, the Police Department shall provide the business a paper copy of the edited RAPID entry, which the business shall attach to the original paper copy of the transaction. This transaction information shall be retained as mandated by the Business Regulation Article. If upon review of the paper copy of the edited RAPID entry the business notices a discrepancy between the document and requested action, the business shall notify the Police Department immediately.
6. The Police Department shall retain a paper copy of the requested change and a copy of the edited entry with the original paper copy of the transaction.

V. CANCELLATION

This General Order cancels and replaces General Order J-4, Pawn Shops, dated September 1, 2009.

AUTHORITY:



Jeffrey Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 5-03

Subject: **CRIMINAL INVESTIGATION PROTOCOLS**

Effective Date: April 1, 2017

This General Order contains the following numbered sections:

I. POLICY
II. DISCUSSION
III. PRELIMINARY INVESTIGATIONS
IV. CASE SCREENING PROCEDURES
V. CRIMINAL INVESTIGATIONS BUREAU RESPONSIBILITIES
VI. FOLLOW UP INVESTIGATIONS
VII. CANCELLATIONS

I. POLICY

It is the policy of the Westminster Police Department (WPD) to thoroughly investigate all violations of state and local law that occur within its jurisdiction, as well as other administrative inquiries as assigned. Successful investigations require a systematic approach to ensure that all possible investigative leads are pursued to the fullest, which will include the use of specific expertise when indicated. To accomplish this end without unnecessary duplication of effort, individual tasks will be routinely assigned to appropriate personnel and exceptions made when circumstances dictate. Personnel will follow procedures set forth in this general order for both preliminary and follow-up investigations, and will also follow procedures taught in the Department's approved training process. These procedures are designed to ensure a coordinated and effective investigative process.

II. DISCUSSION

The WPD strives to provide quality law enforcement service to our community. A key element of this effort involves professional and timely investigation of crimes occurring in the City. This is only accomplished when the Patrol and Investigative functions work together in an efficient and collaborative manner, ensuring the optimal outcome of each investigation. Investigations are successfully concluded when suspects are identified and charged, or when the matter is cleared "exceptionally." "*Exceptional Clearance*" is defined by specific criteria set forth in the Uniform Crime Reporting (UCR) System.

III. PRELIMINARY INVESTIGATIONS

A. The "investigative process" usually involves a "preliminary investigation" and a "follow-up investigation."

B. Most preliminary investigations are handled by the responding patrol officer, unless special expertise is required or the presence of a uniformed officer would hinder the proper investigation of the incident. Certain serious offenses (E.g.: homicides, sexual assaults, child abuse, certain fraud offenses etc.) are investigated during the preliminary investigation by detectives in cooperation with the responding officers.

C. All criminal cases will have one (1) primary case investigator. This, however, does not preclude more than one (1) officer from working on a case.

D. The patrol officer assigned to the preliminary investigation will be responsible for:

1. Providing first aid to the injured, if necessary, and advising Communications of the number of injured and extent of the injuries;

2. Protecting and maintaining the crime scene to ensure that evidence is not lost, tampered with or contaminated, and if applicable, maintaining a Crime Scene Entry Log;

3. Arranging for the preservation and collection of evidence, including processing available evidence for latent prints and obtaining elimination prints;

4. Observing and recording all conditions, events and remarks pertinent to the incident;

5. Determining if an offense has actually been committed, and if so, the exact nature and location of the offense;

6. Determining the identity of the suspect(s), and making the arrest as expeditiously as possible, interrogating the suspect, when appropriate;

7. Obtaining written statements from all persons involved in the incident (to include all victims and witnesses), if appropriate;

8. Promptly providing Communications with any suspect description(s) and other pertinent information for broadcast purposes, if appropriate;

9. Locating, identifying and interviewing all witnesses (or possible witnesses), victims and suspects (including an appropriate neighborhood canvass);

10. Accurately and completely recording in prescribed Incident Reports all pertinent information, including the description of any evidence and the detailing of circumstances by which any property came into WPD possession;

11. Initiating appropriate METERS/NCIC entries and/or teletypes (lookouts);

12. Notifying the Watch Commander when the incident requires the assistance of the Criminal Investigations Bureau (CIB) or other resources, and when notification is mandated by policy; and,

13. Ensuring that all appropriate victim/witness services are provided in accordance with State mandates and WPD policy.

E. Notification Responsibilities

1. Communication, coordination and cooperation must exist between all WPD components to successfully manage criminal and non-criminal incidents. This requires prompt notification to the appropriate personnel. The Watch Commander will respond to the scene of crimes requiring a potential CIB response, and will coordinate the immediate notification of a CIB Supervisor to determine if CIB response is appropriate.

2. The following incidents will require the immediate notification of a CIB Supervisor:

   a. Robbery or Attempted Robbery - regardless of the type (street, commercial, residential or carjacking);

   b. Felonious Assault – Any first degree assault case OR second degree assault when the victim of the assault has been transported to a medical

facility for treatment of serious or life threatening injuries sustained during the assault;

c. Unattended Death (Medical Examiner cases) - regardless of cause and manner of death;

d. Burglary - where a suspect has been observed or detained, or there are viable leads in the case that require immediate follow up action;

e. Homicide - to include automobile manslaughter;

f. Significant Thefts – where viable leads exist in the case, to include embezzlement of a significant amount;

g. Missing Persons - under suspicious circumstances (regardless of age or timeframe);

h. Extortion cases;

i. Fraud – with viable leads in the case that require immediate follow up action;

j. Financial Exploitation - of an elderly victim; and,

k. Any arrest in a felony case, excluding shoplifting.

3. The CIB Supervisor will determine if immediate CIB response is warranted, and if the investigation should be assigned to a CIB Investigator.

4. Carroll County Specialty Units will investigate the following crimes. Notifications should be made to the appropriate unit per established protocol, along with notification to a CIB Supervisor.

a. Homicide or suspicious deaths;

b. Any law enforcement use of deadly force;

c. Child abuse;

d. Rape / Sexual Assault;

e. Arson; and,

f. Bombing Incidents.

IV. CASE SCREENING PROCEDURES

A. A CIB Commander, or the Watch Commander in cases that will be investigated within the Field Services Bureau (FSB), will consider the following solvability factors to determine if follow-up investigation is warranted:

1. Identification of possible suspects;

2. Witnesses to the crime;

3. Physical evidence obtained at the scene;

4. Significant modus operandi (MO) or an identified crime pattern/series;

5. Traceability of stolen property;

6. The serious nature of the offense;

7. The completion of appropriate preliminary investigative steps; and,

8. Other available leads to pursue.

B. Existence of one (1) or more of the above factors in the case indicates that the case should be assigned for follow-up investigation.

C. The decision to assign the case for follow-up investigation will depend on the solvability factors and the serious nature of the incident. The manpower and resources which will be assigned to a case will vary based on the circumstances of the incident, the public sentiment and other factors which can only be determined on a case by case basis.

V. CRIMINAL INVESTIGATION BUREAU (CIB) RESPONSIBILITIES

A. CIB will be responsible for the preliminary investigation of cases that are self-initiated by CIB personnel and ones that require covert operations or need specialized expertise.

B. Units within CIB will maintain case logs on all criminal cases assigned for investigation. This procedure provides standardized guidelines for the management of cases assigned to individual detectives. Case assignment logs will be accessible to all detectives.

C. CIB will monitor and coordinate follow-up investigations conducted by its detectives to ensure that all leads and legitimate information are thoroughly investigated and documented. Detectives will be accountable for all applicable CIB Standard Operating Procedures.

D. CIB Detectives will actively participate in the preparation of cases for prosecution post-arrest. Detectives will communicate regularly with prosecuting attorneys, including but not limited to, one (1) pre-trial conference to ensure that all relevant information about the case is communicated between the WPD and the State's Attorney's Office.

VI. FOLLOW-UP INVESTIGATIONS

A. Comprehensive follow-up investigations are critical to the successful resolution of criminal incidents. Diligent investigative work can often result in case closures and in developing leads which result in the closure of additional cases. The follow-up investigation is an extension of the preliminary investigation. The primary purpose of the follow-up is to gather additional information which may result in the arrest of an offender and/or the recovery of stolen property or other evidence. Follow-up investigations will include, at a minimum:

1. Reviewing and analyzing all previous reports prepared in the preliminary investigation;
2. Reviewing crime scene photographs, the results of laboratory examinations and WPD records;
3. Conducting additional interviews of victims and witnesses, and interrogations of suspects;
4. Seeking additional information from law enforcement sources;
5. Planning, organizing and conducting searches;
6. Collecting physical evidence, and arranging for the analysis of evidence;
7. Identifying, apprehending and interrogating suspects;
8. Determining the involvement of suspects in other crimes;
9. Checking suspects' criminal histories;
10. Preparing cases for court presentation;
11. Advising crime victims of investigative efforts and of the case status; and,
12. Documenting all investigative activity in written reports.

B. (FSB) Patrol Officer Responsibilities

1. Patrol Officers will typically investigate non-criminal incidents and criminal incidents that are not better suited for investigation by CIB. This determination will be made either at the time a CIB Supervisor is notified or during the case screening process.

2. At the discretion of the officer's supervisor and with consent from a CIB Supervisor, a Patrol Officer may continue to investigate a serious criminal case with CIB input and assistance, when the need arises.

3. Unless it would not be prudent, Patrol Officers will attempt to interview or interrogate suspects / arrestees in order to attempt to obtain a confession, or to at least lock the suspect / arrestee into a statement.

4. With prior supervisory approval, Patrol Officers may travel outside of their jurisdiction to conduct follow-up investigations. Officers will maintain radio contact while on follow-up investigations.

5. Patrol Officers will complete supplemental reports on open investigations at least every ten (10) days per policy. Squad Supervisors will maintain a case management system to ensure that officers are meeting this requirement and that they are conducting follow-up investigations in a timely manner.

C. (FSB) Patrol Supervisor Responsibilities

1. Patrol Supervisors will ensure that their officers follow the above guidelines.

2. Patrol Supervisors will consider the factors outlined in Section IV to determine if follow-up investigation is warranted.

3. After reviewing reports, Patrol Supervisors will make determinations regarding case disposition based on the information in the report. They will indicate case disposition in the case management module of the RMS.

4. In cases where follow-up investigation is warranted, the Patrol Supervisor will indicate in the case management module of RMS that the case is "active" with a supplement due date of no later than ten (10) calendar days.

5. The reviewing supervisor will maintain accurate and current logs of follow-up investigations for each officer on their squad.

6. Supervisors will be responsible for the tracking of follow-up investigations of each squad member.

D. Victim Contact During Follow-Up Investigations

Officers/detectives will ensure there is appropriate contact with victims and witnesses during follow-up investigations. It shall be the assigned officer's / detective's responsibility to contact the victim in every case and inform them when:

1. An arrest has been made;

2. Lost or stolen property has been recovered (except for contraband, disputed property and weapons used in the course of the crime) and to swiftly arrange its return;

3. A case has been suspended; or

4. Any criminal investigation in which the case will most likely be suspended due to a variety of circumstances. This will be accomplished as soon as practical, including cases that are suspended at the time of the initial report.

E. Assignment of Investigations to Criminal Investigators (CIB)

1. Other than those investigations described in Section VI.B.1, all other criminal investigations that are determined by a supervisor to require follow-up investigation will be referred to the Criminal Investigation Bureau (CIB).

2. Each investigation will be reviewed by a CIB Commander prior to assignment for follow-up. Investigations with solvability factors will be assigned to a criminal investigator for follow-up investigation.

3. For investigations without any known solvability factors, CIB Personnel will re-contact the complainant to attempt to obtain any additional evidence or information that will justify continued investigation or to verify the absence of any solvability factors. If no solvability factors are identified, the case will be suspended and the victim(s) so notified.

VII. CANCELLATION

This General Order cancels and replaces General Order O-1, Criminal Investigation Division and a 12/08/06 Memorandum, "Notifications to the Criminal Investigations Bureau."

AUTHORITY:

_____
Jeffrey Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 5-04 Order# 2007-02

Subject: **EYEWITNESS IDENTIFICATION PROCEDURES**

Effective Date: October 20, 2015

This General Order contains the following numbered sections:

I. PURPOSE
II. INTRODUCTION
III. POLICY
IV. DEFINITIONS
V. PROCEDURES
VI. CANCELLATIONS
VII. EFFECTIVE DATE

I. PURPOSE

The purpose of this policy is to establish guidelines for obtaining accurate eyewitness identification, consistent with the Annotated Code of Maryland, Public Safety Article, Section 3-506.

II. BACKGROUND

The identification of a suspect by an eyewitness can be an important component of a criminal investigation, but can be equally significant in clearing an innocent suspect. The Westminster 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.

III. POLICY

It is the policy of the Westminster Police Department to conduct all eyewitness identifications in a non-suggestive, structured and professional manner designed to clear the innocent as well as identify suspects in criminal offenses. Eyewitnesses will be given specific instructions prior to being shown a suspect. Photo arrays and lineups will also be conducted using sequential presentation. Photo arrays and lineups will be conducted using blind administration. A criminal investigation will not be concluded or otherwise suspended based solely on eyewitness identification. Investigations will continue until all physical evidence has been collected and examined, all witnesses identified and all viable leads explored.

IV. DEFINITIONS

Administrator: A second officer who is unaware of which photograph depicts the suspect and is assigned to actually show the photographs to the witness.

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

Composite: A rendering or recollection of a witness describing a suspect's appearance. Composites may be completed by an artist, computer program or Identi-Kit which features a variety of different facial features.

Double-Blind Administration: Administrator of the photo array is unaware which photograph depicts the suspect to ensure that there is no improper influence over the witnesses viewing the photo array.

Physical Lineup: A live display of the suspect in a controlled setting, along with other individuals whose physical characteristics resemble the suspect's description or appearance at the time of the incident. A live physical lineup will not be attempted or conducted without the consultation of and assistance of the State's Attorney's Office. This is necessary to ensure that the lineup is in conformance with all legal procedural mandates.

One-on-one / Show up Identification: The live presentation of one suspect to an eyewitness to obtain an identification shortly after the commission of a crime.

Photo Array or Photo Lineup: A display of a photograph of the suspect, along with filler photos of other individuals whose physical characteristics resemble the suspect's description or appearance at the time of the incident.

V. PROCEDURES

A. Witness Instructions

An officer conducting an identification procedure must read the witness a set of instructions from a departmental form (show-up card, photo array or lineup instruction form). Those instructions should include the following:

1. You are being asked to view (some people or a set of photographs).

    a. You will be viewing the photographs one at a time in random order.

    b. Please look at all of them. I am required to show you the entire series.

    c. Please make a decision about each photograph before moving on to the next one.

2. 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.

3. The officer (showing the photographs or administering the lineup) does not know whether any of the people in the array are the person you saw. (Not for use with show-ups.)

4. 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.)

5. Regardless of whether or not you identify someone, the police department will continue to investigate the incident.

6. If you select someone, the procedure requires us to ask you to state, in your own words, how certain you are.

7. 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.

8. Regardless of whether you select someone, please do not discuss the procedure with any other witnesses in the case.

9. Do you have any questions about the procedure before we begin?

B. Composite

A rendering or recollection of a witness describing a suspect's appearance. Composites may be completed by an artist, computer program or Identi-Kit which features a variety of different facial features. The following guidance relates to the use of composites as an identification tool:

1. Avoid showing a witness any photographs prior to developing a composite.

2. Minimize distractions

3. Keep witnesses separate

4. Determine with the witness if a composite is a reasonable representation of the suspect.

5. Document the statement of the witness in their own words how accurately the composite reflects how the suspect appeared during the crime upon their completion of the composite.

6. The fact that a suspect resembles a sketch or composite is not, without more, probable cause to believe that the suspect is the offender.

C. One-on-One / Show Up Identification

The display of a single suspect to a witness in an effort to obtain an identification. The following guidance relates to the use of a one-on-one as an identification tool:

1. One-on-One identification procedures should only be used shortly after a crime has been committed. One-on-Ones should be conducted live whenever possible and not photographically. Officers should not attempt to obtain identifications using driver's license photo on the mobile data terminal unless a dire emergency exists.

2. Suspects may be detained based on reasonable articulable suspicion that the suspect has committed a crime, even if probable cause to arrest has not yet developed. Determine if **it is reasonable** that the witness(es) will be able to identify the suspect.

3. Include only one suspect in each identification procedure. Transport the witness(es) to the location of the detained suspect. The suspect should be viewed by one witness at a time and out of the presence and hearing of other witnesses. Witnesses who have viewed the suspect should not be permitted to communicate with those who have not.

4. Every one-on-one must be as fair and non-suggestive as possible however officer safety will not be compromised. Specifically if the suspect is handcuffed, he/she should be positioned so that the handcuffs are not visible to the witness. The one-on-one will be conducted in a way to maintain the safety of the witness. Lacking exigent circumstances, the suspect should not be viewed when he/she is inside a police vehicle, in a detention cell or in jail clothing.

5. Each witness should be given the following instructions before viewing a potential suspect:

   a. The fact the police are asking you to view a person should not influence your judgment. (if the suspect is handcuffed advise this is simply for officer safety reasons.)

   b. Do not conclude or guess that the person you are going to view committed the offense.

   c. The person you are viewing has only been detained and is **NOT** under arrest (if applicable).

   d. You are not obligated to identify anyone.

   e. If you know who the person is that you view please notify the officer.

   f. The case will continue to be investigated regardless of an identification being made.

   g. If an identification is made, without a numerical value and in your own words, the Officer will ask you how certain are you.

6. Police Officers must not do or say anything that might convey to the witness(es) that they have evidence of the suspect's guilt. Officers should turn down their radios so that the

witness(es) they are transporting does not pick up information about the detention of a suspect.

7. In any one-on-one situation the Police Officer will document a description of the suspect; identify the suspect, and the time/location of the one-on-one. Make written notes of both identification and non-identification results and any statements made by the witness at the time of the one-on-one. The officer should ask the witness how certain they are of their identification. Officers should ask the witness not to use a numerical scale, but rather to indicate certainty in their own words. If circumstances allow it is a good practice to photograph the suspect after a one-on-one identification procedure is completed.

D. Photo Array

A display of a photograph of the suspect along with filler photos of other individuals whose physical characteristics resemble the suspect's description or appearance at the time of the incident. The following guidance relates to the use of a photo array as an identification tool:

1. Preparing a Photo Array

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

b. Include one suspect and a minimum of five filler photos (non-suspects) in each array. Use a separate photo array for each suspect. Black & white photos are recommended.

c. Use photographs of the same size and basic composition with a similar consistent background color. Do not include more than one photograph of the same person.

d. Use a photo of the suspect that closely depicts his/her appearance at the time of the incident.

e. 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.

f. Ensure that photos bear no markings indicating previous arrests.

g. 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 a facial scar or injury by adding or covering the feature.

h. Once the array has been assembled examine it to ensure that nothing about the suspect's photo makes him/her stand out.

i. In cases with multiple witnesses, change the order of the photos from one witness to the next.

j. When showing a witness an array containing a new suspect, avoid using fillers from a previous array.

2. **Showing a photo array**

a. The procedure must be conducted in a manner that promotes reliability, fairness and objectivity.

b. Allow each witness to view the photographs independently, out of the presence and hearing of the other witnesses.

c. Never make suggestive statements that may influence the judgment or perception of the witness.

d. A second officer who is unaware of which photograph depicts the suspect must actually show the photographs. This technique is known as double-blind administration.

e. If a second officer is not available, the officer showing the array must employ a so-called “blinded” technique so that the officer does not know when the witness is viewing a photograph of the suspect.

f. The investigating officer or the administrator should carefully instruct the witness by reading from the departmental Photo Array Instruction form (See attachment). 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.

g. Officers must 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.

h. 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 out of sight.

i. 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 they are required to show the rest of the photographs.

k. If the witness fails to make an identification but asks to view the array a second time, the officer administering the identification should ask the witness if they were able to make an identification from the original viewing. If the witness is unable to make an 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.

l. If the witness identifies the suspect, the officer should ask the witness how certain they are of the identification. Officers should ask the witness not use a numerical scale but rather their own words.

m. The photo array must be preserved as evidence in the same configuration as when the identification was made.

n. If more than one witness is to view an array, a separate unmarked array shall be used for each witness.

E. **Physical Lineup**

A live display of the suspect in a controlled setting, along with other individuals whose physical characteristics resemble the suspect’s description or appearance at the time of the incident. The following guidance relates to the use of a physical lineup as an identification tool:

1. A live physical lineup will not be attempted or conducted without the consultation of and assistance of the State’s Attorney’s Office. Contact the State’s Attorney, Deputy State’s Attorneys, the Circuit Court Chief or Supervisor of the major offender’s unit. This is necessary to ensure that the lineup is in conformance with all legal procedural mandates.

2. Include only one suspect in each identification procedure.

3. Select a group of at least five fillers who fit the description of the subject as provided by the witness(es). In selecting lineup fillers, abide by the guidelines for photo array fillers as described above.

4. All persons in the lineup should carry cards that identify them only by number and should be referred to only by their number. As with photo arrays, each witness must view the lineup independently, out of the presence and hearing of the other witnesses.

5. The investigating officer should explain to the witness that a second officer (the lineup administrator) will be conducting the lineup, and that he/she does not know the identity of the people participating. The investigating officer should leave the room while the lineup administrator conducts the lineup.

6. Lineup participants must not speak during the lineup. If identification of the suspect's voice is desired, a separate procedure must be conducted.

7. Photograph the lineup once completed to ensure the suspect does not unduly stand out.

8. Document the presentation and order in writing.

F. Mug Shot Books

A collection of photographs of previously arrested individuals known or suspected to be involved in certain crimes. Other methods of eyewitness identifications are preferred to identification through the use of mug shot books but could be used if other methods are not available. The following guidance relates to the use of mug shots as an identification tool:

1. The practice of having witnesses or victims reviewing mug shot books is generally considered a counterproductive method of investigation and is discouraged.

2. Under appropriate circumstances mug shot books can be utilized when there is no clear suspect and other reliable sources have been exhausted.

3. Prior to showing witnesses a mug shot book the circumstances shall be discussed with a supervisor in CIB and documented in the investigative report.

G. Documentation of Eyewitness Identification Procedure Utilized

1. Any identification or non-identification of a suspect **shall** be documented within the police report relating to the incident along with any comments by the eyewitness concerning the identification or non-identification. **Any eyewitness identification of a filler shall be documented in the police report.**

2. If a photograph is identified, the witness will be asked to initial and date that photo.

3. The investigating officer that showed the witness a photo array shall date, initial and document the position of each photograph as they appeared in the array sequence.

4. **The names of all persons present at the identification procedure will be documented in the police report.**

5. Any photo array of an individual identified by an eyewitness will be retained as evidence and the original placed in the property room as such. Copies of the array shall be retained in the case file.

6. Photo arrays where either no identification is made or where an incorrect identification is made shall also be retained in the case file.

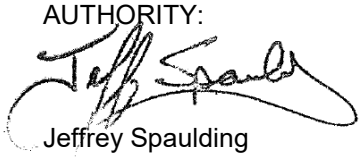
VI. CANCELLATIONS

This General Order cancels and replaces the following written directive:
General Order O-2 Order # 2007-02 entitled Eyewitness identification procedures dated December 1, 2007.

VII. EFFECTIVE DATE

This General Order shall become effective October 20, 2015

AUTHORITY:



Jeffrey Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 5-05 Order# 13-81

Subject: **SEARCH AND SEIZURE WARRANTS**

Effective Date: June 10, 2015
(Revised on June 10, 2015)

This Special Order contains the following numbered sections:

I. POLICY
II. DEFINITIONS
III. SEARCH WARRANT REQUIRED
IV. EXECUTING SEARCH AND SEIZURE WARRANTS
V. SERVICE OF SEARCH AND SEIZURE WARRANTS
VI. CANCELLATION

I. POLICY

It is the policy of the Westminster Police Department (WPD) that whenever a Search and Seizure Warrant is necessary in a police investigation, the officer shall, upon sufficient probable cause, obtain a Search and Seizure Warrant from the appropriate judicial authority. A Shift Commander or CIB supervisor shall supervise the execution of a Court authorized Search and Seizure Warrant.

II. DEFINITIONS

A. **Affidavit-** A statement under oath that details information about the event and the officer's training and experience, intended to establish probable cause to believe the item(s) sought are in the possession of an individual or are being held at a specific location.

B. **Application-** The official request to the court for a search and seizure warrant, which is attached to the affidavit.

C. **Evanescent Evidence-** Evidence that will disappear or fade in a short period of time if not collected and preserved immediately (i.e., blood alcohol, DNA etc…).

D. **Probable Cause-** Facts and circumstances within the knowledge of the officer, based on education, experience, training and information known to an officer at the time of an incident, or has reasonable trustworthy information, that would warrant a reasonable and prudent officer to believe that a suspect has committed or is committing an offense, or that evidence relating to a crime can be found in a particular location.

E. **Search Warrant-** An order, issued by the Court, authorizing and directing an officer to search a specified person, premises, vehicle, dwelling, etc. for items related to the commission of a crime.

III. SEARCH WARRANT REQUIRED

A. Any officer may make application for a Search and Seizure Warrant. In every instance, the applying officer shall be held strictly accountable for the content and the accuracy of the information within the warrant application and the warrant.

B. Officers conducting a search and seizure where any party has a reasonable expectation of privacy governed by the Fourth Amendment in the person, place, vehicle or premises searched must have a search and seizure warrant, or meet the criteria for one of the exceptions to the warrant requirement.

C. This section does not prohibit an officer from obtaining, or necessarily require an officer to obtain, a search warrant if an exception to the warrant exists. The Courts prefer searches and seizures conducted pursuant to warrants.

IV. EXECUTING SEARCH AND SEIZURE WARRANTS

A. DOCUMENTS

1. All affidavits for search and seizure warrants and returns will be reviewed by a supervisor and a Bureau Commander for sufficient probable cause prior to being presented to a judge. The names of the approving supervisor/commander will be documented in the police report of the incident.

2. Any search or seizure executed under authority of a search warrant shall be made within 15 days from the date of issuance.

3. A written report will be completed by the executing officer and any other officer involved in direct police action during the search (i.e... seizing evidence, taking of witness statements, searching and arresting suspects etc…).

4. In cases involving CDS, supervisors shall contact the Narcotics Division prior to the service of the warrant to ensure that no conflicts or disruptions occur to on-going cases.

B. The time of day/night for the execution of a search and seizure warrant shall be decided by the supervisor responsible for the section/officer obtaining the warrant. Consideration shall be given to officer safety, safety of the occupants, destruction or loss of evidence, and the seriousness of the crime. When deciding the best time to execute a search warrant, the following factors will be considered to maximize safety and ensure the success of the operation.

1. Historical experience with the success of search warrant executions, based on the nature of alleged activities, specific neighborhoods and patterns of behavior of those involved.

2. Information, pre-raid surveillance and undercover officer access.

   a. If a primary objective of the search warrant is optimal entry and scene control, it is more desirable to execute the warrant after “in and out traffic” has subsided.

   b. If a primary objective of the search warrant is to maximize the number of criminal arrests, then execution of the search warrant during high volume activity is essential.

3. The potential for community concerns arising from the night/early morning entries, the presence of innocent family members in the residence, the history of arrest and adverse police interactions with known residents and visitors to the residence, and the drug involvement of the targeted individuals.

C. NOTIFICATIONS

Prior to the execution of a search warrant involving the utilization of a tactical entry team (CCCRT, MSP STATE Team etc.), the supervisor will ensure that the following notifications are made:

1. The Commander of the applying officer’s Bureau
2. The Patrol Shift Supervisor (if the warrant will be served within the City)

3. The Narcotics Section Supervisor (if the raid is narcotics-related)

4. The Communications Division as soon as practical

<u>NOTE</u>: If the warrant is being served outside the City of Westminster, the Chief Executive Officer/Barrack Commander of the law enforcement jurisdiction where the warrant is being served must be notified in advance of the warrant service. In larger jurisdictions where contact with the Chief Executive is not practical, the ranking police official on duty in the county/precinct/district where the warrant is being served will be notified.

D. TYPE OF ENTRY

1. **Knock and Announce**- Execution of a warrant under circumstances in which the officers knock on the premises, identify themselves as law enforcement officers, and request voluntary admission before using force to enter. This type of entry should be used unless conditions for a no knock entry exist. It is used to serve a search warrant when there is minimal likelihood that evidence may be destroyed and there is no significant threat to officer safety. If a forced entry is needed, it will be accomplished with the minimum amount of force necessary to gain safe entry. A reasonable amount of time should be given to the occupant of the house to answer the door prior to making any forced entry, unless an exigent circumstance presents itself.

2. **Forced Entry -** Involves a search warrant that establishes a reasonable belief that contraband described in the Affidavit is subject to destruction unless immediate entry is made. Forced entry is used in most cases involving immediate entry. This type of warrant may include "No Knock" entries. ***The decision to make forced entry may be made at the time of warrant service based upon the <u>facts</u> known to the serving officer at the time of service. The facts supporting the decision to make forced entry will be documented in the police report relating to the warrant service.***

3. **No Knock**

   a. Execution of a warrant under circumstances in which the officers neither knock nor identify themselves before using force to enter the premises. "No knock" entry is used when there is reasonable suspicion to believe that, without the authorization, the following may exist:

      1) The property subject to seizure may be destroyed, disposed of, or secreted.

      2) The life or safety of the executing officer or another person may be endangered.

   b. Specific and articulated **<u>facts</u>** should be considered in obtaining a no knock warrant:

      1) The criminal history and propensity for violence of the suspect/s and occupants in the location to be searched.

      2) The knowledge of weapons on the premises, particularly guns.

      3) The likelihood the evidence being sought can and/or will be destroyed.

      4) Knowledge of barricaded entranceways.

5) Known associations with armed and dangerous criminals.

c. In circumstances where the requesting officer believes a “no knock” entry is appropriate, the application for a search warrant must contain the required justification and a request that the search warrant authorize the executing law enforcement officer to enter the building, apartment, premises, place, or thing to be searched without giving notice of the officer’s authority or purpose.

d. A “no knock entry” can be made at the discretion of the supervisor, based on “good cause” on the scene depending on the exigent circumstances that present themselves at the time of the execution of the search warrant. The justification for this type of entry will be documented in a police report by the supervisor who orders the “no knock” entry.

e. These warrants will be served by or with the assistance of the Carroll County Crisis Response Team (CCCRT) or similar units. Only in cases of exigent circumstances will these types of entries be made without the CCCRT.

E. SECURING THE RESIDENCE

1. Once entry has been made into the house, all occupants are to be gathered into one area. After a room is found to be clear of all evidence and potential weapons, all occupants are to be kept in that room.

2. All occupants will be identified and a wanted check conducted on each individual. The case investigator will ensure that the names of all occupants found in the residence are included in their report.

3. If an officer is able to articulate a reasonable belief that a person in the residence has a weapon, the officer may conduct a pat-down frisk of the person’s outer clothing for officer safety.

4. A search of persons found on the premises may be conducted under the following circumstances:

a. Incident to arrest

b. The person(s) is named in the search and seizure warrant to be served

c. Consent search

5. Occupants found in a residence may be detained:

a. While the premises is being secured and the identity of the persons is verified. After it has been determined there is no probable cause to make an arrest, occupants may be released.

b. If the search warrant is for evidence only, it may be useful for all occupants to remain on the scene; however, if an occupant requests to leave and there is no probable cause to effect an arrest, the officer shall permit the release of the occupant.

6. The securing of occupants at the initial stage of executing a warrant is vital to the safety of officers and suspects. Nevertheless, police officers must remain sensitive to the reasonableness of the treatment afforded persons found inside. General factors to consider before handcuffing include;

a. Background information, officer and suspect safety and the potential for the destruction of evidence.

b. The number of personnel available to provide security to those detained.

F. MISCELLANEOUS

1. As an essential guide to raid planning, a drive-by of the target premises should be conducted by the raid supervisor, or the supervisor's designee, prior to the briefing with the raid personnel. If the CCCRT is involved, the CRT supervisor (or his/her designee) should accompany the raid supervisor.

2. The raid supervisor shall assign one officer to act as the "seizing officer". This officer will be responsible for the actual seizing of all evidence. As a practical matter, the seizing officer will often assign other members to assist in locating evidence. Coordination of the search will be the direct responsibility of the seizing officer. Under no circumstances will anyone enter the search area without the approval of the seizing officer. A written record will be kept of each person entering into the search area.

3. A search warrant will not be executed while undercover police officers are inside the location. The only exceptions are when there is reason to believe that the officers who are inside are in immediate danger or where there are investigative necessities and a commissioned officer has authorized the entry.

4. It is the responsibility of the principal case investigator to make timely notification to the owner/manager of a rental property which has been damaged or left unsecured as a result of the execution of a search and seizure warrant. The date and time of the notification will be included in the police report relating to the warrant service. Additionally, the investigator will contact the owner/manager to discuss the potential for eviction proceedings after the successful execution of a drug-related search and seizure warrant.

V. SERVICE OF SEARCH AND SEIZURE WARRANTS

A. A Lieutenant (or Acting Lieutenant) shall be present and shall coordinate the warrant service **within the City/Carroll County**. It is the responsibility of the officer who obtained the search warrant, and now seeks to serve it, to ensure the presence of a Lieutenant. **For a warrant execution outside of Carroll County, the Lieutenant will request the presence of a supervisor from the jurisdiction serving the warrant be present at the location of the search warrant execution.**

B. Whenever practical, an effort should be made to have a uniformed officer present to assist in all raids. In every case, officers of the raid party shall wear their protective vest and visibly display items that readily identify them as police officers (i.e., badges and/or raid jackets with the word "POLICE" on them).

C. The search warrant shall be presented to the owner/tenant of the property to be searched at the time of warrant execution, if they are present. Likewise, an officer seizing property pursuant to the execution of a search warrant shall inventory the property seized on a Search Warrant Return and leave copies of the inventory, search warrant, application and supporting affidavit with the person from whom the property was taken. If no one is present, these documents will be left in a conspicuous place within the premises for the owners (this does not apply in cases of sealed affidavits, in which case only a copy of the search warrant will be left).

D. The supervisor present at the service of the warrant will ensure that photographs are taken of all areas to be searched before and after the execution of the warrant. The photographs will become part of the case file maintained by the Records Section.

E. If articles are disturbed during the search, the supervisor will ensure that all articles are returned to their original position if possible under the circumstances. Property is not to be unnecessarily disturbed, damaged or soiled. When property is damaged or seriously soiled, a written report of the circumstances will be forwarded by the supervisor at the scene, through channels, to the Deputy Chief of Police.

F. An officer seizing property under a search and seizure warrant shall inventory the property seized on a Return and leave copies of the inventory, search warrant, application and supporting affidavit with the person from whom the property was taken at the time of service. If no one is present, these forms will be left in a conspicuous place at the premises for the owners (this does not apply in cases of sealed affidavits, in which case only a copy of the search warrant will be left).

G. Civilians, members of the media and ride-a-longs may not accompany officers during the execution of search and seizure warrants unless they have a lawful reason to be present – unless they have permission from the property owner to enter.

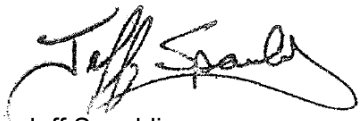
H. An executed search warrant shall be returned to the issuing judge or in his absence to another judge of the same circuit in which the search warrant was issued, as promptly as possible - but no later than ten (10) days after the execution of the warrant. The return shall be accompanied by a copy of the inventory.

I. A search warrant not executed within fifteen (15) days must be returned to the issuing judge as promptly as possible.

VI. CANCELLATION

This General Order cancels and replaces General Order O-3, Search and Seizure Warrants, dated April 6, 1981.

AUTHORITY:



Jeff Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 5-06 Order# 2006-09

Subject: **INFORMANTS**

Effective Date: September 1, 2006

This General Order contains the following numbered sections:

I. POLICY
II. PURPOSE
III. DEFINITIONS
IV. DOCUMENTATION AND SECURITY PROCEDURES
V. PROCEDURES FOR USE OF INFORMANTS

I. POLICY

It is the policy of the Westminster Police Department to encourage officers to cultivate sources of information to facilitate the gathering of intelligence on criminal activity and the apprehension of criminal violators. The use of informants shall be controlled and documented to establish reliability, and to maintain the integrity of the Department.

II. PURPOSE

This General Order establishes guidelines, responsibilities, and limitations for the use and documentation of informants by officers of the Westminster Police Department.

III. DEFINITIONS

A. Source of Information – An individual not under the direction of a police officer who assists the police by providing information relevant to a criminal investigation. A source of information will not take an active part in an investigation. When sources of information seek compensation or become an active part of an investigation, their status changes to an informant. Sources of information are not subject to the requirement of Paragraph IV and V unless and until they become informants.

B. Informant – An individual under the direction of a police officer who furnishes information about criminal activity with or without compensation; different from other concerned citizens or sources of information. Informants include:

(1) Defendant Informant – A person who has been or is charged with a crime, and provides assistance in criminal investigations with expectations of a reduced sentence or compensation.

(2) Confidential Informant – A person who furnishes information on crimes with or without expectation of compensation and who wishes to remain anonymous/confidential.

C. Control Officer – A contact officer for the informant who is actively working with an informant and who is responsible for insuring compliance with this policy.

D. Secondary Control Officer - An officer who serves as a contact for an informant when the Control Officer is unavailable and acts as a witness for the Control Officer.

IV. DOCUMENTATION AND SECURITY PROCEDURES

A. Informant Files

1. Every informant or defendant informant used by officers of the Department must be assigned a Confidential Informant Number (CI number).

2. Persons under the age of eighteen years may be used as informants only with the written consent of a parent or guardian, and with the approval of the Criminal Investigation Bureau (CIB) Commander.

3. A file, identified only by the assigned CI number, will be maintained by the CIB Commander and shall contain the following:

   a. Confidential Informant History, including any other informant experience with law enforcement agencies, signed by informant, and a right thumb print;

   b. Photograph;

   c. Criminal record information;

   d. WPD Instructions to Informants, signed by informant and Control Officer;

   e. WPD Confidential Informant Contact Report;

   f. Detailed Incident Report which will contain all the information obtained during the informant debriefing detailing any known individuals, locations, type of criminal activity, etc.;

   g. Cooperation Agreement signed by the CI and a designee of the States Attorney's Office for Defendant Informants; and

   h. Written consent of parent or guardian, if the informant is a juvenile.

4. A Master CI index will be kept with the informant files. This index will be maintained according to CI number, informant's name, officer submitting, date of activation and date of de-activation.

5. Informant files will be maintained in a locked cabinet within the Narcotics Section. Access to the files will be limited to the Narcotics Section Supervisor for tracking purposes, the CIB Commander and the Chief of Police.

B. Informant Reliability

Informant reliability must be established once the Department begins use of an informant. The following are authorized means of establishing reliability:

1. Information from another law enforcement officer or an officer of the Westminster Police Department which demonstrates that the informant was shown to be reliable.

2. Use the informant in a controlled investigative situation.

3. Information provided by the informant which has been corroborated through independent investigation.

C. Informant Anonymity

1. The Confidential Informant History form must be completed and contain the informant's real name, a color photograph of the informant, the informant's right thumb print, and the informant's signature.

2. All references to informants in all official documents outside the Confidential Informant File (offense reports, search and seizure warrants, etc.) will be only by the assigned CI number.

V. PROCEDURES FOR USE OF INFORMANTS

A. Shared Informant System

1. Informants are to be considered as informants for the Department and not as "personal informants" for the Control Officer. It is important for officers to share information received from informants in order to maximize their value to the Department.

2. All direct contact with informants will be through the Control Officer, except as authorized by the Control Officer or, in emergencies, by the Control Officer's Commander or Secondary Control Officer.

3. Control Officer status can be transferred to another officer by the Control Officer or, under certain circumstances, by the CIB Commander. Generally, such status is to be transferred when an informant's activities are outside the scope of the Control Officer's duty assignment.

4. Exceptions may be made on a case-by-case basis with the approval of the State's Attorney's Office and the CIB Commander or designee to utilize an informant who currently has pending criminal charges or is currently on probation. This does not apply to officers merely debriefing an individual for intelligence information.

B. Informant/Officer Relationship

1. Informants' knowledge of Departmental operations, facilities, investigative tactics, case information, and personnel shall be kept to a minimum.

2. Control officers will debrief informants on their knowledge of all serious crimes, and not just those within the Control Officer's job assignment. Any information received is to be forwarded as expeditiously as possible to those with investigative responsibility.

3. Officers will always maintain a professional and proper relationship with informants. Precautions shall be taken at all times to guard against allegations of misconduct.

4. Where possible, it is recommended that two officers be involved with an informant – related activity, even if one officer is merely conducting a surveillance of the activity. For safety reasons, in those cases where a lone officer conducts an in-person informant contact, the officer's supervisor must be notified in advance. If the officer is off-duty, an on-duty supervisor must be notified. Impromptu contacts, such as when CI's approach an officer on the street, are an exception.

5. Two officers must always be present when conducting any activities with a juvenile informant, or an informant of the opposite sex.

6. Officers must never engage in or encourage any criminal activity in order to maintain a relationship with an informant.

7. Informants shall not control the course of an investigation. The Control Officer will ensure that all CI activities are conducted in a lawful manner.

C. Documenting Informant Activities

1. All information from, or activities conducted by, an informant are to be documented in a detailed Incident Report or Confidential Informant Contact Report within ten (10) days.

2. All information and activity shall be noted chronologically in the informant's file. The notation will describe the activity (i.e. information, controlled buy, introduction, etc.) and provide the:

   a. Date

   b. Related offense number

   c. Intelligence Report number

   d. Control Officer

   e. Amount of any payment from confidential funds (if any).

3. The CIB Commander or designee shall be immediately notified when an informant's true identity has been revealed, or when a subpoena for informant records has been received.

D. Informant Payments

1. The payment of informants will be authorized by the CIB Commander or designee with case responsibility.

2. The criteria for determining the amount to be paid to an informant will depend upon the value of the information or activity as determined by the CIB Commander or designee.

3. When a confidential informant is receiving confidential funds regarding an Investigation, the Control Officer will complete a Confidential Informant Contact Report. When the confidential funds have been given to the confidential informant, he/she must sign the purchase record information and/or the informant payment record. The transfer of confidential funds must be witnessed and signed by another sworn officer. The officer providing the confidential funds will also sign the Confidential Informant Contact Report.

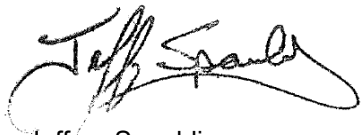
4. All payments will be recorded as described above and will be documented on a Working Fund Expenditure Report and a Confidential Informant Contact Report in accordance with established procedures in Standard Operating Procedure, NARC-01, Confidential Funds.

E. Defendant Informants

1. When practical, a person who has been charged with a crime will be provided with a written cooperation agreement through the State Attorney's Office prior to the Defendant Informant's active cooperation in a criminal investigation. A copy of this agreement will be placed only in the CI's file.

2. Under no circumstances shall any officer promise an individual a reduced sentence/charge, or any other judicial or prosecutorial consideration.

AUTHORITY:



Jeffrey Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 5-07 Order #2008-04

Subject: **RECEIVING, PROCESSING AND DISSEMINATION OF INTELLIGENCE INFORMATION**

Effective Date: September 15, 2008

This Special Order contains the following numbered sections:

I. POLICY
II. PERSONNEL AFFECTED
III. PROCEDURES
IV. PROCEDURES FOR RELEASING INTELLIGENCE TO OTHER LAW ENFORCEMENT AGENCIES
V. CONTROLLED DANGEROUS SUBSTANCE INVESTIGATIONS
VI. OPERATIONAL PROCEDURES

I. POLICY

In order for the Westminster Police Department (WPD), Criminal Investigations Bureau (CIB), to effectively evaluate information received from the public and other agencies, it is necessary for all members of WPD to operate within specific guidelines and procedures concerning the documentation of information. In addition, CIB shall promote communication, coordination and cooperation with other law enforcement agencies by sharing information of mutual concern with other agencies. This General Order establishes procedures for the receiving, processing and dissemination of tips and intelligence information.

II. PERSONNEL AFFECTED

This policy shall apply to all members to establish guidelines, responsibilities, and limitations for the documentation of information received by officers of the Westminster Police Department.

III. PROCEDURES

A. All criminal or intelligence information received from the public or outside agencies will be fully documented in a Criminal Intelligence Report (CIR) or an Intelligence Report. This will include recorded messages left on the answering machine for the TIPS LINE.

All information or sources of information received by other means (e.g., suspects, insight, correspondence from other agencies, etc.) will also be documented in a Criminal Intelligence Report (CIR). This includes information received verbally or in writing.

B. All documentation of information received will be submitted to the Narcotics Section Supervisor for review.

1. The Narcotics Section Supervisor will review all CIR's and Intelligence Reports when on-duty. The TIPS LINE will also be monitored with all information being documented on a CIR or an Intelligence Report at a minimum of every business day.

   a. The TIPS LINE may only be accessed by the Narcotics Section Supervisor, the Commander of CIB, and the Deputy Chief.

2. Each report will be assigned a CIR number and the original will be placed into the Intelligence Report Log Book.

C. The reviewing supervisor will determine if the information is routine or of an emergency nature. If the supervisor determines the information to be of an emergency nature, the appropriate Departmental component will be notified immediately. If routine in nature, or after emergency notification has been made, the supervisor will determine if the information should be investigated more thoroughly to determine its value or credibility and to whom it should be assigned(if necessary).

D. After the information has been vetted, or if there is no need for vetting, a copy of the CIR or Intelligence Report will be forwarded to the appropriate Departmental component by the Narcotics Section Supervisor under the direction of the CIB Commander or designee.

IV. PROCEDURES FOR RELEASING INTELLIGENCE TO OTHER LAW ENFORCEMENT AGENCIES

A. Upon review of each document generated about criminal intelligence, the Narcotics Section Supervisor will assess the value of the information to any other law enforcement agency. Such information will be disseminated by the Narcotics Section Supervisor or designee.

B. The Commander of the Criminal Investigations Bureau shall be notified of all intelligence disseminated per this policy. A cover letter or fax cover will accompany the intelligence information which will then be filed in the CIB office, with the cover letter or fax.

V. CONTROLLED DANGEROUS SUBSTANCE INVESTIGATIONS

A. Illegal Possession of Controlled Dangerous Substances

All members are to be alert to violations of the controlled dangerous substance laws and effect arrests whenever practical when the arrest(s) will not compromise an ongoing investigation.

1. If an arrest cannot be made at the time of the violation, follow-up actions will include application for a warrant or summons.

2. Members are to ensure that all procedures relative to the handling of evidence are followed with particular attention to documentation of the chain of custody.

3. All instances regarding the seizure or recovery of contraband require detailed documentation in a Criminal Complaint Report.

4. Members should carefully consider the quantity, packaging and circumstances under which the controlled dangerous substances were seized and charge the arrestee(s) with felony possession, if appropriate.

B. Distribution, Manufacturing and Conspiracy

1. Members of the Narcotics Section are specifically assigned to investigate these types of cases.

2. Personnel receiving information concerning the distribution and/or manufacture of controlled dangerous substances or related conspiracy will:

a. Forward the information to the Narcotics Section Supervisor in a Criminal Intelligence Report (CIR) or Intelligence Report; and/or

b. Contact the Commander of the Criminal Investigations Bureau for assistance if the circumstances require immediate action; and

c. Assist in the case development when it is possible to be detached from normal duty assignment.

3. Under no circumstances will an individual officer attempt to further an investigation of this type without the knowledge of their supervisor and permission of the Commander of the Criminal Investigations Bureau. Permission is required to ensure that an officer's investigation WILL NOT compromise an on-going Narcotics investigation.

VI. OPERATIONAL PROCEDURES

A. Departmental Coordination

1. Narcotics personnel will be alert to, and at times pursue, information relevant to all types of criminal activities. This information is to be forwarded to the appropriate functional unit (Field Services Bureau, Criminal Investigations Bureau) in a timely fashion.

2. All Departmental personnel are to record and forward information relative to criminal activities in accordance with this General Order and CIB-01, CIB Organization and Structure.

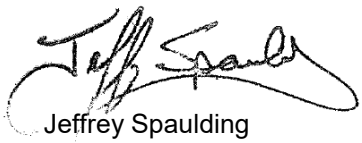
3. The Chief of Police will be notified of strategic information relative to long-range crime trends by the Commander of the Criminal Investigations Bureau.

B. Inter-Agency Coordination

1. The intelligence function will exchange information with agencies having mutual interests. Regional Task Force or Intelligence Group meetings represented by law enforcement agencies from surrounding or concurrent jurisdictions will be attended by a member of the Criminal Investigations Bureau. Newly acquired information will be disseminated in an appropriate and timely format.

2. The Department may assign a member of the Narcotics Section to a regional Task Force headed by the federal Drug Enforcement Administration (DEA) or Federal Bureau of Investigations (FBI) based on needs and available resources, as determined by the Chief of Police.

3. Narcotics Section personnel must submit any substantial suspects who are being actively investigated through DEA's National Drug Pointer Index System (NDPIX).



Jeffrey Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 5-08

Subject: **ASSET SEIZURE AND FORFEITURE**

Effective Date: July 1, 2010

This General Order contains the following numbered sections:

I. POLICY
II. DEFINITIONS
III. STATE AND FEDERAL FORFEITURES
IV. GUIDELINES
V. SEIZING OFFICER
VI. CURRENCY
VII. VEHICLES
VIII. REAL PROPERTY

I. POLICY

It shall be the policy of the Westminster Police Department (WPD) to seize assets, to include currency, vehicles and real property, under appropriate circumstances during qualifying criminal investigations. Seizures shall only be conducted pursuant to the state and federal laws that govern asset forfeiture. Qualifying criminal investigations may include certain controlled dangerous substance (CDS) offenses, certain illegal gambling offenses and related organized criminal activities. Biased based profiling in asset seizure and forfeiture is strictly prohibited.

II. DEFINITIONS

Asset Forfeiture Investigator (AFI): A member of the Criminal Investigations Bureau (CIB) designated to coordinate the handling of seized assets and asset forfeitures as a result of criminal investigations

Federal Seizures: Currency**,** real property, vehicles or other property to be seized under the authority of the federal forfeiture statutes

Other Property: Property that is not currency**,** real property or a vehicle

Real Property: Any real estate

State Seizures: Currency**,** real property, vehicles or other property to be seized under the authority of Maryland's forfeiture statute: §12-102 Md. Code Ann. {Crim. Pro}

III. STATE AND FEDERAL FORFEITURES

A. State seizures will be coordinated through the Asset Forfeiture Investigator (AFI) and the Carroll County State's Attorney's Office.

B. Officers shall only seize currency with a value of $100 or greater for state seizures when the sole purpose of the seizure is asset forfeiture. Currency of any amount that has evidentiary value may be seized as evidence for court.

C. Federal seizures will be coordinated through the AFI and the Federal Asset Forfeiture Office.

D. In order for the federal government to adopt a local seizure, the following thresholds must be met:

1. Currency or financial instrument seizures over $1,000.00;
2. Vehicle seizures of value over $2,500.00;

3. Real property having a minimum net equity of $10,000.00 or 20% of its appraised value;

4. Any aircraft or vessel having a value of over $5,000.00;

5. All other property having a net equity of $1,000.00 or more; or,

6. Firearms of any value.

IV. GUIDELINES

A. Items belonging to person(s) arrested on certain controlled dangerous substance (CDS) offenses, certain illegal gambling offenses and related organized criminal activities may be subject to seizure and subsequent forfeiture. These items may include currency, real property, vehicles or other property.

B. Items may be subject to forfeiture if they are:

1. Proceeds of criminal activity, or

2. Tools used in criminal activity.

C. Officers may seize items meeting the above listed criteria:

1. Incident to arrest, or

2. with an asset seizure order.

D. Officers seizing items meeting the above listed criteria must first establish a connection between the asset in question and the criminal violation(s). Officers shall notify and receive approval from their supervisor prior to making any seizure for purpose of asset forfeiture. Supervisors shall take into account the "*Excessive Fines*" argument and the "*Innocent Owner*" argument when making the decision whether or not to seize an item. This is best done on a case-by-case basis, taking into account:

1. The amount of CDS located versus the value of the property being seized;

2. Whether or not the owner of the vehicle was involved or has received a registered letter subsequent to a previous violation, and

3. The overall value of the vehicle and the amount of any lien on the vehicle, if known.

4. Generally, asset forfeiture is only appropriate subsequent to a felony CDS charge. However, Maryland law does allow the seizure of property in certain misdemeanor cases. In any misdemeanor investigation, and in all cases that meet the criteria for a vehicle seizure, the seizing officer's supervisor shall first consult with a CIB Supervisor. When considering a seizure for a misdemeanor CDS arrest, factors that must be considered include, but are not limited to:

a. The criminal record of the violator;

b. Previous convictions of the violator for controlled dangerous substances crimes;

c. Evidence that seized items were tools used in the CDS activity;

d. Evidence that the motor vehicle was acquired by use of proceeds from a transaction involving a controlled dangerous substance; and,

e. Circumstances of the arrest.

V. SEIZING OFFICER

A. The seizure of all currency and related evidence shall be conducted pursuant to applicable federal and state laws. The handling and storage of all currency and related property and evidence shall be governed by the policy and procedures outlined in General Order 11-01, Property & Evidence.

B. Within twenty-four (24) hours of an officer seizing vehicles, currency, real property or other property, the officer shall:

1. Notify the AFI of the seizure via departmental e-mail; and,

2. Forward copies of the following documents to the AFI when applicable:

a. WPD Incident Report;

b. PMI Property Receipt for Tracking;

c. Notice of Seized Property;

d. Notice of Conveyance Seizure;

e. WPD Tow Report (with original tow bill when applicable); and,

f. Photocopy of Any Seized Currency.

C. At the time of seizure, the seizing officer shall provide a receipt (Notice of Seized Property) to the person from whom the property was seized that includes:

Commented [PD1]:

1. A detailed description of the property;

2. The case number;

3. The name and contact information of the seizing officer;

4. Notice that the owner of the property may make a written request for the return of the seized property; and,

5. Notice that within sixty (60) days after receipt of a written request for return of the seized property, the seizing authority will decide whether or not to return the property, and notify the owner of this decision.

D. Upon receipt of seized property, the Property Management Specialist shall immediately notify the AFI of each forfeiture case seizure via departmental email.

VI. CURRENCY

In criminal cases that result in the seizure of currency, the seizing officer shall:

A. Document the currency seizure on a PMI Evidence Tracker Form;

B. Select “Forfeiture Case” as the disposition on the PMI Evidence Tracker Form for the seized currency;

C. Make three (3) photocopies of all seized currency, ensuring the serial number on each bill is visible. Photocopied currency will be made at a reduced size per Federal law;

D. Have all copies witnessed and signed by the seizing officer and a supervisor; and,

1. Submit one (1) photocopy of the currency to the Property & Evidence Room along with the currency;

2. Submit the second copy to the Records Section along with the case file; and,

3. Submit the third copy to the AFI.

E. Package the currency seizure utilizing a currency pouch, which will be signed by the seizing officer and verified via supervisor signature;

F. Submit all of the currency to the Property & Evidence Room as soon as practical;

G. Forward copies of the following documents to the AFI within twenty-four (24) hours of the seizure:

1. Incident Report and
2. PMI Property Receipt for Tracking Number.

VII. VEHICLES

In criminal cases that result in the seizure of a motor vehicle, the seizing officer shall:

A. Inventory all items of value in the seized motor vehicle and complete a PMI Evidence Tracker Form for property to be submitted to the Property & Evidence Room, or complete a WPD Property Release Form for property to be released to the owner or to another authorized individual per General Order 11-01, Property and Evidence.

B. Document the vehicle seizure on a PMI Evidence Tracker Form;

C. Select "Forfeiture Case" as the disposition on the PMI Evidence Tracker Form for the seized vehicle;

D. Photograph the interior and exterior of the vehicle to include all four sides. Photographs are to be submitted for processing and storage as per normal protocols.

E. Contact the Communications Division and request the tow company assigned to tow WPD vehicles to respond for a seized vehicle. All seized vehicles will be towed to the departmental impound location, not to the tow company's yard.

F. Remove the registration plates and registration card from the vehicle and submit them to the Property & Evidence Room along with the keys. These items are to be listed on a separate PMI Evidence Tracker Form.

G. Complete a "Notice of Conveyance Seizure" form and deliver the appropriate copy to the owner or operator of the seized motor vehicle.

H. Forward copies of the following documents to the AFI within twenty-four (24) hours of the seizure:

1. Incident Report
2. PMI Property Receipt for Tracking Number
3. Notice of Conveyance Seizure
4. WPD Tow Report (with original tow bill when applicable).

VIII. REAL PROPERTY

In criminal cases that result in the seizure of real property, the seizing officer shall:

A. Contact the CIB Commander prior to the seizure for approval;

B. Contact the AFI prior to the seizure to determine if the property to be seized mandates state or federal seizure of the property;

C. Contact the AFI to arrange for the storage and safe keeping of the seized property; and

D. Complete all reports and forward to the AFI within twenty-four (24) hours of seizing the property.

E. The AFI shall determine if the seizure shall be a state or federal seizure and complete all necessary follow-ups associated with the seizure, in accordance with SOP CIB-07: Asset Forfeiture Investigations.

AUTHORITY:

Jeffrey Spaulding
Chief of Police

Appendix A: Notice of Seized Property
Appendix B: Notice of Conveyance Seizure
Appendix C: WPD Tow Report
Appendix D: WPD Property Release Form

WESTMINSTER POLICE DEPARTMENT

General Order #: 5-09

Subject: **DOMESTIC VIOLENCE INVESTIGATION**

Effective Date: February 22, 2011

This General Order contains the following numbered sections:

I. PURPOSE
II. POLICY
III. DEFINITIONS
IV. PERSONS ELIGIBLE FOR RELIEF; FAMILY LAW ARTICLE, § 4-501
V. ARREST FOR DOMESTIC VIOLENCE
VI. DOMESTIC STAND-BYS, ASSISTANCE TO VICTIM; FAMILY LAW ARTICLE 4-502
VII. INVESTIGATION AND REPORTING PROCEDURES
VIII. SEIZURE OF FIREARMS
IX. RETURNING SEIZED FIREARMS
X. WRITTEN REPORTS
XI. ASSISTING THE VICTIM
XII. DOMESTIC VIOLENCE INCIDENTS INVOLVING LAW ENFORCEMENT OFFICERS
XIII. DV INCIDENTS INVOLVING POLICE OFFICERS FROM OTHER AGENCIES
XIV. FIREARMS POSSESSED BY LAW ENFORCEMENT OFFICERS FOR EMPLOYMENT PURPOSES
XV. ENFORCEMENT OF ORDERS FOR PROTECTION
XVI. OUT-OF-STATE ORDERS FOR PROTECTION
XVII. RESPONDENT "INVITED" BACK BY THE PETITIONER
XVIII. OTHER POLICE SERVICES
XIX. LETHALITY ASSESSMENT REPORTING PROCEDURES
XX. SUPERVISOR'S ROLE AND RESPONSIBILITIES

I. PURPOSE

The purpose of this policy is to establish guidelines and procedures for the investigation and reporting of domestic violence.

II. POLICY

The Westminster Police Department recognizes domestic violence situations as serious criminal offenses and responds proactively to all incidents of this nature. Officers responding to domestic incidents will focus on the safety of domestic violence victims and the arrest of domestic violence offenders whenever possible. When evidence of domestic violence is apparent, officers of the Westminster Police Department will use the Lethality Assessment Protocol to assist the victims in how to best protect their own safety.

III. DEFINITIONS

A. ABUSE

1. An act that causes serious bodily harm.
2. An act that places one in fear of imminent serious bodily harm to self or others.
3. Assault in any degree.
4. Rape or sexual assault, or attempted rape or sexual assault.
5. False imprisonment.

If the person for whom relief is sought is a child or a vulnerable adult, abuse may also include abuse as defined in Family Law Title 5, §7 and Title 14, §1.

B. CONSENT ORDER

A court order, the terms of which have been agreed to by the involved parties, signed by a judge setting forth the conditions and terms of contact between the two parties. This order is criminally enforceable if either party violates the terms that constitute a misdemeanor (similar to a protective order). Out-of-State consent orders are enforceable to the same extent as orders issued in Maryland.

C. DOMESTIC VIOLENCE

Domestic Violence is broadly defined but generally occurs when a person commits, or attempts to commit, one of the following types of offenses against a current spouse or a person with whom they have had an intimate relationship, a member of their family or household:

1. An act that causes physical injury.
2. An act that places one in fear of physical injury to self or others.
3. Sexual assault.

D. FINAL PROTECTIVE ORDER

After a temporary protective order, a judge may issue a final protective order. A final protective order, under certain circumstances, may be effective for up to 2 years. (Family Law Art., § 4-506 (b) (2) (iii))

The final protective order shall order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession, and to refrain from possession of any firearm, for the duration of the protective order. (Family Law Art., § 4-506 (E))

E. INTIMATE PARTNER

Intimate partner is defined as married, separated, or divorced; living or have lived together; have children in common; or have engaged in an intimate relationship while dating, or have previously engaged in an intimate relationship while dating, but do not live and have never lived together.

F. INTERIM ORDER

During the hours that the courts are closed, District Court Commissioners may issue interim protective and peace orders. These orders have the same applicability and enforceability as a temporary or final order. Such orders will contain a hearing date that will generally be the second day a Judge is sitting after the issuance of an interim order.

G. LETHALITY ASSESSMENT PROTOCOL

A tool used to identify victims (intimate partners) of domestic violence who are at **highest risk of being killed** or seriously injured by their abusers.

H. PEACE ORDER

A peace order is court-ordered relief for anyone experiencing problems with an individual (this may include a partner from a dating relationship, a neighbor, a stranger, or anyone else who acts in a harassing or annoying manner). The peace order enables a petitioner, who wishes no further contact, to ask the District Court to order the respondent to stay away and refrain from any contact. The peace order is further defined in the Courts and Judicial Proceedings Article § 3-1501.

NOTE: A person cannot file for a peace order if they are eligible for a protective order or ex-parte (e.g., married, living together, or have a child in common).

I. REGULATED FIREARM

"Regulated firearm" is defined as either a handgun or assault weapon, Public Safety Art. § 5-101. "Handgun" is defined as a pistol, revolver or other firearm capable of being concealed on person to include short-barreled shotguns and short-barreled rifles, Criminal Law, § 4-201.

J. RESPONDENT

The person alleged to have committed the abuse.

K. TEMPORARY PROTECTIVE ORDER

1. An order by a Judge, based upon the allegations of a person eligible for relief that has determined he/she has been abused by the respondent. For the protection of a person eligible for relief, the court may order the respondent to comply with a number of conditions.

2. The duration of the order typically does not exceed seven (7) days from the date of issue, but may be extended by the Judge. The order includes notice of a hearing (typically the last day the order is in effect). During that hearing the Court will determine if a final protective order is needed.

3. The judge may extend the duration of a temporary protective order as needed, but not to exceed 6 months, to effectuate service of the order where necessary to provide protection or for other good cause. (Family Law Art., § 4-505 (c) (2))

IV. PERSONS ELIGIBLE FOR RELIEF; FAMILY LAW ARTICLE, § 4-501

A. The current or former spouse of the respondent;

B. A cohabitant of the respondent;

C. A person related to the respondent by blood, marriage, or adoption;

D. A parent, stepparent, child, or stepchild of the respondent or the person eligible for relief who resides or resided with the respondent or person eligible for relief for at least ninety (90) days within one (1) year before the filing of the petition;

E. A vulnerable adult;

F. An individual who has a child in common with the respondent; or

G. A person protected by an ***Interim, Temporary or Final Protective Order***.

V. ARREST FOR DOMESTIC VIOLENCE

A. Criminal arrest will be the primary means of police intervention in domestic violence incidents.

1. The law permits warrantless arrests for misdemeanor domestic assaults that occur outside the presence of an officer. The following elements must be present to apply this law:

a. The victim is the spouse, or any other individual who resides with the suspect; and

b. There is evidence of physical injury to the victim; and

c. A report to the police was made within 48 hours of the alleged incident; **AND**

d. Unless the person is immediately arrested:

i. The person may not be apprehended; or

ii. The person may cause injury to the person or damage to the property of one or more persons; or

iii. The person may tamper with, dispose of, or destroy evidence.

2. An act of violence against any person in the presence of an officer shall result in arrest, regardless of the relationship between the parties.

3. An arrest will be made when probable cause exists that a felony has occurred, regardless of whether an officer was present.

4. An arrest will be made when probable cause exists that a subject has violated the criminal provisions of a verifiable interim, temporary or final consent, or protective or peace order which are listed below:

a. Further acts of abuse or threats of abuse to a person eligible for relief.

b. Contacting, attempting to contact or harassing the person eligible for relief.

c. Re-entering the residence of the person eligible for relief.

d. Not vacating the home where the person eligible for relief and the respondent had resided.

e. Going to the place of employment, school or temporary residence of a person eligible for relief.

5. Factors to consider when determining probable cause:

a. Visible injuries and whether they are offensive or defensive in nature.

b. Evidence of victim's non-visible injuries, such as a blow to the stomach causing the victim to wince and hold the affected area.

c. Torn clothing or disheveled appearance.

d. Furniture in disarray.

e. Need for medical attention.

f. Corroborating statements of witnesses who can verify violence or the threat of violence.

g. Threats and the presence of weapons.

h. Visibly upset children.

i. Demeanor of the suspect.

j. History of violence or repeat calls for service.

k. Existence of a civil protective order.

l. Suspect's refusal to allow the victim to be interviewed out of the suspect's presence and the victim complies with suspect's demand.

m. Demeanor of the complainant/victim.

6. Factors to <u>disregard</u> in determining probable cause:

a. Marital status.

b. Race or ethnic background.

c. Sexual orientation.

d. Location.

e. Verbal assurances that the violence will stop.

f. Financial consequences of arrest to the suspect and/or victim.

g. Refusal of victim to prosecute.

h. Victim not wanting suspect arrested.

i. Denial from either party that abuse occurred, despite evidence to the contrary.

j. Claims by the suspect that the victim provoked the abuse.

k. Suspect is a police officer, public official or person of stature in the community.

l. Evidence that the suspect or victim is under the influence of drugs or alcohol.

7. **In all cases of domestic violence where probable cause existed to support an arrest and an arrest was not made, the investigating officer must document the reason(s) in the incident report and will include a description of the actions taken to ensure the safety of the victim.**

8. If the suspect is arrested, officers will attempt to obtain a written statement from the suspect in reference to the incident, post-*Miranda*.

9. If it is determined that the defendant is under the supervision of the Department of Parole and Probation, the officer will notify that agency of the arrest.

B. DUAL ARRESTS

Dual arrests in a domestic context usually refer to the arrest of both parties for mutual assault upon one another. In some small minority of cases dual arrests are appropriate.

1. CASES OF MUTUAL ASSAULT

a. Officers should avoid dual arrests whenever investigation reveals that one party acted in self-defense. The primary aggressor should be arrested.

b. If both parties committed domestic assaults, and neither was acting in self-defense, both parties should be arrested.

c. In recognition of the dynamics of domestic violence and the State's intent of holding the primary aggressor accountable, cases of mutual arrest should be infrequent.

2. IDENTIFYING THE PRIMARY AGGRESSOR

a. Officers should attempt to identify the party who may have acted in self-defense and the party who may be the predominant aggressor (typically the party demonstrating power and control).

b. A Lethality Screen should **NEVER** be administered to both parties. Officers should only administer the screening to the person in the relationship (victim) who is determined not to be the primary aggressor. If a primary aggressor cannot be determined, officers should not screen in either party.

3. CONSIDERATION OF SELF-DEFENSE

Maryland law requires officers to consider whether one of the parties acted in self-defense. In Maryland, a person may act in self-defense when:

a. A belief exists as to being in immediate and imminent danger of bodily harm; and

b. The belief is reasonable; and

c. Reasonable force is used in self-defense.

VI. DOMESTIC STAND-BYS, ASSISTANCE TO VICTIM; FAMILY LAW ARTICLE § 4-502

A. Any person who alleges to have been a victim of abuse and who believes there is a danger of serious and immediate injury to himself or herself may request the assistance of a local law enforcement agency.

B. Officers responding to the request for assistance shall protect the complainant from harm when responding to the request; and accompany the complainant to the family home so that the complainant may remove only the following items, regardless of ownership:

1. The personal clothing of the complainant and of any child in the care of the complainant; and

2. The personal effects, including any medicine or medical devices, of the complainant and of any child in the care of the complainant that are required for the immediate needs of the complainant or a child.

3. If the ***complainant*** is denied access, the Officer will:

a. Suggest that the complainant respond to the appropriate court to petition the court for a protective order if the complainant is eligible to petition the court for a protective order;

b. Direct the complainant to the appropriate court for relief if the complainant is not eligible to petition the court for a protective order; or

c. Refer the complainant to the Domestic Violence Advocate at Family and Children Services of Central Maryland (Carroll County) and/or seek the advice of an attorney.

C. Pursuant to § 5-610 of Courts and Judicial Proceedings, "A law enforcement officer who responds to a request under § 4-502 of the Family Law Article for assistance by an individual who alleges to have been a victim of spousal assault shall be immune from civil liability in complying with the request if the law enforcement officer **acts in good faith and in a reasonable manner**."

VII. INVESTIGATION AND REPORTING PROCEDURES

Members of the Department will treat domestic violence incidents as they would any other criminal investigation.

A. INTERVIEWING

The goal of the interview is to obtain information from the involved parties and witnesses, including children, pertaining to potential criminal activity for later use in court, to assess injuries and to capture relevant information. All questions should be clear, direct and concise.

B. OBSERVATIONS

Officers are to be alert to other signs of violence within the household, such as child abuse or neglect or abuse to family pets. Officers shall fully document such incidents and take appropriate action.

C. SUPERVISOR NOTIFICATION

The investigating officer shall notify a supervisor if there has been a felony assault. The nature and seriousness of the victim's injuries may dictate the need for a criminal investigator to respond to the scene or to have a follow-up conducted by the Criminal Investigations Bureau.

D. COLLECTION OF EVIDENCE

Whenever possible, an officer will:

1. Obtain written statements from involved parties and witnesses.
2. Identify and seize weapons or objects used as weapons.
3. Seize clothing that may be evidence.
4. Photograph the victim, the suspect, any injuries and the crime scene utilizing digital cameras whenever possible.
5. If a digital camera is not available, use a disposable camera or draw a clear, concise diagram.
6. Arrange for or take additional digital photographs of the victim two to three days later when bruises may be more developed.
7. Interview neighbors to see if they heard any screaming and/or acts relevant to the investigation.
8. Retrieve any notes/writings made by the suspect, victim or witnesses.

Note: The State's Attorney's Office will obtain a copy of the 911 tape, subpoena all witnesses and request any applicable hospital/medical records.

VIII. SEIZURE OF FIREARMS

A. Pursuant to Family Law Article § 4-511, law enforcement officers may remove firearms from the scene if they have probable cause to believe that (1) an act of domestic violence has occurred and (2) they have observed the firearm during the response.

B. The Family Law Article § 4-511 does not authorize a search of the dwelling for firearms beyond the normal rules covering the search for and seizure of evidence. A resident of the dwelling with proper standing, however, may lead the officer to the location of other firearms.

C. The statute does not require that the owner of the firearm be a party to an act of domestic violence in order to authorize the seizure of the weapon. Likewise, the statute does not require that either party indicate a desire to initiate charges.

D. Officer's seizing a firearm from a domestic violence scene shall:

1. Explain to the **victim** that if a Temporary Order or Final Order for Protection is not granted or if criminal charges are not filed, the firearm will be returned to the respondent if the respondent is still eligible to possess a firearm.

2. Officers will document in a WPD Incident Report that this information was explained to the victim.

3. Provide the **owner** of the firearm with information relating to the process for regaining possession of the firearm.

4. Provide safe storage of the firearm pending any related domestic violence proceedings and the release of the firearm to the owner at the appropriate juncture.

5. Complete a stolen check on any firearms seized, a Property Submission Form, a WPD Firearm Trace Request (Appendix A) and a WPD Incident Report,

6. Forward the completed Firearm Trace Request to the Commander of the Criminal Investigations Bureau. The CIB Commander will conduct the appropriate checks on the possessor of the firearm to determine if he/she is eligible to lawfully possess a firearm.

   a. The results of these efforts will be documented in a supplement report and a copy of the report will be forwarded to the case investigator for disposition of the firearm(s).

   b. If these checks determine that (1) the firearm possessor is not lawfully permitted to possess a firearm or (2) criminal charges are indicated, all additional action relating to the placement of charges or the release of the firearm will be the responsibility of the CIB Commander.

7. When a final protective order is issued under Family Law § 4-506, the respondent is prohibited from possessing a regulated firearms during the period in which the order is in effect. **This prohibition applies regardless of whether the Court required surrender of a firearm in the respondent's possession as part of the temporary order.**

   NOTE: A current Order for Protection issued under Family Law § 4-506 would prohibit the respondent from possessing a firearm (any weapon, including a starter gun) under the federal statute, provided that the order satisfied the requirements under federal statute.

8. Pursuant to Public Safety Article § 5-113, a law enforcement officer may arrest a person without first obtaining an arrest warrant if he/she has probable cause to believe that the person:

   a. Is the respondent of a valid temporary or final protective order; and

   b. that person is in possession of a "regulated firearm" in the officer's presence.

IX. RETURNING SEIZED FIREARMS

A. Following the expiration of a protective order, the respondent/owner of the firearm may regain possession of the firearm unless:

   1. The respondent/owner is not lawfully eligible to possess a firearm; or

   2. Criminal charges have been filed against the respondent/owner as a result of the domestic violence incident.

B. **All cases where firearms have been seized pursuant to this order must be classified as "Open" investigations until a final disposition has been made on all firearms seized.** The **investigating officer's supervisor** must enter the case into the officer's Supplement Due Log according to the timeline prescribed in sections C and D below to ensure that all necessary follow-up activities are accomplished in a timely and effective manner.

C. **Fifteen (15) calendar days after a domestic violence incident** where firearms have been seized and where no temporary or final order for protection has been filed and no criminal charges have been filed against the aggressor, the investigating officer will:

1. Contact the victim by telephone or in person and inquire as to his/her intentions to file criminal charges or a petition for an Order for Protection against the aggressor.

   a. If the victim indicates that a temporary or final Order of Protection has been issued or criminal charges have been filed, the officer will verify such information and all firearms will be retained until any civil or criminal proceedings have been resolved.

   b. If the victim indicates that a temporary or final order has not been issued and criminal charges have not been filed, the officer will inform the victim that, thirty (30) days after the incident (15 days from the date of this contact) the aggressor will be notified how he/she may retrieve the seized firearm(s).

2. Document the details of this contact in a Supplement Report.

D. **Thirty (30) calendar days after the domestic violence incident** where firearms have been seized and where no temporary or final order for protection has been filed and no criminal charges have been filed against the aggressor, the investigating officer will:

1. Contact the victim by telephone or in person and inquire as to his/her intentions to file criminal charges, civil charges or a petition for an Order for Protection against the aggressor.

   a. If the victim indicates that a temporary or final Order of Protection has been issued or criminal charges have been filed, the officer will verify such information and all firearms will be retained until any civil or criminal proceedings have been resolved.

   b. If the victim indicates that a temporary or final order has not been issued and criminal charges have not been filed, the officer will notify the victim that the firearms will be released to the aggressor in fifteen (15) calendar days.

2. Notify the owner of the firearms by letter as to how the firearm(s) may be retrieved by completing and mailing a Firearm Return Letter (Appendix B). The owner of the firearms will be informed that they may be retrieved **fifteen (15) calendar days** from the date of this letter.

3. Document the details of items 1 and 2 (above) in a Supplement Report and submit a copy of the completed Firearm Return Letter to the Records Section for storage in the case file.

E. No firearm seized pursuant to this policy shall be released from police custody to the owner until the CIB Commander has verified the following:

   a. The owner to whom the firearm is being released is lawfully permitted to possess a firearm; and

   b. A formal firearms trace has been conducted on the weapon.

X. WRITTEN REPORTS

A. A written report must be prepared for all alleged acts of physical domestic violence, including violations of protective orders. In cases of "verbal-only" domestic disputes, officers shall complete an incident report when circumstances indicate an increasing potential for violence in the family / household, regardless of whether a crime has occurred. A (1) Domestic Violence Supplement

Form and a (2) Lethality Assessment Form will be completed in all cases of confirmed domestic violence.

B. Verbal Domestic Disputes

1. When dispatching a "verbal domestic" call for service, Communications shall conduct a premise history to determine if there is a history of domestic violence calls at the residence/location. This information will be provided to responding officers at the time of the call for service.

2. The investigating Officer shall confirm that the persons involved would meet the criteria for "Domestic Violence," as defined above, **and** that no physical assault has occurred.

3. The investigating Officer shall classify the call as a "Verbal Domestic" in the CAD system.

4. The Officer has the option to (1) write a formal incident report if circumstances indicate an increasing potential for violence in the family/household **or** (2) place a "No Report/Services Rendered" disposition on the call.

5. Officers placing an "N/R" disposition on a verbal domestic call are responsible for adding the following information to the notes within the CAD record for the call in Police Mobile as soon as practical after handling the call:

   a. An accurate location / address for where the incident occurred;

   b. The full name, race, sex, date of birth, current address and current phone number for all parties to the domestic; and,

   c. A brief synopsis of what occurred (*I.E. Parties arguing over finances. Both had been drinking. Parties indicate verbal only – no evidence of assault or injuries*).

6. When making copies of reports for Family and Children Services, Communications personnel shall provide all written DV incident reports **and** copies of the CAD records related to all "verbal domestic" calls for service which received an "N/R" disposition.

C. The following information should be documented in the written report:

1. The status of the relationship between the involved parties.
2. The nature and extent of injuries.
3. The use of force or weapons.
4. The use of threatening language or actions.
5. The nature of the conflict that lead to the violence.
6. The involved party's history of past violence and police intervention.
7. The use of alcohol, illicit drugs or medication.
8. Excited utterances by the victim, suspect and witnesses.
9. Temporary location of victim.
10. The names, addresses and phone numbers of witnesses.
11. Any statements made by the victim or witnesses.

NOTE: Items 9-11 above, when documented within a domestic violence report will not be released to any person other than law enforcement agencies or the State's Attorney's Office.

D. **DOMESTIC VIOLENCE SUPPLEMENT FORM**

1. The Domestic Violence Supplement Form will be completed in all cases of confirmed domestic violence. Officers will complete all sections of the Domestic Violence Supplement Form as thoroughly as possible. The victim will be asked to provide a written statement either under victim's comments or on a Westminster Police Department written statement form. The victim will be asked to mark and initial the diagram indicating the area(s) where she/he was struck. The victim will answer the questions and sign the form in the area where signature is indicated.

2. The victim will be asked to read the "*Release of Medical Records"* portion of the form and provide his/her signature indicating that the information is true and correct and that she/he grants the release of medical records concerning domestic violence cases to law enforcement or others investigating the incident.

3. If the victim refuses to complete the Domestic Violence Supplement Form, the investigating officer will complete the form using available information and write "refused" on the locations requiring the victim's signature or response.

4. In the case of victim refusal, the officer will indicate on the diagram where the victim was struck based on observed injury; however, the officer must indicate that the victim refused to complete the section.

E. STRANGULATION SUPPLEMENT FORM

The WPD Strangulation Supplement Form will be completed, in addition to other forms, in all cases of confirmed domestic violence when:

1. The victim indicates, or the officer otherwise receives information, that the suspect strangled or choked the victim in any manner; or,
2. The officer observes signs or injuries on the victim consistent with strangulation.

F. INITIATING THE LETHALITY ASSESSMENT PROTOCOL

1. In addition to the investigative procedures previously outlined, the investigating officer will initiate a Domestic Violence Lethality Screening when he/she responds to (1) a domestic complaint involving intimate partners or (2) a domestic violence incident where one or more of the following conditions exists:

    a. There is reason to believe an assault or an act that constitutes domestic violence has occurred, whether or not there is an arrest.

    b. There is a belief or sense on the part of the investigating officer that once the victim is no longer in the care or presence of the responding officer the potential for assault or danger is high.

    c. Repeated calls for domestic complaints at the same location or involving the same parties.

    d. There is an alleged Violation of a Protective Order.

    e. The investigating officer believes an assessment should be conducted based on his/her experience, training and instinct.

2. The investigating officer shall:

a. Advise victims that they will be asked a series of questions to help the officer determine the immediate potential for danger to them.

b. Ask the questions in the order they are listed on the Domestic Violence Lethality Screen for First Responders.

c. Ask all the questions in assessing the victim. The more questions the victim responds to positively, the clearer and more immediate the potential for danger is to the victim.

d. The responding officer will then assess the answers and handle the information as follows:

i. A single "yes" or positive response by the victim to questions # 1, 2 or 3 reflects a high danger situation and automatically triggers the protocol referral.

ii. If the victim gives negative responses to questions #1-3, but positive responses to four or more of questions #4-11, this reflects a higher danger situation and triggers the protocol referral.

iii. "No" or negative responses, to all of the assessment questions, or positive responses to less than four of questions #4-11, may still trigger the referral if the investigating officer believes it is appropriate. The officer should ask the victim the following question; "Is there anything else that worries you about your safety? If yes, what worries you"? The response to this question may aid in your decision.

iv. Trust your instincts and common sense. Use of the domestic violence lethality screen takes into account the "gut factor." It is flexible and it relies on the investigating officer acting on his/her instincts. If the victim's responses don't trigger the referral, but the officer's "read" of the situation indicates high danger, the officer should initiate the referral.

3. Referral - Not Triggered

If the referral is not triggered or the victim does not answer the screening questions, the officer will:

a. Advise the victim that domestic violence is dangerous and sometimes fatal.

b. Inform the victim to watch for the signs listed in the assessment because they may convey to the victim that they are at an increased level of danger.

c. Refer the victim to Family and Children's Services of Central Maryland (Carroll County).

d. Provide the victim with the Department's telephone number, the case number, and the officer's contact number in case the victim wants to talk further or needs help.

4. Referral - Triggered

If the Lethality Assessment indicates a high danger to the victim ***or the officer believes it is appropriate based upon the information known to him/her***, the referral will be implemented as follows:

a. Advise the victim that the assessment indicates that he/she is at an increased level of danger, and that people in the victim's situation have been killed or seriously injured.

b. Advise the victim that you would like to call the Domestic Violence Hotline and have the victim speak with a counselor. If the victim initially declines to speak with the counselor, the first responder will:

i. Tell the victim that the officer will contact the Domestic Violence Hotline to receive guidance on how to proceed with the situation;

ii. Tell the victim that they would like the victim to reconsider speaking with the hotline counselor; and

iii. After the officer concludes the conversation with the counselor, ask the victim if they have reconsidered and would now like to speak with the counselor.

c. If the victim continues to decline to speak with the counselor, the officer should do the same thing he/she would do for a victim who did not trigger the referral, including conveying information that the counselor has suggested and going over some safety tips when the victim does not want to leave.

d. If the victim agrees to speak with a counselor, the officer will advise the counselor that he/she has made a high danger assessment, or believes that the victim is in danger, and would like the counselor to speak with the victim.

e. Officers **will not** provide the name of the victim to the counselor without the consent of the victim.

f. At the appropriate time during the conversation between the victim and the counselor, the counselor will ask the victim to speak with the officer about the situation.

g. The officer will then be guided by the discussion with the counselor for further assistance. Officers will provide reasonable assistance to the victim if the victim wants to leave the residence.

XI. ASSISTING THE VICTIM

A. Officers responding to domestic violence calls, including attempts or threats to commit domestic violence, and on a domestic stand-by, will provide the victim with a copy of the brochure entitled **"CRIME VICTIMS AND WITNESSES: Your Rights and Services."** Maryland law requires this brochure be given to victims of domestic violence.

Note: The brochures are specific for each county, and contain the appropriate phone numbers and addresses where a victim may get assistance. Supervisors will ensure sufficient copies of the brochure are ordered from the Quartermaster and are available for officers to obtain.

B. Officers responding to a domestic violence incident will advise victims of the availability of a copy of the report concerning the incident from the office at no cost to them.

C. Officers will review with the victim his/her rights, to include obtaining an ***Interim, Temporary Protective Order*** or ***Peace Order***.

D. When requested by the victim, officers will assist in providing transportation to the Court to obtain an order and assist in filing an order or criminal charges. Requests from victims **one (1) or more days** after an incident will be referred to the State's Attorney's Office, Domestic Violence Unit.

E. Officers will document in the narrative section of the incident report that the victim was given written information on victims' rights and available assistance, and all other assistance offered.

F. Officers will inquire if the victim wants to leave the residence on a temporary or permanent basis and assist the victim in contacting Family and Children's Services of Central Maryland (Carroll County) or other agencies or individuals to obtain temporary shelter.

XII. DOMESTIC VIOLENCE INCIDENTS INVOLVING LAW ENFORCEMENT OFFICERS

A. Domestic violence incidents involving police officers will be investigated in the same manner as other domestic incidents, being mindful of the increased likelihood that a weapon may be involved.

B. Arrests will be made when the law permits.

C. Response to domestic violence incidents involving Police Officers of the Westminster Police Department:

1. A supervisor shall respond to the scene and assume the role of the investigating officer.

2. The investigating officer will complete and submit a detailed report prior to the end of the shift.

3. The investigating officer or the on-duty Watch Commander will make immediate notification to the Bureau Commander for which the officer works.

4. The on-duty Watch Commander will forward a copy of the initial report to the Chief of Police, the Commander of the Criminal Investigations Bureau and the involved officer's Bureau Commander.

1. In the event an officer is arrested, the involved officer's Bureau Commander will immediately respond to Police Headquarters to meet with the officer.

6. The Bureau Commander will subsequently:

a. After consultation with the Chief of Police, suspend the involved officer's police powers; and

b. Seize the involved officer's badge, police credentials, duty weapon and Departmental vehicle (if applicable); and

c. If the officer's police powers have been suspended, the Bureau Commander will inform the officer that he/she may be assigned to administrative duties pending further review; and

d. Any member of the Department must notify his/her Bureau Commander immediately if he/she becomes the respondent of a protective order.

XIII. DOMESTIC VIOLENCE INCIDENTS INVOLVING POLICE OFFICERS FROM OTHER AGENCIES

A. A sergeant or lieutenant will respond to the scene to supervise the investigation.

B. The investigating officer will ensure that he/she completes and submits a detailed initial report, prior to the end of the shift.

C. The Watch Commander will be responsible for forwarding a copy of the completed report to the Chief of Police, the Deputy Chief of Police, the Field Services Bureau Commander and the Commander of the Criminal Investigations Bureau (IAD purposes).

D. In the event probable cause exists to support an arrest (whether an arrest was made or not), the Watch Commander will contact a Commander of the respective agency as soon as practical but within four (4) hours.

E. If a protective order has been served or needs to be served on an officer from another jurisdiction, the Watch Commander will make notification to a Commander of the respective agency as soon as practical but within four (4) hours.

F. If the criminal provisions of a protective order need to be enforced against an officer from another jurisdiction, the Watch Commander will make notification to a Commander of the respective agency as soon as practical but within four (4) hours.

XIV. FIREARMS POSSESSED BY LAW ENFORCEMENT OFFICERS FOR EMPLOYMENT PURPOSES

Under Family Law Art., § 4-506, there is no statutory exception for law enforcement officers or other government employees who are required to possess a firearm in connection with their employment; therefore, a Court may order a respondent who happens to be a law enforcement officer, correctional officer, or other government employee to surrender a firearm in the respondent's possession. The Court may find a respondent who fails to surrender a firearm pursuant to a protective order in contempt of Court. ***As of October 1, 2009, § 4-506 of the Family Law Article requires ALL Final Protective Orders to prohibit the possession of any firearm by all respondents. Also, Judges will have the option to require the surrender and prohibit possession of firearms by any respondent in a Temporary Protective Order.***

NOTE: Possession of a firearm by a law enforcement officer in connection with the officer's employment is not a violation of § 5-133 of the Public Safety Article because there is an express exception for law enforcement personnel as well as members of the armed forces and national guard as long as they are acting within the scope of their official duties, as stated in § 5-102 of the Public Safety Article. However, there is no exception for other government employees such as correctional officers. ***This Section does not, however, supersede Family Law Art., § 4-506. Therefore, if a law enforcement officer is the respondent in a Final Protective Order, ALL firearms, including any service weapons, will be seized. The order to surrender may, at the Judge's discretion, also apply to a Temporary Protective Order.***

XV. ENFORCEMENT OF ORDERS FOR PROTECTION

An officer shall arrest, with or without a warrant, and take into custody a person whom the officer has probable cause to believe is in violation of a provision of an interim, temporary or protective order [or temporary peace order or peace order] that authorizes arrest and is in effect at the time of the violation.

A. The officer does not need to be present when the violation occurs in order to make a warrantless arrest as long as the officer has probable cause to believe that the violation occurred.

B. The "arrest-able" violations are those violations of the provisions contained in:

1. Paragraphs one (1) through five (5) and twelve (12) of an ***Interim, Temporary, Final and* Peace Orders**; and

2. Paragraphs one (1) through four (4) of a Temporary Peace Order.

C. All other violations are subject to Contempt of Court action and the Petitioner/complainant should be directed to the Court Clerk's Office.

Court Ordered Actions Possible	Interim & Temporary Order	Final Order	Peace Order	Arrest-able Offense
Order the respondent to refrain from further abuse or threats of abuse	X	X	X	Yes Mandatory
Order the respondent to refrain from contacting or attempting to contact or harass the victim	X	X	X	Yes Mandatory
Order the respondent to refrain from entering the victim's residence	X	X	X	Yes Mandatory
Grant temporary possession of the residence to the victim or an adult family member, under certain circumstances	X	X	N/A	Yes
Order the respondent to stay away from the victim's place of employment, school, or temporary residence	X	X	X	Yes Mandatory
Award temporary custody of minor children	X	X	N/A	No
Establish temporary visitation and conditions	N/A	X	N/A	No*
Award emergency family maintenance	N/A	X	N/A	No*
Award temporary use and possession of jointly owned family car	N/A	X	N/A	No*
Order counseling	N/A	X	X	No*
Order respondent to pay court costs	N/A	X	X	No*
Surrender of Firearms	Judges Discretion	X	N/A	Yes

Note: N/A means "Not Applicable". Enforcement of the provisions marked with an asterisk should include providing victim/witness assistance and information as indicated by the circumstances of each case and referring the complainant to the Court or to his/her personal attorney.

D. VERIFYING VALIDITY OF AN ORDER

Officers responding to a scene and presented by the victim with ***any*** ***order for protection***, will verify the validity of the order, and take whatever action is ordered by the issuing Judge.

E. PERSON CLAIMS THE EXISTENCE OF AN ORDER FOR PROTECTION

When officers are told of the existence of an interim, temporary ex-parte order or protective order but no document is presented, officers will query NCIC and MILES and ***contact*** the originating agency or Court to determine whether an ex-parte order or protective order is outstanding ***and has been served.*** If verified, the officer must determine the conditions of the order and an arrest will be made if legally permissible.

If not verified, the officer may not take action based on the possibility of an ex-parte order or protective order. However, the officer should advise:

1. The alleged respondent of the possible consequences if an ex-parte order or protective order is outstanding; and

2. The alleged petitioner to seek safety, confirm the existence of the ex-parte order or protective order, and refer the complainant to court to initiate contempt proceedings for any violations of non-arrest-able conditions; and

NOTE: Officers should be mindful that service of ex-parte or protective orders must be accomplished before enforcement action can be taken.

F. If the petitioner has a copy of the order, but it has not been served on the respondent, and the respondent is present, the officer should contact the Carroll County Sheriff's Office to request that a Deputy serve the respondent with the order. ***If the Sheriff's Office is unavailable, the officer will serve the petitioner's copy of the order on the respondent and file a return of service with the issuing Court.***

XVI. OUT-OF-STATE ORDERS FOR PROTECTION

A. "Order for protection" is defined as a temporary or final order or injunction that:

1. Is issued for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person;

2. Is issued by a civil court in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection or by a criminal court; and

3. Is obtained by filing an independent action or as "*pendente lite*" order in another proceeding.

B. A temporary Ex-Parte Order or Protective Order issued by a Court of another state or an Indian tribe shall be accorded full faith and credit by a Maryland Court and shall be enforced only to the extent that the order affords relief that is permitted for protective orders issued under Maryland law.

C. An officer has the authority to arrest an individual who is violating an out-of-state protective order if:

1. That order grants relief available under Maryland law; and

2. The individual is violating that part of the order that is enforceable in Maryland.

Note: If an individual is violating an out-of-state protective order, but the violation concerns a form of relief not specified in Maryland law, then there is no authority to arrest in Maryland.

D. A protective order issued by a Court of another state shall be enforced for the terms provided in the order. For example, if a New Jersey protective order states it is issued for life, the order must be enforced for life in Maryland even though Maryland Law provides for a maximum of 18 months.

E. ***A peace order issued in another state cannot be enforced in Maryland.***

F. **Out of state order for protection does not include a support or child custody order.**

G. **Military Base Residents**

Supervisors will coordinate with the Provost Marshal of a military base regarding all aspects of serving and enforcing temporary ex-parte orders, protective orders and peace orders for persons who reside or work on a military base.

XVII. RESPONDENT "INVITED" BACK BY THE PETITIONER

A. Officers called to the scene where a respondent has been "invited" back into the residence by the petitioner will:

1. Arrest the respondent if the respondent is in violation of an arrest-able condition; or

2. If the violation is of a non-arrest-able condition, inform the respondent that he/she is in violation of the civil protective order and that the Court can find the respondent in contempt.

B. Officers will inform both parties that:

1. The two parties cannot mutually consent to changing the conditions of the civil protective order.

2. Only the issuing Court can modify or rescind a temporary ex-parte order or protective order, and

3. If the victim/petitioner wishes to change the conditions of the civil protective order, he/she should go to the issuing court and request a modification or rescission of the order.

XVIII. OTHER POLICE SERVICES

A. Non-violent property disputes between household members are primarily civil matters and the Courts have specific proceedings and personnel to resolve them. Generally in these types of incidents, officers will provide appropriate referral information and document that a referral was provided in the narrative of the CAD record for that call.

B. Officers are required by law to accompany individuals, alleged victims (or potential victims) of domestic abuse, to the family home to remove **personal clothing and personal effects (to include medicine and medical devices) required for immediate needs of themselves and any children in their custody.** Officers have an obligation to protect the individual from harm during such action.

C. Guidelines for disputes over property or access to the household:

1. Officers will not act as arbitrators. If a party seeks possession of personal property and is the owner or tenant of the household, not subject to a Court order to vacate, it will be presumed that there is a right to enter the premises.

2. Where clear title to a vehicle cannot be determined, property disputes between household members shall be referred to the District Court Commissioner's Office or private counsel.

3. All other property disputes should be referred to the District Court Commissioner's Office or private counsel.

D. In disputes over child custody, all parties should be instructed to consult private counsel for relief.

1. Officers should be alert to factors that pose potential health and safety hazards to children.

2. Whenever a non-custodial relative or any non-relative takes a child from a legal parent or guardian, a child abduction investigation will be initiated in accordance with General Order D-11, Missing Persons Investigations.

XIX. LETHALITY ASSESSMENT REPORTING PROCEDURES

A. The Records Section will prepare and forward reports to the Maryland Network against Domestic Violence by the 15th day of the following months:

1. January
2. April
3. July
4. October

B. The reports shall contain the following information:

1. How many lethality screens were attempted?
2. How many victims were screened in high danger?
3. How many victims were not screened in high danger?
4. How many did not respond to the screening questions?
5. How many screened victims spoke to a counselor?

XX. SUPERVISOR'S ROLE AND RESPONSIBILITIES

A. Supervisors will actively monitor their officer's responses to domestic violence cases to ensure compliance with this policy. Supervisors will pay particular attention to problem-solving, dual arrests, report writing and what actions were taken by responding officers to ensure the safety of victims or potential victims.

B. Supervisors will conduct semi-annual roll-call training on the provisions of this policy in January and July of each year. Documentation of this roll-call training will be forwarded to the Training Division for filing.

Authority:

_____
Jeffrey Spaulding
Chief of Police

Appendix A: WPD Firearms Trace Request
Appendix B: Return of Seized Firearm Letter
Appendix C: Maryland Domestic Violence Supplemental Form
Appendix D: WPD Strangulation Supplement Form
Appendix E: Domestic Violence Lethality Screen for First Responders

WESTMINSTER POLICE DEPARTMENT

General Order: 5-10

Subject: **IDENTITY THEFT INVESTIGATIONS**

Effective Date: January 22, 2013

This General Order contains the following numbered sections:

I. **POLICY**
II. **PERSONNEL AFFECTED**
III. **PROCEDURES**

I. POLICY

It is the policy of the Westminster Police Department to investigate all matters of identity theft in a standardized fashion. The victims of identity theft will be provided with instructions on how they should proceed in their efforts to re-establish their identity and financial standing.

II. PERSONNEL AFFECTED

This procedure affects all personnel assigned to the Criminal Investigations Bureau and Field Services Bureau.

III. PROCEDURES

Identity theft is a crime in which an imposter obtains key pieces of personal information such as Social Security or driver's license numbers, in order to impersonate someone else. The information can be used to obtain credit, merchandise, and services in the name of the victim, or to provide the thief with false credentials. In addition to incurring debt, an imposter might provide false identification to the police, creating a criminal record or leaving outstanding arrest warrants for the person whose identity has been stolen.

It should be noted that Maryland law allows any law enforcement officer in Maryland to investigate violations of Identity Fraud §8-301 without limitation as to jurisdiction and to the same extent as a law enforcement officer of the Department of the State Police. As a result, these cases may be investigated by any law enforcement agency in the state, regardless of the location of the crime.

A. Patrol Responsibility

1. In instances where the **victim lives in Westminster** but **the crime occurred outside of Carroll County**, the responding Patrol officer shall:

   a. Take a police report for "Identity Theft" from the victim.

   b. Provide the victim with "Guidance for Victims of Identity Theft" informational bulletin.

   c. Advise the victim to contact the fraud department of any one of the three major credit bureaus to place a "fraud alert" on their credit file. The "fraud alert" requests creditors to contact the victim before opening any new accounts or making any changes to existing accounts. As soon as one credit bureau confirms the "fraud alert", the other two credit bureaus will be automatically notified to also activate "fraud alerts", and all three credit reports will be sent to the victim free of charge. The contact information is available at the Federal Trade Commission ("FTC") website (http://www.ftc.gov/idtheft/).

d. Advise the victim to close all accounts that they know or believe have been tampered with or opened fraudulently.

e. Advise the victim to send a copy of the Police Report to their creditors, if the creditors require proof of the crime.

f. Advise the victim to file their complaint with the FTC. The FTC maintains a database of identity theft cases used by law enforcement agencies for investigations. Victims can file on-line at the FTC website (http://www.ftc.gov/idtheft/).

g. Conduct appropriate investigations on all cases not assumed by CIB. Contact CIB for assistance and additional resources if necessary.

2. In instances where the **victim lives in or out of Westminster** and the **crime occurred in Westminster**, the initial responding officer shall:

a. Take a police report for "Identity Theft" from the victim.

b. Conduct appropriate investigations on all cases not assumed by CIB. Contact CIB for assistance and additional resources if necessary.

c. Provide the victim with "Guidance for Victims of Identity Theft" informational bulletin.

d. Advise the victim to follow steps 3 through 6 above.

B. **CIB Responsibility**

1. **As a general policy, identity theft cases are very complex and are best suited for investigation by a Detective assigned to CIB.** Upon case review by CIB, a determination will be made as to where case responsibility will be assigned. Facts considered in determining case responsibility will include where the suspect and/or evidence is likely located. If evidence exists or a suspect resides in another state/country, the assigned CIB investigator will make contact with the appropriate agency. A request will be made of that agency to assist or perhaps adopt the case under investigation.

2. The Criminal Investigations Bureau shall conduct the follow-up investigations of the assigned cases to ensure that all leads and legitimate information are thoroughly investigated and documented.

AUTHORITY:

_____
Jeff Spaulding
Chief of Police

Appendix 1: Guidance for Victims of Identity Theft

WESTMINSTER POLICE DEPARTMENT

General Order: 5-11

Subject: **VULNERABLE ADULT INVESTIGATIONS**

Effective Date: April 26, 2017

This General Order contains the following numbered sections:

I. POLICY
II. DEFINITIONS
III. REPORTING PROCEDURES
IV. INVESTIGATIVE PROCEDURES
V. VICTIM ASSISTANCE

I. POLICY

The Westminster Police Department (WPD) will strive to ensure the safety and security of all its citizens, including the elderly and other vulnerable adults. The WPD will coordinate investigation of reported abuse and/or neglect of these citizens in collaboration with the Carroll County Bureau of Aging and Disabilities and with the Department of Social Services-Adult Protective Services (APS).

II. DEFINITIONS

A. **Abuse** - The sustaining of any physical injury by a vulnerable adult as a result of cruel or inhumane treatment, or as a result of a malicious act by any person, including verbal and mental abuse

B. **Assisted Living Facility** - A licensed residential facility that provides twenty-four (24) hour care for vulnerable adults that is one of the following:

1. **Small Facility** - usually a residential house that serves one (1) to sixteen (16) residents

2. **Large Facility** - a facility that serves seventeen (17) or more residents

C. **Care Giver** - A person with a duty to care for a vulnerable adult, because of a contractual undertaking to provide care

D. **Exploitation** - Any action which involves the misuse of a vulnerable adult's funds, property or person

E. **Family Care Giver** - A relative by blood, marriage, adoption or the marriage of a child who is responsible for the care of a vulnerable adult

F. **Guardian** - A person to whom guardianship of a vulnerable adult has been given by order of court

G. **Neglect** - The willful deprivation of a vulnerable adult of adequate food, clothing, essential medical treatment or therapy, shelter or supervision

H. **Nursing Care Facility** - A licensed facility that admits patients suffering from diseases,

disabilities or advanced age and who require twenty-four (24) hour medical and nursing services rendered by or under the supervision of a registered nurse

I. **Department of Health and Mental Hygiene - Office of Health Care Quality (OHCQ)** - Licenses nursing care facilities and assisted living facilities

J. **Self-Neglect** - The inability of a vulnerable adult to provide himself/herself with the services that are necessary for his/her physical and mental health, and the absence of which impairs or threatens the vulnerable adult's well-being

K. **Vulnerable Adult** - A person, over the age of eighteen (18), who lacks the physical or mental capacity to provide for his/her daily needs (May include the elderly)

III. REPORTING PROCEDURES

A. An Incident Report will be completed, consistent with the Annotated Code of Maryland - Family Law Article (§14-302), when any officer contacts, attends to or treats an alleged vulnerable adult, and has reason to believe that he or she has been subjected to abuse, neglect, self-neglect or exploitation.

B. In any case where the alleged offense/incident involves a vulnerable adult, the officer shall classify the report as a "Vulnerable Adult Incident." (CR 3-604)

C. Officers shall respond, investigate and document all reports of vulnerable adult neglect, exploitation, self-neglect or abuse at any Assisted Living Facility, Nursing Care Facility or at a private residence consistent with the Annotated Code of Maryland - Family Law Article and this policy. Additionally, they will notify the Watch Commander.

1. Officers will assess the condition of the vulnerable adult, and if necessary, render aid and ensure that the victim is taken to a medical facility by requesting an ambulance respond to the scene. If the resident/victim needs to be removed from the residence/facility and taken to a hospital for medical treatment, the following persons may authorize treatment:

   a. Resident/Victim;

   b. Guardian or Relative; or,

   c. Resident's/Victim's Responsible Party.

2. Officers shall document all cases of unsafe living conditions, unsanitary living conditions, unsupervised patients, an unlicensed facility and/or an overcrowded facility that they recognize while at any of the following:

   a. Assisted Living Facility;

   b. Nursing Care Facility; or,

   c. Private Residence.

B. Resident care and/or environmental concerns shall be reported to the Carroll County Adult Protective Services (APS) – (410)386-3434.

C. The officer's Incident Report should include the following, at a minimum:

1. Name, age and home address of the vulnerable adult;

2. Name and home address of the care giver caring for the vulnerable adult;

3. Location of the vulnerable adult;

4. Nature of the vulnerable adult's incapacity;

5. Nature and extent of the vulnerable adult's abuse, neglect, exploitation or self-neglect;

6. Prior call and medical history;

7. License information of the facility;

8. Photographs;

9. Description of the scene;

10. If person was transported and received medical treatment; and,

11. Attending physician's information (for a subpoena of medical records).

D. The Watch Commander, when notified, shall respond to the scene and determine if notifications need to be made to the on duty/call Criminal Investigations Bureau (CIB) Supervisor and/or APS. An officer will stand by at the scene, if there is a need for CIB and/or APS to respond.

E. The CIB Commander, or his designee, shall review the Incident Report; determine if a justified intervention is in order; determine case responsibility; and, forward a copy to the States Attorney's Office (SAO), if the case is assigned to CIB or if an arrest is made. The investigation, at the discretion of the CIB Commander, may be a collaborative effort between the above listed agencies.

F. In the event a case is forwarded by another agency (E.g., APS, SAO), the CIB Commander or his designee will review and determine if a Patrol or CIB response is required.

IV. INVESTIGATIVE PROCEDURES

A. Physical Abuse Investigations

1. Physical abuse may consist of bruises, abrasions, lacerations, fractures, burns or other physical trauma. Injuries may appear minor in nature, while others require medical treatment or hospitalization. Due to pre-existing medical conditions impacting elderly or disabled persons, it may not be apparent if injuries are accidental or intentionally inflicted. It may be necessary to review medical records and consult with trained professionals before a determination can be made. In those cases, it is still critical that officers document and photograph injuries as soon as possible. It may be necessary to return to the home after a few days to document and photograph the condition of bruises, as the appearance will change over time.

2. It is important to interview the victim alone, when possible. The presence of a family member or caregiver may inhibit the victim from providing information, particularly if that person is responsible for the abuse. While not necessarily an indication of abuse, officers should be alerted when a caregiver or family member is reluctant to have the vulnerable adult meet alone with police. Do not disregard statements made by individuals believed to be suffering from dementia or Alzheimer's disease. They may have periods when they are lucid, particularly in the early stages of the disease.

3. Officers will contact and interview all potential witnesses. If the location provides housing or temporary care for multiple vulnerable adults, look for signs indicating patterns of behavior. All suspect interviews should be recorded on audio, and a

written statement obtained. If the interview location is a police facility, a video recording is recommended. Be alert for inconsistencies or stories that don't seem plausible.

B. Neglect Investigations

1. Neglect may include a failure to provide adequate food, clothing, medicine/medical treatment, shelter or supervision to a vulnerable adult. In a residential setting, check to see if there is an adequate supply of food in the refrigerator and/or cabinets, and ask the adult how often he/she is fed. Look for signs of malnourishment, such as the vulnerable adult being severely underweight and dehydrated.

2. Officers will interview neighbors to determine certain patterns of behavior, such as grocery shopping, lawn care and trash removal.

C. Financial Exploitation Investigations

1. Financial exploitation is the illegal or improper act of an individual or caregiver using the resources of a vulnerable adult for personal gain or benefit.

2. The Watch Commander will contact the CIB Lieutenant to notify and to determine if CIB will respond for the preliminary investigation. During non-business hours, the responding Patrol Officer will typically conduct the preliminary investigation; complete an Incident Report; and, the Watch Commander will forward a copy of the Incident Report to the CIB Lieutenant prior to the end of shift. Calls for service received during normal business hours will be assigned directly to the CIB Lieutenant, or in his absence, the CIB Commander. Complaints received from APS will be referred directly to the CIB Lieutenant. Financial institutions reporting elder financial abuse should be instructed to contact the Adult Protective Services (APS) screener at (410)386-4646.

3. It is a critical investigative step to obtain bank account information, because subpoenas may be requested to verify account activity. Investigators should determine if the victim has been declared incompetent by a physician or by a judge. Investigators should conduct a financial profile on the suspect to determine asset and financial transactions, which may indicate monies being exploited from the victim.

4. Additionally, investigators should inquire about and collect any Powers of Attorney or Guardianship.

D. Evidence Collection

1. In serious cases, officers will contact CIB to arrange for evidence collection and photographs. Investigators should contact the on-call Assistant State's Attorney for advice concerning evidence collection based on consent, subpoena, search warrant or court order.

2. The following may be collected as evidence:

a. Medical Records;

b. Financial Records;

c. Powers of Attorney or Guardianship;

d. Home Nursing Care Records;

e. Pharmacy Records and/or Medication Logs; and,

f. Communication Recordings (911 tapes).

V. VICTIM ASSISTANCE

In many cases, victims of abuse only want officers to stop the violence. Officers should make it clear to all parties that vulnerable adult abuse is a crime, regardless of the victim's relationship with the suspect, and will be dealt with accordingly.

A. In the event a warrantless arrest cannot be lawfully affected, officers will review the charging process with the victim. Officers are strongly encouraged to apply for the statement of charges or at least help to facilitate the application process, if needed.

B. Officers will provide victims with the Victim Assistance Pamphlet, regardless of whether or not an arrest occurred.

C. Officers will explain the protective order application process to the victim.

D. Officers will explain to the victim how to obtain a copy of the police report. The Records Section will provide copies of police reports at no charge to victims.

AUTHORITY:

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Jeffrey Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 5-12

Subject: **WARRANTLESS SEARCH AND SEIZURE**

Effective Date: January 1, 2018

This General Order contains the following numbered sections:

I. POLICY
II. DEFINITIONS
III. ABANDONED PROPERTY
IV. CONSENT SEARCHES
V. EXIGENT CIRCUMSTANCES AND HOT PURSUIT
VI. INVENTORY OF SEIZED VEHICLES
VII. OPEN FIELDS
VIII. PLAIN VIEW SEIZURES
IX. SEARCH AT THE SCENE OF A CRIME
X. SEARCH INCIDENT TO ARREST
XI. SEARCH OF MOTOR VEHICLES
XII. STOP AND FRISK

I. POLICY

Under the Fourth (4th) Amendment to the United States (US) Constitution, police search and seizure conducted without benefit of a court-issued search warrant is presumed unreasonable. Specific case law-derived exceptions, particularly from the US Supreme Court, allow valid searches and seizures without a warrant under certain very specific and narrow circumstances. The Westminster Police Department (WPD) will provide in-service training regarding warrantless search and seizure. Officers shall only conduct a warrantless search or seizure when a valid exception exists. Officers shall conduct searches of persons and property through good faith compliance with existing law. Seizures of property and items from individuals will be done only as a means to collect and preserve evidence and/or to remove contraband. Officers shall complete a written report to document each warrantless search or seizure. Supervisors shall ensure that all searches are documented, whether or not an arrest is made, consistent with General Order 14-01, Departmental Reporting Procedures.

II. DEFINITIONS

A. **Evanescent Evidence:** Evidence that will disappear or fade in a short period of time if not collected and preserved immediately

B. **Probable Cause:** Facts and circumstances within the knowledge of the officer that are based on the officer's education, experience, training and information known to the officer at the time of an incident that would warrant a reasonable and prudent officer to believe that a suspect has committed or is committing an offense, or that evidence relating to a crime can be found in a particular location

C. **Reasonable Articulable Suspicion:** Consists of concrete, articulable facts that, within the totality of the circumstances, lead an officer to believe that a person has just committed, is committing or is about to commit a crime. Reasonable Articulable Suspicion must be more than a hunch or feeling, but need not meet the test for probable cause sufficient to make an arrest.

III. ABANDONED PROPERTY

A. Officers may search and seize property that they have reason to believe is abandoned. There is no reasonable expectation of privacy in abandoned property.

B. Officers taking custody of abandoned property shall itemize the contents and submit the property consistent with General Order 11-01, Property and Evidence Control.

IV. CONSENT SEARCHES

A. In order for a consent search to be valid, the consenting person must have, or appear to have, authority over the premises or property.

B. Officers may conduct a search of a person or property without a warrant or probable cause, if the officer has obtained the **prior** consent of a person who has the right and the authority to consent to the search. A joint owner who is present can veto the consent of areas that are common use and enjoyment to both parties, such as the common area of a shared residence.

C. Officers cannot extend the length of a traffic stop to request or to conduct a consent search beyond the amount of time necessary to complete the investigation or enforcement action taken as a direct result of the original reason for the stop. A single officer, completing his/her traffic stop, must complete the traffic stop and inform the driver that he/she is free to go, prior to asking for a consent search, if the consent search request is not based on the reasonable articulable suspicion for the stop. If the officer conducting the stop is proceeding with the business of the stop with all due speed, another officer may simultaneously ask the detainee for consent to search, as long as this does not extend the length of the stop.

D. Officers may search under the Consent Search exception only if the consent given is voluntary and of the consenting party's own free will prior to searching a person or his/her property.

E. Officers should utilize the written Authorization to Search and Seize Property Form when practical.

F. If a person consents to a search but refuses to sign the written consent form, the consent is still valid and may be conducted. Multiple officers should witness verbal consent whenever possible.

G. The scope of a consent search may be limited by the party giving consent to a specific area or items, and may be withdrawn at any time.

H. Officers shall not advise a person from whom consent is requested that his/her refusal will result in arrest, nor shall officers make any threats, promises or inducements in an effort to secure consent.

V. EXIGENT CIRCUMSTANCES AND HOT PURSUIT

A. Certain exigent circumstances make it impractical to wait to obtain a search warrant. The below list contains circumstances which case law supports as valid exigent circumstance exceptions. This list is not all inclusive. Other exigent circumstances may validate a warrantless search or seizure. Once the exigent circumstances no longer exist, the warrantless search must end.

1. Hot Pursuit of a Felon

a. An officer with probable cause to believe that a suspect has recently committed a felony and who is in hot pursuit of the suspect, may be authorized to intrude into a constitutionally protected area.

b. Officers may make a reasonable search of places or premises for the suspect if they have a reasonable belief that he/she has entered a particular area.

c. After arrest of the suspect, officers may make a search of the suspect and of the area within his/her immediate control under "Search incident to arrest" exception.

d. There must be some semblance of continuous pursuit between the findings of

probable cause and the eventual search. However, continuous pursuit in a strict sense is not required to justify an entry into a home to search for a suspect.

2. Entry to Prevent the Flight of a Suspect – Officers may be justified in making a warrantless entry to prevent flight or escape of a suspect.

3. Entry to Investigate an Emergency - Officers may make a warrantless search of anything, whether personal belongings, a vehicle or a building anytime they have good reason to believe that the search is necessary to save a life or to prevent injury.

4. Entry to Prevent the Imminent Destruction of Evidence - Officers may make a warrantless search for evidence if they have probable cause to believe that the evidence is in the place or thing to be searched, and they have reason to believe that the evidence will be destroyed before a warrant can be obtained.

5. Collection of Evanescent Evidence - Collection or seizure of evidence due to the evidence being evanescent in nature and the circumstances leading the officer to believe that failure to collect the evidence prior to obtaining a search warrant would potentially result in its destruction.

B. Nothing prohibits an officer from conducting a consent search pursuant to this General Order.

C. Officers that make a claim of Exigent Circumstances to justify a search must substantiate the claim. The officer's report will:

1. Give the facts and circumstances which convinced the officer that Exigent Circumstances existed.

2. Describe the method of entry and the circumstances found upon entry.

3. Describe the extent of the search made and whether a seizure of any items was made.

4. State whether there was a search warrant obtained for further search and seizure based upon probable cause established from the warrantless search made under Exigent Circumstances.

VI. INVENTORY SEARCH OF SEIZED VEHICLES

A. Officers shall inventory each and every vehicle they seize pursuant to General Order 2-03, Towing Procedures & Traffic Services.

B. In order for an Inventory Search to be valid, there must be a lawful basis for taking custody of the vehicle, the Inventory Search is of a non-investigatory nature and the Inventory Search is conducted for the purposes of protecting:

1. An owner's property while it is in police custody; and

2. The police from potential danger, or against claims or disputes over lost or stolen property.

C. Officers will not conduct an evidence search of a vehicle under the guise of conducting an inventory.

D. The scope of the Inventory Search will be limited to those unsecured or readily accessible areas within the vehicle. A locked trunk or glove compartment will be within the scope of the inventory only if the keys to those areas are in the officer's possession.

E. When practical, the Inventory Search will be conducted prior to the towing of the vehicle from the

place of impound or seizure.

F. When a vehicle is seized, consistent with General Order 5-08, Asset Seizure and Forfeiture, an Inventory Search shall be conducted, and the property shall be submitted into the WPD Property Room consistent with General Order 11-01, Property and Evidence Control.

VII. OPEN FIELDS

Under the so-called "Open Fields" Doctrine, officers may enter and search any unoccupied or undeveloped area that lies *outside the curtilage of a dwelling*. The curtilage is the area around the home to which the home life activity extends.

VIII. PLAIN VIEW SEIZURES

When an officer is legally present at a location or at the scene of a crime, any contraband and/or evidence that is clearly visible to that officer may be seized. The key elements needed to support a "Plain View" seizure include:

A. The officer must lawfully be in the place or position from which the evidence was first seen.

B. The officer must have probable cause to believe that the items observed are contraband or evidence of a crime.

C. The incriminating character of the evidence must be immediately apparent. If further investigation is necessary before the incriminating nature of the object becomes apparent, the "Plain View Doctrine" does not apply, and a warrant must be obtained before the seizure of any property can occur.

IX. SEARCH AT THE SCENE OF A CRIME

A. There is no general Fourth (4th) Amendment exception governing crime scenes. If the warrantless exceptions normally linked with crime scenes, such as "exigency" or "plain view," are not present, or are no longer present, then a search and seizure warrant must be applied for to continue a search in all areas where a reasonable expectation of privacy exists. Crime scenes are subject to all the protections granted by the Fourth (4th) Amendment against unreasonable search and seizure. For example, if an officer is on the scene of a homicide in which a husband is suspected of killing his wife in their residence with a handgun, the officer cannot look through closets, dresser drawers, etc., for the handgun. The officer would need to secure the premises and seek a search warrant. If, however, the handgun is laying on the floor next to the deceased wife, the handgun may be taken into evidence because it is in "plain view."

B. Limited or Protective Sweeps

A home or premises where a lawful arrest has been made may be subjected to a *limited* sweep for the purpose of finding other persons, if circumstances give arresting officers a basis for reasonably believing that there are other persons on the premises who pose a danger to those on the arrest scene.

X. SEARCH INCIDENT TO ARREST

A. Whenever an officer makes a lawful custodial arrest of a person, the officer is entitled to make a field search of the person (a strip search may be warranted only under specific circumstances and with prior supervisor approval), the area within the control of the person arrested and containers in the possession of the person at the time of arrest, regardless of the charges placed. The search must be contemporaneous with the arrest in time and place. The officer does not have to show probable cause for the search, only probable cause for the arrest. The right to search derives

directly from making a custodial arrest. Service of a criminal summons does not confer the right to make a search incident to arrest.

B. The search of a motor vehicle incident to an arrest of an occupant is limited to the area where the occupant may have had access to discard evidence or to obtain a weapon, typically the passenger compartment. Additionally, Search Incident to Arrest of a motor vehicle is valid only if it is reasonable to believe that the arrestee might access the vehicle at the time of the search or that the vehicle contains evidence of the offense of arrest.

C. Refer to General Order 7-02, Searches of Persons for additional direction and compliance with the policy on Search Incident to Arrest.

XI. SEARCHES OF MOTOR VEHICLES

A. The burden of proof regarding warrantless search and seizure falls on the State, including searches of motor vehicles. When time permits and circumstances warrant it, obtaining a search warrant is the preferred method for searching a motor vehicle.

B. There are exceptions to this rule, which permit the warrantless search of a motor vehicle, including:

1. Carroll Doctrine Search – search of a readily mobile motor vehicle when probable cause exists to believe that contraband or evidence of a crime may be found within the vehicle.

   a. Probable cause searches may extend to all areas of the motor vehicle, unless the facts giving rise to the probable cause in the case limit the investigation to a specific area of the vehicle.

   b. Officers may search the trunk and containers located in the vehicle provided the item for which the vehicle is being searched could reasonably be expected to be found in the container.

   c. Where the initial search discloses probable cause to believe that other portions of the vehicle may contain fruits, instrumentalities or evidence of a crime or contraband, any additional portions of the vehicle may be searched that could reasonably contain the items being sought.

2. Consent Search – The extent of a consent search depends upon the terms of the consent itself. If the consent is limited to specific areas of the vehicle then only those areas may be searched.

3. Emergency Circumstances – Searches of motor vehicles in an emergency must not exceed that which is necessary to properly respond to the emergency.

3. Search Incident to the Arrest of One (1) or More Occupants of the Vehicle – Searches of vehicles incident to arrest shall be limited to the passenger compartment of the vehicle. Areas such as the trunk and engine compartment are not allowed within the scope of a Search Incident to Arrest.

4. Stop and Frisk – Frisks for weapons shall be limited to the passenger compartment of the vehicle. Areas not immediately accessible to the vehicle's occupants, such as locked glove boxes, may not be searched.

C. Containers

1. During a lawful search of a motor vehicle, containers that an officer has probable cause to believe have evidence of a crime or contraband located within may be searched without a warrant.

2. Locked containers such as attaché cases, suitcases and footlockers found during a vehicle search may be opened only if the following exists:

   a. The search being conducted is supported by probable cause to believe the container, locked or unlocked, may contain evidence of the crime under investigation, or if a search warrant has been obtained to search the container.

   b. The officer obtains consent to open the locked container.

3. When the above conditions are not met, locked containers should be secured by search personnel and opened only after a search warrant has been issued.

D. Under the Search Incident to Arrest exception, a search of a motor vehicle and of containers found therein should be conducted at the location where the vehicle was discovered or detained. In all instances, searches shall be conducted as soon as reasonably possible; that is, as soon as adequate personnel are available to conduct a thorough search with due regard for the safety of all officers, citizens and property concerned.

E. If an officer can determine in advance that the vehicle has been abandoned, examination of the interior of the vehicle shall be conducted only consistent with this policy and the law.

F. If the search of a motor vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, officers will take reasonable steps to secure the vehicle and property.

XII. STOP AND FRISK

A. Stop (Investigative Detention)

1. Officers may stop individuals for an investigative detention only where **reasonable and articulable suspicion** exists to believe that person has just committed, is committing or is about to commit a crime. In justifying the stop, the officer must be able to point to specific facts that, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

   a. The appearance or demeanor of a suspect suggests that he/she is part of a criminal enterprise or is engaged, or has recently been engaged, in a criminal act.

   b. The actions of the suspect indicate he/she has been, may be or will be engaged in criminal activity.

   c. The suspect's presence in a location is suspicious.

   d. The suspect is carrying an object that appears to be recently stolen.

   e. The suspect's clothing bulges in a manner that suggests he/she may be carrying a weapon.

   f. The suspect is located in close proximity to an alleged crime.

2. The following guidelines shall be followed when conducting an investigative detention:

   a. When approaching the suspect, the officer shall clearly identify himself/herself as a law enforcement officer, if not in uniform, by announcing his/her identity and displaying WPD identification.

b. Officers shall be courteous at all times during the contact, but must maintain caution and vigilant observation of the suspect to detect furtive movements that indicate retrieval of weapons, concealment or discarding contraband or other suspicious actions.

c. Before approaching an individual, officers should consider whether the circumstances warrant a back-up officer for assistance.

d. Officers shall confine their questions to those concerning the suspect's identity and other inquiries necessary to resolve the officer's suspicions. In no instance, shall an officer detain a suspect longer than is reasonably necessary to make these limited inquires.

e. Officers are not required to give suspects Miranda Warnings when conducting an investigative detention, unless the suspect is in custody and about to be interrogated.

f. Suspects are not required, nor can they be compelled, to answer any questions posed during investigative detentions. Failure to respond to an officer's inquiries is not, in and of itself, grounds to make an arrest, although it may provide a basis for additional observation and investigation.

B. Frisk (Pat Down)

1. Officers may conduct a frisk of a suspect (pat down of the outer garments of a suspect for weapons), during a lawful investigative detention or consensual stop with **reasonable articulable suspicion** that the individual is **presently armed and dangerous**. Not every investigative detention warrants a protective frisk. Following, are some criteria that may form the basis for establishing justification to conduct a pat down. Officers should note that these factors are not all-inclusive; there are other factors that could or should be considered. The existence of more than one (1) of these factors may be required in order to support reasonable articulable suspicion for the pat down:

   a. The type of crime suspected, involving a crime of violence or possession of a weapon;

   b. The hour of the day and the location or neighborhood where the stop takes place;

   c. Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons;

   d. The appearance and demeanor of the suspect; or

   e. Visual observations of a bulge, which suggests that the suspect might be carrying a weapon.

2. When reasonable articulable suspicion exists to conduct a pat down, it should be performed with due caution, restraint and sensitivity. Pat downs are only justifiable, and may only be performed, to protect the safety of officers and others, and may never be used to "shakedown" suspects or as a pretext for obtaining evidence. Additionally,

   a. Whenever possible, pat downs should be conducted by an officer of the same sex.

   b. Whenever possible, officers should request a back-up officer in situations justifying a pat down.

c. Pat downs are limited to a cursory search of the outer clothing for the presence of weapons. Officers may not place their hands inside of pockets unless they feel an object that could reasonably be a weapon, such as a firearm, knife, club or other similar item. Additionally, officers may not manipulate small objects in pockets to determine identity beyond the pat down.

d. Officers may pat down objects in the suspect's possession, such as a handbag, sack or other item that may conceal a weapon, by frisking the exterior. Unless the presence of a weapon is felt during this frisk, officers shall not open the item, but instead place it out of the suspect's reach. This does not preclude the officer from asking for a consent search of the item.

e. Officers may pat down a motor vehicle of which the suspect was an occupant. This frisk is limited to a cursory search of areas where the suspect could reasonably obtain a weapon.

f. If the cursory pat down of the suspect's clothing fails to disclose the presence of a weapon, no further search may be made. If evidence of a weapon is present, the officer may only retrieve that item. If possession of this weapon is a crime, the officer may then place the suspect under arrest and conduct a full Search Incident to Arrest.

C. Plain Feel Doctrine

When an officer is conducting a lawful pat down and detects an object on the suspect that he/she immediately recognizes to be contraband and can articulate same, the officer may retrieve this contraband. The officer must have a level of certainty equivalent to probable cause to arrest the suspect, prior to retrieving the contraband.

D. If after conducting an investigative detention there is no basis for making an arrest, the officer will record the facts of the investigative detention and the pat down in a written incident report made consistent with General Order 14-01, Departmental Reporting Procedures.

AUTHORITY:

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Jeffrey Spaulding
Chief of Police

Appendix A: Authorization to Search and Seize Property Form

WESTMINSTER POLICE DEPARTMENT

General Order: 5-13~~2~~

Subject: **EXTREME RISK PROTECTIVE ORDERS**

Effective Date: October 1, 2018

This General Order contains the following numbered sections:

I. POLICY
II. DEFINITIONS
III. BACKGROUND
IV. FACTORS USED BY COURT FOR DETERMINING IF ERPO IS APPROPRIATE
V. LAW ENFORCEMENT RESPONSE
VI. COURT ATTENDANCE
VII. SERVICE OF ERPO
VIII. TAKING POSSESSION OF FIREARMS/AMMUNITION
IX. EXPIRATION OF ERPO

I. POLICY

It is the policy of the Westminster Police Department to effectively utilize Extreme Risk Protective Orders to safeguard the community and ensure that firearms are removed from individuals who may constitute a threat to themselves or others.

II. DEFINITIONS

A. **Extreme Risk Protective Order (ERPO):** A civil Protective Order prohibiting the Respondent from purchasing or possessing a firearm and/or ammunition and ordering the Respondent to surrender to law enforcement any firearm and/or ammunition in the Respondent's possession for the duration of the Order; it includes an Interim, Temporary and Final ERPO.

B. **Final ERPO:** After a hearing on a Petition for the issuance of a Final ERPO, a Final ERPO may be issued by a judge requiring the Respondent to surrender any firearm(s) and/or ammunition in the Respondent's possession; prohibits the Respondent from purchasing or possessing any firearm and/or ammunition for the duration of the ERPO. A Final ERPO will be valid for a period stated in the ERPO, not to exceed one year, unless superseded by a judge or if the ERPO is modified, rescinded or, for good cause shown, extended for six months beyond the period specified.

C. **Firearm:** A weapon that expels, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive; or the frame or receiver of such a weapon. It includes a handgun, a rifle, a shotgun and a starter gun.

D. **Interim ERPO:** When the District Court is closed, the Petitioner can file a Petition with the District Court commissioner. If the Interim ERPO is issued, it requires the Respondent to surrender any firearm and/or ammunition in the Respondent's possession; prohibits the Respondent from purchasing or possessing any firearm and/or ammunition for the duration of the Interim ERPO. An Interim ERPO may include a referral from the commissioner to law enforcement for a determination of whether the Respondent should be taken for an emergency evaluation. An Interim ERPO will be effective until the earlier of the Temporary ERPO hearing, or the end of the second business day the office of the District Court clerk is open following the issuance of the Interim ERPO. If the court is closed on the day on which the Interim ERPO is due to expire, it will be effective until the next day on which the court is open.

E. **Petitioner:** An individual who files a Petition for an ERPO. A Petitioner may be any one of the following: physician, psychologist, clinical social worker, licensed clinical professional counselor, clinical nurse specialist in psychiatric and mental health nursing, psychiatric nurse practitioner, licensed clinical marriage or family therapist, or health officer or designee of a health officer who has examined the individual; a law enforcement officer; the spouse of the Respondent; a cohabitant of the Respondent; a person related to the Respondent by blood, marriage, or adoption; an individual who has a child in common with the Respondent; a current dating or intimate partner of the Respondent; or a current or former legal guardian of the Respondent.

F. **Possessing a Firearm and/or Ammunition:** Where the Respondent has firearm(s) and/or ammunition within his control. This includes those firearm(s) and ammunition where the Respondent has access to. Possession includes firearm(s) and ammunition in other locations inside and outside of the Respondent's residence and where the Respondent may not be the owner of the property, but the circumstances show the Respondent has reasonable control or possessory interest over the firearm(s) and/or ammunition.

G. **Reasonable Grounds:** Where there is a preponderance of the evidence to support the belief that the Respondent poses an immediate and present danger of causing personal injury to the Respondent, the Petitioner, or another individual by purchasing or possessing a firearm. Reasonable grounds are akin to probable cause. The determination of whether probable cause exists requires a nontechnical, common sense evaluation of the totality of the circumstances in a situation. Probable cause exists where the facts and circumstances, taken as a whole, would lead a reasonably cautious person to believe that the Respondent poses an immediate and present danger of causing personal injury to himself, the Petitioner, or another individual by purchasing or possessing a firearm.

H. **Regulated Firearm:** A handgun or a firearm that is any of the specific assault weapons (long guns), to include the receivers of the specific assault weapons, or their copies listed in MD. CODE ANN., PUB. SAFETY§5-101(r) (2), regardless of which company produced and manufactured the assault weapon.

I. **Respondent:** A person against whom a petition for an ERPO is filed.

J. **Temporary ERPO:** When the District Court is open, a Petitioner can file a Petition with the District Court judge. A hearing will be held and if the Temporary ERPO is issued, it requires the Respondent to surrender any firearm(s) and/or ammunition in the Respondent's possession; prohibits the Respondent from purchasing or possessing any firearm and/or ammunition for the duration of the Temporary ERPO. A Temporary ERPO may include a referral from the judge for an emergency evaluation. A Temporary ERPO will be effective for not more than seven days after service of the ERPO unless extended by the judge. If the court is closed on the day on which the Temporary ERPO is due to expire, it will be effective until the second day on which the court is open.

III. BACKGROUND

A. ERPOs are meant to prohibit a Respondent from purchasing or possessing a firearm and/or ammunition where there are reasonable grounds to believe the Respondent poses an immediate and present danger of causing personal injury to himself, the Petitioner or other individuals by purchasing or possessing a firearm.

B. A Petition for or the issuance of an ERPO does not in any way affect the ability of members to remove or seize firearm(s) and/or ammunition from any person or property as otherwise permitted by law.

C. ERPOs do not prohibit contact between the Respondent and Petitioner or others. If there is reason that contact should be prohibited, a separate Protective or Peace Order would be required.

IV. FACTORS USED BY COURT FOR DETERMINING IF ERPO IS APPROPRIATE

A. Any information known to the Petitioner that the Respondent poses an immediate and present danger of causing personal injury to himself, the Petitioner or another person by purchasing or possessing a firearm.

B. The Petitioner's basis of knowledge of supporting facts, including a description of the behavior, statements of the Respondent or any other information that led the Petitioner to believe the

Respondent presents an immediate and present danger of causing personal injury to himself, the Petitioner or another person.

C. A description of the number, types and location of any firearm(s) believed to be possessed by the Respondent;

D. Any supporting documents or information regarding:

1. Any unlawful, reckless, or negligent use, display, storage, possession or brandishing of a firearm by the Respondent.

2. Any act or threat of violence the Respondent made against the Petitioner or against another person, whether or not the threat of violence involved a firearm.

3. Any violation by the Respondent of a Protective Order or a Peace Order.

4. Any abuse of a controlled dangerous substance or alcohol by the Respondent, including any conviction for a criminal offense involving a controlled dangerous substance or alcohol.

5. Where disclosure is permitted or not otherwise prohibited by law, any health records or other health information concerning the Respondent.

V. LAW ENFORCEMENT RESPONSE

A. Emergency Evaluations

1. Whenever an Oofficer takes an adult into custody for an emergency evaluation, he/she will immediately contact the Gun Center (1-855-677-6486) to determine if the person owns a regulated firearm.

2. Whenever an Officer takes a juvenile into custody for an emergency evaluation, he/she will immediately contact the parent(s)/guardian(s) in an effort to determine if the juvenile has access to firearms of any type within the home or from other sources.

~~2.~~3. When an Officer files a petition for an emergency evaluation and has reasonable grounds to believe the person poses an immediate and present danger of causing personal injury to himself or other persons by purchasing or possessing a firearm, the Officer will also file a petition for an ERPO.

B. Domestics and Other Types of Calls for Police Assistance

1. When an Officer learns of behavior that leads him to conclude there is reasonable grounds that a person poses an immediate and present danger of causing personal injury to himself or to other persons by purchasing or possessing a firearm, the Officer should encourage an eligible Petitioner with direct knowledge of the Respondent to file the ERPO petition with the assistance of the Officer.

2. The Officer will explain the process for filing an ERPO Petition and provide the eligible Petitioner with a WPD ERPO Information Pamphlet (Addendum A), which explains the process for filing of the petition.

3. If the reporting party is unable or unwilling to file for the ERPO, the Officer will file for the ERPO themselves and report the information he obtained as thoroughly as possible. Officers will make every attempt to get a written statement from any witnesses to support the ERPO.

4. An Officer who receives secondhand information about an individual should make every attempt to verify the information being reported and evaluate the need for an ERPO. If the Officer is unable to verify the information, he should assist the reporting party in filing for the ERPO themselves, explaining the process and assisting as needed.

5. Officers who are investigating cases where an ERPO may be appropriate, and one has not yet been issued, should consider other options to legally secure firearm(s) and/or ammunition

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in the suspect's possession during the original call for service (e.g. consent, securing the location pending a search warrant, plain view at domestic violence scenes in accordance with existing law and policy).

a. If appropriate, the Criminal Investigations Bureau (CIB) supervisor and/or a representative of the State's Attorney's office will be contacted for guidance.

b. Such actions should be considered in order to minimize the potential risk and the need to secure the firearm(s) and/or ammunition prior to the suspect returning to the location.

c. Officers will arrest any person whom they have probable cause to believe is in violation of an active ERPO, at the time of the violation.

d. All WPD actions related to ERPOs require the Officer to complete an Incident Report (IR) and/or a Supplemental Report; this includes the service of ERPOs and the transfer/return of firearm(s) and/or ammunition.

VI. COURT ATTENDANCE

A. Officers who apply for an ERPO will be required to attend all court proceeding(s) stemming from that order.

B. When the Officer is the petitioner in a Temporary ERPO, the Officer should attempt to contact witnesses prior to the hearing and request they attend.

C. If an Interim or Temporary ERPO is issued, the Officer should make reasonable efforts to ensure witnesses needed for subsequent hearings are subpoenaed. Officers may request a subpoena for witnesses to appear at ERPO hearings by completing a Request For Subpoena (District Court Form DC-004 – Addendum B). If an officer applies for an Interim ERPO at the Commissioner's Office, the Request for Subpoena may be completed and submitted to the Commissioner at the time of application. If the officer applies to the Court for a Temporary ERPO, they may submit the Request for Subpoena directly to the Clerk of Court.

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VII. SERVICE OF ERPOs

A. Upon receipt of an ERPO from the Court or Commissioner, the officers will contact Police Communications and have a case number assigned for "Extreme Risk Protective Order". A copy of the order will be placed in the case file relating to the case. The assigned officer will also ensure that the required METERS/NCIC entry is made and document the entry in their incident report. A copy of the METERS/NCIC entry will be printed and placed in the case file.

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B. The officer will also immediately contact the Maryland Gun Center in order to determine whether the Respondent is the registered owner of a regulated firearm.

C. Officers may contact a CIB supervisor for assistance as required.

D. Officers will promptly attempt to serve the ERPO on the Respondent. All attempts to serve the ERPO will be documented in the Computer Aided Dispatch (CAD) and in the incident report relating to the case. In the event that the ERPO cannot be served during the shift when it was received, the original ERPO will be turned over to the shift commander for the oncoming Patrol shift who will be responsible for ensuring that attempts to locate/serve the Respondent and seize the firearms are ongoing. The off-going shift commander will also note that the ERPO was passed along to the next shift on the "end of shift" report.

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E. Officers will make a good faith effort to secure any firearm(s) and/or ammunition in the Respondent's possession.

1. In some cases, the Respondent may consent to have Officers search and/or confiscate the firearm(s) and/or ammunition in his possession. At other times, the Petitioner or other

individual(s) may have the legal authority to give consent and allow Officers access into a location to secure any firearm(s) and/or ammunition.

2. During their investigations, Officers may develop probable cause to apply to the court for a search warrant to search a specific location(s) in situations when the Respondent fails to surrender firearm(s) and/or ammunition.

3. When Officers have probable cause to believe the Respondent is in possession of firearm(s) and/or ammunition, and after giving proper notice, the Respondent refuses to surrender the firearm(s) and/or ammunition, Officers will arrest the Respondent for violating the ERPO (Public Safety Article 5-610).

F. A commissioner or judge may make a finding, based upon the information contained within an ERPO Petition, that there is probable cause to believe the Respondent meets the requirement for an emergency evaluation.

1. Commissioners may refer the R~~r~~espondent to law enforcement for a determination of whether the Respondent should be taken for an emergency evaluation. A referral on the ERPO by a commissioner does not provide law enforcement the legal authority to take the Respondent into custody for an evaluation. The referral and any subsequent request for an emergency evaluation must follow the criteria set forth in the Health General Article.

2. Judges may order~~refer~~ the R~~r~~espondent ~~for~~to participate in an emergency evaluation. A referral on the ERPO by a judge requires law enforcement to take the Respondent into custody for an evaluation.

G. Officers will promptly provide a return of service for served ERPOs to the Court and document the return in their incident report relating to the case.

H. The officer serving the ERPO will ensure that the Department of Public Safety and Correctional Services is electronically notified of the service of the ERPO through METERS/NCIC within two (2) hours of the service of the ERPO and document the date/time of the notification in the incident report.

I. Upon receipt of the law enforcement copy of a Final ERPO, METERS/NCIC will be updated. The officer receiving the Final ERPO is responsible for this computer entry. They will also document the date/time of the notification in the incident report.

VIII. TAKING POSSESSION OF FIREARMS/AMMUNITION

A. While most firearm(s) and ammunition related to an ERPO should be turned into the police or sheriff's department responsible for serving the ERPO, respondents of an ERPO may surrender their firearm(s) at any police installation.

B. Any firearm taken into the WPD's possession will be unloaded and only taken inside WPD installations by sworn employees.

C. Officers taking possession of firearm(s) and/or ammunition in accordance with an ERPO will, at the time of surrender/seizure, ensure the following steps are taken:

1. Immediately contact the Maryland Gun Center and provide the information regarding the surrender/seizure of the firearm.

2. Issue a WPD Firearm(s)/Ammunition Receipt for Protective Orders, ERPO and Domestic Violence Scenes, to the Respondent and retain a copy for WPD's records. ~~(add exhibit #~~ ?Addendum C)

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3. Explain the process for retaking possession of the firearm(s) and/or ammunition upon the expiration or termination of the ERPO (explanation appears on rear of WPD Firearm(s)/Ammunition Receipt) and have the individual turning in the firearms sign the receipt.

4. Transport and store any firearm(s) and/or ammunition in accordance with established WPD procedures.

D. Officers in possession of firearm(s) and/or ammunition surrendered/seized under an ERPO will ensure the following steps are taken:

1. If an agency other than the WPD is responsible for serving the ERPO, contact that agency and advise them the firearm(s) and/or ammunition are in WPD's possession; a copy of the Incident Report will be provided to the department.

2. Closely monitor the status of the ERPO using the District Court's Secure Case Search. Communications personnel have access to the Secure Case Search site and can conduct these queries.

3. Firearm(s) will remain in storage at the WPD property room while the ERPO is in effect. Unless also seized as evidence of a crime, firearm(s) should not be test fired or submitted for laboratory analysis. If the gun was not originally seized as evidence of a crime, but probable cause develops regarding a possible crime, a search warrant should be sought prior to any testing.

4. Firearm(s) will be stored in a manner intended to prevent damage; employees will not place any mark on the firearm(s) for identification or other purposes.

5. Contact the assistantDeputy CIB Commander and notify them of the firearms seizure and coordinate ERPO case monitoring.

IX. EXPIRATION OF ERPO

A. Upon the expiration or termination of an ERPO, a CIB supervisor will:

1. Contact the Maryland Gun Center in order to determine if the Respondent is not otherwise prohibited from purchasing or possessing firearm(s) and/or ammunition;

2. Contact the local sheriff's department, or other agency responsible for serving ERPO, in the area where the Respondent resides, and advise them of the impending release of the firearm(s) and/or ammunition; and

3. If appropriate, attempt to notify the Respondent that he may request the return of the firearm(s) and/or ammunition.

B. On request of the Respondent who is not otherwise prohibited from purchasing or possessing firearm(s) and/or ammunition, the CIB supervisor will return the firearm(s) and/or ammunition to the Respondent no later than:

1. 14 days after the expiration of an Interim or Temporary ERPO;

2. 14 days after the court terminates a Final ERPO; or

3. 48 hours after the expiration of the Final ERPO.

C. When a Respondent does not wish to have his firearm(s) and/or ammunition returned, or is otherwise prohibited from purchasing or possessing firearm(s) and/or ammunition, the firearm(s)/ammunition will be disposed of in the following manner:

1. **Option # 1** - The firearm(s) may be transferred or sold to an individual/business with a Federal Firearms (s) Licensed (FFL). Dealer; tThe FFL holder must provide written proof that the Respondent has agreed to transfer the firearm(s) and/or ammunition to the FFL holder. This agreement must be verified with the Respondent and the verification documented in writing.

2. **Option # 2** – Allow the transfer or sale of a firearm through the secondary sales registration process to a non-prohibited person who the owner designates for firearms seized under Public/ Safetuy § 5-135.under The firearm(s) may be transferred to another person who is not prohibited from purchasing or possessing firearm(s) and/or ammunition under State and/or federal law and who does not reside in the same residence as the Respondent. The

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person must provide written proof that the Respondent has agreed to transfer the firearm(s) and or ammunition to the person. This agreement must be verified with the Respondent and the verification documented in writing.

3. **Option # 3** - ~~Request the WPD to destroy the firearm(s) and/or ammunition.~~ The owner may authorize disposal of the firearm by the ~~Police Department~~WPD.

4. When Option # 1 or Option # 2 are applicable, the WPD will only release the firearm and/or ammunition if:

   a. For regulated firearm(s), the person claiming ownership provides a copy of the Form 77R, Application and Affidavit to Purchase a Regulated Firearm, to be placed in the case file;

   b. For other firearm(s) (shotguns and rifles), the person claiming ownership provides a copy of a bill of sale or other proof of purchase to be placed in the case file; and

   c. The CIB supervisor determines the individual is not otherwise prohibited from purchasing or possessing the firearm(s) and or ammunition.

5. The Gun Center will be contacted prior to the release of any firearm(s) and/or ammunition surrendered/seized as the result of an ERPO. The purpose of the contact is to confirm that the person receiving the firearms is not prohibited from possessing firearms/ammunition.

6. If a firearm and/or ammunition is not reclaimed within six (6) months after the WPD provides notification to the Respondent that the firearm(s)/ammunition may be released, no party will have the right to assert ownership of the firearm(s) and/or ammunition and the WPD may destroy them.

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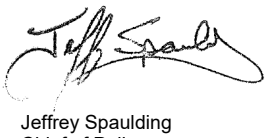

Jeffrey Spaulding
Chief of Police

Addendum A: Trifold Pamphlet for Public

Addendum B: District Court Witness Subpoena

Addendum C: Firearms / Ammunition Receipt

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WESTMINSTER POLICE DEPARTMENT

General Order: 05-14

Subject: **RAPE AND SEXUAL ASSAULT INVESTIGATIONS**

Effective Date: September 20, 2019

This General Order contains the following numbered sections:

I. POLICY
II. DEFINITIONS
III. PRELIMINARY INVESTIGATIONS
IV. SUPERVISOR RESPONSIBILITIES
V. CRIMINAL INVESTIGATIONS BUREAU RESPONSIBILITIES
VI. SEXUAL ASSAULT EXAM KITS
VII. VICTIM SERVICES
VIII. REPORTING REQUIREMENTS
IX. TRAINING

I. POLICY

The Westminster Police Department (WPD) shall strive to ensure the safety and security of victims of reported rapes and other sex offenses. The WPD shall investigate reported rapes and sexual offenses with sensitivity for the victim's physical and emotional well-being. The first responding Officers must be aware that they are the initial source of protection for the victim. The WPD shall protect the confidentiality of the victim's information to the extent possible by law and policy. When the victim is eighteen (18) years of age or older, the WPD Criminal Investigation Bureau (CIB) will assume investigative responsibility. When the victim is under the age of eighteen (18), the Carroll County Advocacy & Investigation Center (CCAIC) will assume investigative responsibility.

II. DEFINITIONS

RAPE: Vaginal intercourse or a sexual act (cunnilingus, fellatio, analingus, anal intercourse, digital penetration, or insertion of any object in the vagina or anus for the purpose of sexual gratification) with another person by force or threat of force, without the consent of the other person, or when the victim is substantially cognitively impaired, mentally incapacitated, or physically helpless and the person committing the act knows or should reasonably know this fact. (SEE APPENDIX A FOR ADDTIONAL DETAILS)

SEXUAL OFFENSE: An intentional touching of the victim's or suspect's genital, anal or intimate area for sexual arousal or gratification without consent. (SEE APPENDIX A FOR ADDTIONAL DETAILS)

SEXUAL ASSAULT FORENSIC EXAMINATION (SAFE): A sexual assault examination conducted at a qualified hospital by a specially trained forensic nurse examiner (FNE).

SEXUAL ASSAULT EVIDENCE KIT (SAEK): A kit provided by the hospital that contains forensic evidence related to a sexual assault and that includes a full health assessment and the forensic evidence collected from the victim with the proper chain of custody.

"JANE DOE" SEXUAL ASSAULT EVIDENCE KIT: A SAEK where the victim does not want to be identified or to have the police notified. Identifying information is sealed inside the kit. An anonymous code located on the outside of the sealed kit tracks identification.

VICTIM ADVOCATE: A rape crisis counselor, social worker, victim/witness provider or other trained provider of victim support services.

III. PRELIMINARY INVESTIGATIONS

A. The assigned Patrol Officer will be responsible for the preliminary investigation and the initial report of rape and sexual assault incidents. Refer to General Order 5-03, Criminal Investigations Protocols for further details regarding preliminary investigations.

B. The investigating Patrol Officer shall:

1. Provide first aid and protection to the victim, as needed.

2. Separate the victim from witnesses and spectators, including friends, family members and relatives, when possible.

3. Conduct a brief initial interview to determine if an offense has been committed and if so, the type, time and location of the offense. The Officer should ask the victim questions necessary to determine the type of crime and to obtain basic information necessary for a suspect lookout. The Officer will refrain from expressing or implying any opinion regarding the incident, both during the course of the investigation and during documentation in the incident report.

4. Notify his/her supervisor to respond to the scene and request additional resources (officers, medics, etc.) as needed.

5. Protect and maintain the crime scene to ensure evidence is not lost, tampered with or contaminated. Complete a crime scene entry-log when appropriate. Sex offense crime scenes often include the victim (and clothing worn during the offense), the suspect (and clothing worn during the offense), the location, vehicles involved, and electronic devices that contain any communication between the victim and suspect.

C. When the incident occurred within the previous five (5) calendar days:

1. Explain the SAFE process, and encourage the victim to submit to an exam for evidentiary purposes.

2. Arrange transportation for the victim to the hospital by Officer or ambulance if needed. Victims should be encouraged not to drive themselves.

3. The Supervisor shall ensure that Officers maintain the crime scenes, as needed.

4. When the victim decides not to submit to a SAFE, Officers will recommended that the victim contact a physician regarding tests for sexually transmitted diseases and pregnancy.

5. When the victim suspects that the offense was drug related, it is crucial that a hospital or a medical facility obtain a urine sample as soon as possible within twenty-four (24) hours of the incident.

6. The Officer will remain with the victim until relieved by a Detective.

D. When the suspect is on-scene:

1. Consult with the CIB Commander or Supervisor prior to making a custodial arrest. Officers may detain the suspect when appropriate and as permitted by law.

2. If the offense just occurred, do not allow the suspect to change his/her clothing, to bathe, to clean up or to use the bathroom, when possible.

3. Document any spontaneous statements made by the suspect regarding the offense, and advise the investigating Detective of the statements. Patrol Officers may ask the suspect preliminary investigation questions, however, they should not conduct a custodial interrogation unless it is done in coordination with the investigating Detective.

4. Responding Officers shall complete and submit their initial incident reports and supplements prior to the end of their shift.

IV. SUPERVISOR RESPONSIBILITIES

A. Upon notification of an incident involving a rape or felony sexual offense, the Supervisor shall respond to the scene and ensure:

1. Crime scenes are secure and properly staffed, and

2. Preliminary investigation steps in Section III are completed.

B. The Supervisor shall notify the CIB and Patrol Commanders and provide support as requested by the CIB Commander.

C. If the victim is under the age of eighteen (18), the Supervisor will notify the Carroll County Advocacy & Investigation Center [CCAIC] on-call Detective. The Supervisor will ensure completion and approval of the incident report and supplements, and will email them to ccaic@carrollcountymd.gov prior to the end of the shift.

V. CRIMINAL INVESTIGATIONS BUREAU (CIB) RESPONSIBILITIES

A. The WPD CIB shall investigate all rape and felony sexual assaults involving victims eighteen (18) years of age and older. The CIB Commander or Supervisor will review fourth (4th) degree sex offenses on a case-by-case basis to determine who will conduct the investigation.

B. CIB Detective responsibilities when assigned to investigate a rape/sexual assault:

1. Contact the responding Officers to obtain relevant information about the incident, and notify and coordinate with the crime lab.

2. Assume responsibility for the investigation and relieve the initial responding Officers when appropriate.

3. Arrange for a SAFE, if not already completed. The victim may request that a Rape Crisis or a Family and Children Services (FCS) advocate remain with him/her during the SAFE. The SAFE nurse will normally notify the advocate to respond.

4. If a suspect is in custody, the Detective shall coordinate the audio or audio/visual (when applicable) recorded interview of the suspect. The Detective will coordinate preparation of a search warrant for the suspect's SAFE.

   a. Detectives should apply for the suspect's SAFE search warrant when police have access to the suspect within five (5) days of the reported incident.

   b. After the judge signs the search warrant, members will transport the suspect to a hospital for the SAFE. The on-call SAFE nurse will respond to complete the SAFE.

5. Members should normally not record the preliminary interview of the victim. The purpose of a preliminary interview is to gather as many facts as possible about the incident. Members should keep in mind that the victim may be in a traumatic state. An in-depth interview should be scheduled for a later date. Follow-up interviews will be audio or audio/visual recorded [when applicable].

6. Collect any evidence from the SAFE; take custody of the sexual assault exam kit (SAEK); and submit the SAEK to the WPD Property Room. The SAEK does not need to be refrigerated. The Detective shall inform the victim of SAEK DNA testing procedures and his/her right to know whether a DNA profile was obtained.

7. Coordinate with the Carroll County State's Attorney's Office (SAO) to review the case for further action, such as placing criminal charges, presenting to a grand jury or obtaining advocate assistance.

VI. SEXUAL ASSAULT EXAM KITS (SAEK)

A. Forensic exams for a SAEK should be done within five (5) days of the rape/sexual assault.

1. The SAEK will be used for vaginal, anal, and/or oral swabs for DNA, combs of hair samples and bags of clothing worn by the victim at the time of the incident.

2. SAEK forensic exams shall be offered free of charge to all rape/sexual assault victims.

B. The SAEK must be submitted to the WPD Property Room. The Detective will notify MSP Forensic Science Division at (443)357-1441 to discuss the facts of the case and the evidence. The MSP Forensic Science Supervisor will approve any evidence for DNA testing and will provide MSP Form 234 for the Detective to complete. The Detective will submit completed MSP Form 234 and MSP Form 67 to the WPD Property Management Specialist. The Detective will request the Property Management Specialist notify him/her when the property has been delivered to the MSP Crime Lab. The Department shall request analysis on all SAEKs with the exception of those cases that are determined to be "unfounded," "a false report," or for a "Jane Doe." The CIB Commander or his/her designee will review all cases where there is a decision not to test the SAEK.

1. COMAR Regulation 02.08.01.03 mandates that when a victim requests information in reference to a SAEK that is within the law enforcement agency's possession, the agency must, within thirty days following the request, provide the victim with:

a. Information about the status of the SAEK analysis, and

b. All available results of the SAEK analysis.

The regulation does allow the agency to decline to provide the SAEK analysis results when it may impede or compromise an ongoing investigation. The agency must notify the victim of its decision.

2. The CIB Lieutenant shall maintain a current log of all SAEKs. The log will contain the incident report number, the Detective assigned, the offense, the date of offense, victim/suspect information, whether the suspect was charged or not, whether the SAEK was tested or not and the reason for not testing, and the disposition of the SAEK for DNA profile.

C. In accordance with COMAR Regulation 02.08.01.04, SAEKs shall be retained in the WPD Property Room for a minimum of twenty (20) years. This does not apply if the incident resulted in a conviction and the defendant has completed the sentence or all of the suspects are deceased. This regulation also requires that an agency notify the victim no later than sixty days before the date of the intended destruction or disposal of the evidence. The victim may request that the agency retain the sexual assault evidence for an additional twelve (12) months or for a time-period agreed upon by both the victim and the agency.

1. The CIB Commander or his/her designee must approve the disposal of any other supporting evidence.

2. The Department shall retain evidence and related SAEKs that involve a "stranger" rape/sexual assault indefinitely.

3. Disposal of SAEKs prior to twenty (20) years may be approved in the following circumstances:

a. When the investigation revealed that the incident was verified to be a false report.

b. When the SAEK was collected outside of the five (5) day period and no viable evidence would be available. The Detective will confer with the Carroll County SAO prior to disposing of the SAEK.

c. When the case has been adjudicated, and it has been verified that all of the appeal periods have ended with no need to retain evidence. The Detective shall confer with the Carroll County SAO prior to disposing of the SAEK. If the SAO agrees with the decision to dispose of evidence from the case, the Detective will consult with the WPD Property Management Specialist and will document all actions in a supplement.

D. "Jane Doe" SAEKs

1. The 2005 reauthorization of the Violence Against Women Act (VAWA) states that a victim of a rape is not required to participate in the criminal justice system in order to be provided with a forensic medical exam.

2. Because of the chain of custody issues regarding evidence collected, "Jane Doe" SAEKs shall be stored in the WPD Property Room indefinitely in the event that the victim later decides to request an investigation by law enforcement.

3. A victim may participate in the SAEK process without notification to law enforcement. In the event the victim chooses to remain anonymous, Carroll Hospital Center will submit the sealed SAEK and all related paperwork to the Carroll County Sheriff's Office (CCSO) for indefinite storage.

4. If the victim later elects to have the incident investigated, the CIB Commander or his/her designee shall coordinate assignment of the investigation. The assigned Detective will use the original incident report number and will reclassify the case with the proper sex offense code.

VII. VICTIM SERVICES

The assigned Detective will provide information and assistance to the victim and to any witnesses as circumstances of the case dictates:

1. The Department will provide victims of rape/sexual assaults with the phone numbers to the 24-hour hotline to the Rape Crisis Center (410) 857-7322 as well as to FCS (443) 865-8031. If the victim requests to have an advocate respond from Rape Crisis Center, the Detective will make the notification for the victim.

2. The Department will inform victims of rape/sexual assaults of the availability of a victim advocate through the SAO (410) 386-2796 who can coordinate victim services and assist with trial procedures as the case progress.

3. The Department will provide a copy of the booklet "Crime Victims and Witnesses: Your Rights and Services" to the victim and to witnesses who may request one.

4. The Department will provide a Rape Crisis Center information packet to all victims of rape/sexual assaults.

VIII. REPORTING REQUIREMENTS

In accordance with COMAR Regulation 02.08.01.05, beginning on 09/01/19, and every two (2) years thereafter, the CIB Lieutenant shall submit the following information to the Office Of The Attorney General via email at SAEKReporting@oag.state.md.us:

1. The number of SAEKs in WPD possession as of June 30 of that calendar year.

2. The date the WPD received each SAEK.

3. The number of SAEKs tested within the prior two (2) years as of June 30 of that calendar year.

4. The number of SAEKs destroyed during the prior two (2) years as of June 30 of that calendar year.

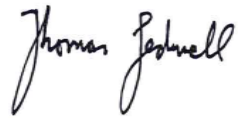
5. The number of written requests received pursuant to COMAR Regulation 02.08.01.04 during the prior two (2) years as of June 30 of that calendar year.

IX. TRAINING

A. In accordance with COMAR Regulation 12.04.01.12, "Annual In-Service Training," the WPD shall conduct training every three (3) years covering criminal laws concerning rape and sexual offenses, the sexual abuse and exploitation of children, and related evidentiary procedures.

B. The Support Services Bureau Commander will coordinate this training with the CIB and the SAO.

AUTHORITY:



_____
Thomas Ledwell
Chief of Police

Appendix A: Rape 1st and 2nd & Sex Offenses

WESTMINSTER POLICE DEPARTMENT

General Order 6-01 Order# 2010-13

Subject: **USE OF FORCE**

Effective Date: August 10, 2016

This General Order contains the following numbered sections:

I. POLICY
II. DEFINITIONS
III. USE OF FORCE
IV. OTHER USE OF FORCE TECHNIQUES
V. WEAPONS
VI. REPORTING USE OF FORCE
VII. INVESTIGATION OF USE OF FORCE
VIII. POLICY REVIEW
IX. CANCELLATION

I. POLICY

The value of human life is immeasurable in our society. Police officers have been given the responsibility to protect life and restrain wrongdoers, using force if necessary, in order to fulfill their duty; therefore, officers must use utmost prudence and restraint in exercising their authority to use force. Any force used must be objectively reasonable under the circumstances and consistent with constitutional principles.

This directive is for WPD use only and does not apply in any criminal or civil proceeding. The WPD policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims.

II. DEFINITIONS

A. Physical Force

The application of contact, with or without a weapon, used to control or restrain another, or to overcome the resistance of another. Physical force can entail the use of any and/or all-human body parts, such as the head, teeth, shoulders, arms, hands, feet etc. Physical force is divided into two categories:

1. Deadly Force

Force that is likely to cause death or serious physical injury.

2. Less-Lethal Force

Force that is not intended, nor reasonably likely to, result in death or serious physical injury.

B. Probable Cause

Information or facts evaluated in light of an officer's education, experience, training and known to him/her at the time of the incident that would lead a reasonable person to conclude that it is more probable than not that an event occurred.

C. Passive Resistance

A level of resistance exhibited by a person and characterized by nonviolence, lack of cooperation and inaction which is common in peaceful protests. The subject refuses to respond to verbal or other direction from the officer but exhibits no resistive movement. This level of resistance is less than that of active resistance or active aggression, but may include holding onto fixed objects.

D. Active Resistance

Subject is making physically evasive movements or behaviors to defeat the officer's attempt to arrest or gain control. Physically evasive movements or behaviors may include, but are not limited to, physically bracing, twisting, pulling, and holding onto fixed objects to avoid apprehension.

E. Active Aggression

Subject makes overt, hostile, attacking movements which may cause injury to the officer. This aggression may manifest itself through actions including, but not limited to, punching, kicking, biting or pushing or display of a weapon.

F. Serious Physical Injury

Injury which is potentially life threatening, examples of which may include bone fractures, voluminous bleeding, damage to vital organs and head injuries.

G. Imminent

Near at hand, at the point of happening, threatening, such an appearance of threatened and impending injury as would put a person on instant defense.

H. Reasonable Belief

The existence of facts, or combination of facts, that the circumstances are such to cause a reasonable person to believe them to be true.

I. Use of Force Continuum (Appendix A)

The WPD trains its members to use only the amount of force that is reasonable under the circumstances, as those circumstances would appear to a reasonable police officer at the time force is used. What level of force is appropriate relies on the judgment of the member based upon the member's assessment of the situation and the member's training and experience. The Use of Force Continuum is a training tool used by the WPD to provide officers with a reference framework in their decision-making. The Use of Force Continuum is not intended to dictate an officer's judgment in a critical situation nor does it create any legal standard separate or different form that established by law.

J. Less-Lethal Philosophy

A concept of planning and applying force that meets operational objectives while presenting a lesser potential for death or serious physical injury.

K. Conducted Electrical Weapon (Taser)

The Taser is a less-lethal weapon that emits an electrical energy charge which causes neuro-muscular incapacitation that affects the sensory and motor functions of the central nervous system. Taser is a copyrighted trademark symbol and shall be treated accordingly.

1. Display- The visible presence of the Taser outside of the holster.
2. Deployment- Pointing a Taser at a subject.
3. Discharge- The delivery of an electrical energy charge via the probes or a drive stun.

III. USE OF FORCE

A. Officers and civilians shall only use the physical force that is reasonable under the circumstances to affect lawful objectives in accordance with WPD procedures, State law and constitutional mandates. When the circumstances justifying a particular use of force no longer exist, that degree of force should be discontinued. De-escalation is an important part of the reasonableness evaluation. **There are generally only four instances when the use of force is justified.** These

include:

1. TO EFFECT AN ARREST
2. TO PREVENT AN ESCAPE
3. FOR SELF PROTECTION
4. TO PROTECT OTHERS

B. Deadly force may be used in self-defense or in the defense of others when an officer is confronted by what he reasonably believes is the imminent threat of death or serious physical injury.

C. Deadly force may be used as a last resort if necessary to prevent the escape of a suspect whom the officer has probable cause to believe has committed, attempted, or threatened to commit, a crime involving the infliction of death or serious physical injury, and if not apprehended, the suspect poses an imminent threat of death or serious physical injury to the officer or others. It is important to note that:

1. A verbal warning must be given prior to the use of deadly force, except in exigent circumstances; and,

2. The officer must reasonably believe that all other means of effecting the arrest are futile; and,

3. The decision on whether the suspect poses an imminent threat, if not apprehended, must be based on:

   a. Information known to the officer at that time; and,

   b. The nature of the offense committed or attempted; and,

   c. The circumstances surrounding the apprehension and the nature of resistance by the suspect.

D. Deadly force may not be appropriate when its use would threaten the safety of innocent persons, unless necessary to protect the officer's life or the life of another.

E. The discharge of firearms at or from motor vehicles is prohibited unless necessary to protect the officer's life or the life of another.

F. The discharge of firearms to destroy animals is permitted to prevent substantial harm to the officer or another person, or when an animal is so badly injured that humanity requires its relief from further suffering.

G. The discharge of firearms for use as "warning shots" is prohibited, as it exposes officers and citizens to unnecessary dangers.

H. When applying handcuffs to an arrestee, an officer shall avoid kneeling, sitting, or applying pressure to the arrestee's back, unless necessary to accomplish the restraint and then should be removed once compliance is gained.

I. K-9 deployment in itself is not a use of force, although when the K-9 is used in the following, it shall be treated as a use of force.

1. Crowd Control
2. Bark-and-hold
3. Bite

IV. OTHER USE OF FORCE TECHNIQUES

The WPD recognizes that officers may receive training in various other techniques (e.g.: Lateral Vascular Neck Restraint, Mandibular Angle Pressure Point, Carotid Restraint, etc.) from external sources, however, officers are prohibited from deploying any technique not authorized by the WPD. This prohibition shall not apply to deadly force situations.

V. WEAPONS

A. Primary and Secondary Handgun

1. The deployment and/or discharge of the primary and secondary handgun shall be consistent with the training provided by a Certified Departmental Firearms Instructor.

2. The carrying of weapons shall be consistent with the training provided by Certified Departmental Firearms Instructor.

3. If the primary or secondary handgun is pointed at an individual or fired, a Use of Force Form and an Incident Report shall be completed. This does not include the use of a handgun in a controlled training exercise.

4. Officers shall always consider the potential consequences of their actions when making the decision to use their handguns.

5. Officers shall take into consideration the following factors when deciding to use the handgun:

   a. Reduced use of hands when using a weapon;

   b. Handcuffing a suspect when alone and without the assistance of another officer (*officers shall not search and handcuff suspects while holding a weapon unless no other officer is available to assist);*

   c. Potential background targets and the likelihood that rounds may pass through walls etc.;

   d. Possibility of the weapon inciting or aggravating a situation as opposed to being a protective measure.

6. Secondary handguns are authorized for use only in those critical situations when the primary weapon has been taken, lost, emptied or disabled. Approval, inspections, qualifications and training shall be done in accordance to General Order 6-02, Authorized Weapons, Qualifications and Inspections, dated October 1, 2009.

B. ASP Baton

The ASP baton shall only be used after demonstrating proficiency with it and in accordance with the training provided to all officers. If at all possible, striking the subject's head, sternum, groin and neck areas shall be avoided. Intentionally striking such areas is only authorized if the officer is justified in using deadly force. Any time the ASP baton is used, officers shall complete an Incident Report and a Use of Force Form. Whenever the use of an ASP results in serious bodily harm or death, the responding supervisor shall place the ASP into evidence and provide the officer with a new ASP. At no time shall the officer's ASP be taken in the presence of the suspect, a witness or the media.

C. Riot Baton

The use of the riot baton is restricted to large crowd control situations and civil disobedience gatherings. The riot baton shall only be utilized at the direction of a supervisor, generally the Incident Commander. The riot baton is best used in riot formation operations where officers are

deployed in unison with one another. If an officer strikes a citizen with the riot baton, he shall complete an Incident Report and a Use of Force Form. If the riot baton is merely deployed in a large crowd control situation or civil disobedience gatherings, then the Incident Commander shall document the deployment and the reason for the deployment in an Incident Report.

D. Tear Gas

Only officers certified in the use/deployment of tear gas are authorized to dispense tear gas for crowd control purposes or in situations where other options are not desirable. During prolonged emergency operations, the Chief of Police or the Carroll County Crisis Response Team (CCCRT) Incident Commander may designate additional members to deploy tear gas. Any time tear gas is deployed, officers shall complete an Incident Report and a Use of Force Form.

E. OC Chemical Agent

1. Deployment of OC Chemical Agent

a. The Oleoresin Capsicum (OC) inflammatory agent is considered a low level control and restraint technique when applied in a manner consistent with the WPD training. OC will not be used during civil disobedience situations (e.g. peaceful "sit in" protests) against subjects engaged in passive resistance. **Officers shall review the "Use of Force Continuum" and "use of OC spray" annually during In Service training relating to the use of force.**

b. The OC agent shall only be used by officers and qualified uniformed civilians after demonstrating proficiency and in accordance with the training provided by the Training Division.

c. Uniformed civilians shall only use OC spray in self-defense.

d. OC spray will not be used against a suspect in physical control of a vehicle in motion (car, truck, motorcycle, all-terrain vehicle, etc.) unless exigent circumstances exist.

e. When the agent is utilized, the officer or authorized uniformed civilian must exercise caution not to contaminate himself or other members.

f. After each deployment, the below procedures shall be followed:

i. The OC canister shall be placed into evidence prior to the end of the shift so it may be later analyzed, if necessary, to verify that its contents were in conformance with the manufacturer's specifications. The Property/Evidence Section shall maintain custody of the canister for a minimum of thirty nine (39) months.

ii. The Watch Commander shall be responsible for issuing replacement OC canisters when the Property Management Specialist is not available.

iii. The Property Management Specialist shall be responsible for issuing a supply of replacement OC canisters to the Watch Commanders.

iv. Any officer or uniformed civilian utilizing the OC Chemical Agent shall adhere to the decontamination procedures as dictated by the Training Division.

2. Storage

OC canisters shall not be stored in direct sunlight or in places where the temperature may

reach 120 degrees Fahrenheit, such as in the trunk of a car.

3. Reporting OC Use – Additional Requirements

Whenever an officer discharges the OC agent, for an operational purpose an Incident Report and a Use of Force form shall be completed consistent with Section VI. The Incident Report and Use of Force form shall include:

a. The circumstances surrounding the incident;
b. The reason the agent was utilized;
c. The effect it had on the subject;
d. What decontamination procedures were provided to the subject;
e. What, if any, injury was sustained by the subject;
f. Information on any third party, who was affected by the spray; and
g. That the canister was placed into evidence.

F. Conducted Electrical Weapon (Taser)

The Taser is a less than lethal weapon that emits an electrical energy charge which causes neuro-muscular incapacitation that affects the sensory and motor functions of the central nervous system and may be utilized to gain control of a subject who is violent or who may imminently become violent.

1. Electrical charges may be released from the Taser in two (2) ways:

a. Probe Mode - Firing two (2) probes up to twenty-five (25) feet from a disposable cartridge, which are connected to the Taser by insulated wires and release electrical discharge pulses into the body. Cartridges issued to the CCCRT may be used up to thirty-five (35) feet.

b. Drive Stun Mode - When the Taser is applied directly to the body, consistent with training, as a pain compliance technique.

The <u>Probe Mode</u> should be used as the primary option. The Drive Stun-Mode should be used as a secondary option.

2. Deployment

a. The Taser will only be assigned to, and used by, sworn officers who have been trained and are currently certified in its use.

b. The carrying and use of the Taser shall be consistent with the latest training provided by the Department's Certified Taser Instructors.

c. An officer will immediately notify the on-duty Watch Commander after he/she discharges his/her Taser.

d. Officers may use their Tasers when confronted with active resistance or active aggression, as consistent with the WPD training. Officers should give a warning to the suspect when practical before the Taser is discharged.

e. If an officer is faced with less than active resistance but, there is reasonable and articulable expectation that it will be unsafe to achieve contact range; and attempts to control the suspect using other tactics would be unsafe, inappropriate or ineffective; then the officer may discharge the Taser (e.g. known police fighter, known differences in size and strength, known disparity in relative skill level, prior knowledge of suspect).

f. Officers are permitted to use a Taser to deal with aggressive animals when other reasonable control options are not available.

g. Fleeing shall not be the sole justification for the deployment of a Taser. An officer may discharge a Taser upon a fleeing subject only if:

i. The subject is fleeing from a crime in which there is probable cause that he/she caused or threatened injuries or serious bodily harm, or

ii. Allowing the subject to flee would likely result in them causing injuries or serious bodily harm to another.

h. The Tasers will not be used against subjects engaged in passive resistance, including but not limited to during civil disobedience situations (e.g. peaceful "sit in" protests). If possible, officers shall announce "Taser" to other officers before the Taser is discharged. This will let the officers involved know that the Taser is being discharged so it is not mistaken by sight or sound as a firearm discharge.

j. The Taser shall only be used to accomplish the legitimate objective of bringing a subject who is exhibiting actively resistant or aggressive behavior under control. As with any use of force, the officer must continually reassess the situation to ensure the level of force is appropriate. When discharging the Taser, only the minimal number of cycles of energy should be administered to accomplish control. Officers should be aware that the subject may not be able to respond to commands while an electrical charge is being released from the Taser and allow sufficient recovery time for the subject to comply. The suspect should be secured as soon as practical to minimize the number of electrical charges. An assisting officer should secure the prisoner when possible.

k. No more than one (1) Taser may actively deliver electrical charges against a suspect at one time.

l. The recommended aiming point is the lower center mass below the chest (frontal shot) and below the neck (back shot). The officer will not target the suspect's groin, neck, face, hands, feet or anywhere on the head with the Taser, as this could result in serious injury.

m. As in all use of force methods, certain individuals may be more susceptible to injury, such as children, the elderly or individuals who are pregnant, visibly frail individuals or individuals with an apparent medical condition, thus officers should exercise discretion in employing the Taser under these circumstances.

n. The use of the Drive Stun Mode is discouraged unless a probe deployment is not possible or the Taser has already been discharged **AND** the immediate application of the drive stun (consistent with training) will bring a subject displaying active resistance or active aggression safely under control.

i) Multiple drive stuns are discouraged.

ii) Factors that should be considered when using the Taser in drive stun mode:

a) Primarily used as a pain compliance tool due to the lack of probe spread, but should not be used in the circumstance of only passive resistance;

b) Does NOT inhibit the central nervous system of the subject and is therefore less effective when compared to conventional robe mode discharge

c) More likely to leave marks on the suspect's skin

d) The mode is subject to the same guidelines and restrictions as a probe mode Taser discharge

e) Least preferred method because of the above listed factors

o. Following the delivery of an electrical charge, officers should use a restraint technique that does not impair respiration.

p. The Taser should not be used in the following situations:

i. On a handcuffed suspect, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.

ii. Against a suspect in physical control of a vehicle in motion (car, truck, motorcycle, all-terrain vehicle, etc.) unless exigent circumstances exist.

iii. In an environment where an officer knows that flammable or explosive materials are present (i.e. meth lab where spilled gasoline or other flammable liquid vapor is present).

iv. In an environment where the suspect's fall could reasonably result in death or serious injury (on an elevated structure).

v. Care should be taken in use around water to avoid a possible drowning.

vi. The Taser shall never be used in a punitive or sadistic manner.

3. Supervisor Responsibilities

a. Whenever a Taser is discharged, the officer is required to notify a supervisor who must respond to the incident and ensure that all aspects of the Taser protocol are undertaken in a manner consistent with policy.

b. Supervisors will ensure that photographs are taken of the suspect as soon as practical after the use of a Taser. Particular attention will be taken to photograph the impacted area and any obvious physical injuries.

c. Once discharged operationally, the supervisor shall ensure that the Taser cartridge, wire leads, darts and the anti-felon identification (AFID) tags shall be placed into the Property/Evidence Section as evidence prior to the end of the shift. The Property/Evidence Section shall maintain custody for a minimum of thirty-nine (39) months.

d. Whenever a death or extended medical complication follows the discharge of a Taser, the supervisor will ensure that the discharged Taser is placed into evidence and a new Taser may be issued to the officer if available.

4. After-Care

a. All arrestees and persons subject to Emergency Petition procedures will be transported to a hospital by ambulance for medical evaluation or treatment following a Taser discharge.

b. Taser probes that are embedded in the person's skin will be removed by medical staff only.

c. The arresting/transporting WPD officer shall also provide written documentation identifying full details regarding any medical alerts of the prisoner. This information

shall be provided to the Central Booking Facility on a **Detainee Alert Form** (see Appendix B).

d. Any persons, upon whom a Taser has been discharged, will be kept under observation for a period of two (2) hours following exposure. In the unlikely event that the subject is not criminally charged or subject to Emergency Petition procedures, officers shall ensure that appropriate advice regarding medical treatment/observation is provided and documented utilizing a Detainee Alert Form. If the subject declines transportation to the hospital, he should sign the fire department's refusal of medical treatment form.

5. Detention Areas

The Taser must be locked in the officer's trunk or in a mounted weapons locker before entering the Carroll County Detention Center or the WPD detention area, unless a detainee has been combative with officers or has verbalized his intention to become combative.

6. Storage

a. The Taser may be stored and transported in the trunk of the officer's vehicle.

b. The Taser cartridge shall be removed when it is stored in the officer's residence.

7. Reporting

a. Display: The visible presence of a Taser (including holding it at "low ready") shall be considered a "display" and no report is required. When the simple display of a Taser serves as an effective deterrent in an escalating incident, officers shall document this information in their incident report relating to the usage.

b. Deployment: Pointing a Taser at a subject shall be considered a Taser "deployment." Officers deploying a Taser must complete both an Incident Report, detailing the actions of the officer and the suspect, and a Use of Force Form.

c. Discharge: The delivery of an electrical energy charge via probes or drive stun shall be considered a Taser "discharge". Officers discharging a Taser must complete both an Incident Report, detailing the actions of the officer and the suspect, and the appropriate Use of Force Forms.

d. Taser data will be downloaded after each discharge by a Supervisor who is trained to do so, prior to re-issuance, and included in the Use of Force Report. Officers should review the downloaded data with the Supervisor, prior to completing all required written reports.

8. Bi-Annual Inspections

The Support Services Division Commander will oversee and document bi-annual inspections and an internal clock resetting of issued Tasers to ensure that all recorded discharges have been properly reported.

9. Taser Equipment

a. Only members trained and certified as Taser instructors may make adjustments to an officer's Taser holster. Such modifications will be documented.

b. Officers may not make any adjustment to the Taser or Taser holster, nor modify where the Taser is carried on the gun belt.

G. Pepperball Launcher

The SA200 OC Pepperball Launcher is a less than lethal impact weapon that can deliver the OC agent (as described in Section E).

1. Deployment

a. The deployment and/or discharge of the Pepperball Launcher shall be consistent with the training provided by a certified Departmental Pepperball Trainer.

b. OC is a powerful inflammatory agent and its deployment should be consistent with the WPD Use of Force Continuum. Additional circumstances, which may require the deployment of the Pepperball Launcher, include:

i) Situations where approaching a person would be unsafe or impractical.

ii) Pepperball operators have the discretion on when to deploy the Launcher and do not need supervisory approval to do so, except as outlined below in Subsection 3.

iii) With supervisory approval to disperse unruly or rioting crowds who threaten property damage or physical force and after a verbal warning to disperse is given.

c. The operator of the Launcher shall loudly give the verbal warning "Pepperball" before firing, to allow other officers to break contact with the intended target. **This warning is mandatory**, regardless of whether or not other officers are observed in the vicinity.

d. During deployment of the launcher, the operator shall have another officer provide lethal cover.

e. Although the Pepperball Launcher is classified as a less than lethal device, the potential exists for Pepperball rounds to inflict injury when they strike the face, eyes, neck, spine, and groin. Officers deploying the Pepperball Launcher shall avoid intentionally striking those areas. If any injuries are reported, photographs of the area struck are to be taken.

f. Following deployment, the same decontamination procedures for the use of OC spray shall be followed, as prescribed by the Training Division.

g. When the deployment of the Launcher is no longer required, it shall be returned to its carry condition.

2. Reporting Requirements

Whenever a Pepperball Launcher is fired at a subject a detailed Incident Report and the appropriate Use of Force Forms shall be completed. This does not include the use of a Pepperball Launcher in a controlled training exercise.

H. Patrol Rifles

1. Operational Guidelines

a. Officers shall use a patrol rifle only in extraordinary circumstances, such as tactical or high-risk arrest situations, when it is anticipated that officers may confront an armed suspect(s).

b. The patrol rifle's primary function is that of a perimeter weapon. The decision to deploy a patrol rifle shall be in conformance with the training provided by the

Training Division and based upon the resources available to the officer at the time, the risks created by the use of the patrol rifle and the danger posed by the suspect. Such situations may include, but are not limited to:

i) Response to an Active Shooter;

ii) High-risk traffic stop;

iii) Incident where an officer has reasonable expectation that there is a potential for an armed subject encounter;

iv) Provide cover for a police K-9, or another officer, in the search for an armed subject;

v) Responding at the direction of a supervisor to an extraordinary event;

vi) Provide cover during a criminal roadblock implementation;

vii) Incidents in which suspects are believed to have weapons superior to our issued handgun; or

viii) Incidents where suspects are believed to be wearing body armor.

2. Whenever an officer deploys a rifle for an operational purpose an Incident Report shall be completed consistent with Section VI. If the rifle is pointed at an individual or fired, a Use of Force Form shall also be completed. This does not include the use of a rifle in a controlled training exercise or the transporting of the rifle for non-operational purposes.

3. Officers shall always consider the potential consequences of their actions when making the decision to use a rifle. Officers shall take into consideration the factors outlined in Section V.A.5.

VI. REPORTING USE OF FORCE

A. Any time an officer uses any force that involves a weapon, results in a physical altercation *(this excludes the normal force used in connection with handcuffing a suspect during an arrest)* or results in an injury or a claim of an injury to another person, the officer shall initiate and complete, prior to the end of shift, an Incident Report and the appropriate Use of Force Forms (see Appendix C) that detail the facts regarding the use of force. The officer's supervisor shall ensure that all copies, with supervisory endorsements, are forwarded to the Deputy Chief of Police through channels.

1. Any time deadly force is used or an officer discharges a firearm, other than during a controlled training exercise, the officer's immediate supervisor shall ensure that a copy of the Incident Report and Use of Force Form, with supervisory endorsements, are forwarded through channels to the Deputy Chief of Police within twenty-four (24) hours.

a. When an officer needs to discharge a firearm to destroy an animal for humane or public safety reasons, the officer's supervisor shall be notified prior, when possible, via radio.

b. When a firearm is discharged as described in VI.A.1.a, an Incident Report shall be submitted, with supervisory review, up to the Bureau level. A simple notation on the report form will satisfy review and endorsement requirements. Copies of these reports will be forwarded to the Commander of the Criminal Investigations Bureau (CIB) for routine review and storage.

2. In any situation where any person is injured as a result of police action, or states that he is injured as a result of the amount of force used, the officer shall render aid and assistance as soon as practical and notify the Communications Division to dispatch emergency medical care. If possible, an uninvolved officer shall be the one to render aid.

   a. The officer shall submit an Incident Report describing the injury/death as well as how and when the injury/death occurred. All officers present shall submit a report detailing their actions and observations by the end of their shift.

   b. An on-duty supervisor shall personally view the injury, take a statement from the injured person, if possible, ensure that the injury is photographed (including a facial picture for identification purposes) and document his/her observations.

   c. The appropriate Use of Force Forms will be forwarded to the Deputy Chief of Police through channels by the end of the shift describing the details of the incident.

B. Less Than Lethal Weapons

1. Whenever a member discharges or points a less than lethal weapon at another person, the member must submit an Incident Report and the appropriate Use of Force Form(s). The member's supervisor shall provide an endorsement and ensure that copies are forwarded to the Deputy Chief of Police as well as to the Training Division through the chain of command.

2. Whenever a member deploys a less than lethal weapon, the member must ensure immediate medical aid is provided, as needed, by summoning the Fire/EMS Department.

C. Completed Incident Reports and Use of Force Forms shall be forwarded to the Commander of CIB for database entry and storage. Database entry is not necessary when an officer discharges his/her firearm to destroy an animal. Copies will be forwarded to the Training Division for review.

D. The Commander of CIB will complete an annual analysis of all documented use of force incidents to reveal patterns or trends that could indicate training needs, equipment upgrades and/or policy modifications.

VII. INVESTIGATION OF USE OF FORCE

Use of force investigations shall be conducted as dictated throughout this policy and/or whenever the incident results in significant injury or death.

A. The first arriving officer (who is not involved in the incident) shall be responsible for the following, if appropriate:

1. Render first aid to any injured officer or others, after triage examination.

2. Alert the Communications Division to the situation and request medical assistance and additional personnel as deemed necessary.

3. Secure any suspects, injured or otherwise, according to established procedures.

4. Protect and secure the scene from any contamination of evidence.

5. Identify and/or detain witnesses present.

6. Ensure the area supervisor has been notified.

B. The supervisor responding to a use of force incident shall, if appropriate:

1. Ensure that after care has been initiated and EMS is summoned as appropriate.

2. Ensure that suspects and the scene have been secured.

3. Secure the involved weapon for placement into property and evidence. At no time shall the officer's weapon be taken in the presence of the suspect, a witness or the media.

4. Ensure that witness statements and photographs have been secured.

C. The Communications Division shall also be directed to preserve and turn over to the assigned IAD or CID investigators all involved/related CD recordings of telephone and radio transmissions at least thirty (30) minutes prior to the incident and until the clearance of all investigators from the scene.

D. The Watch Commander shall respond immediately to the scene, whenever an officer shoots, or a member seriously injures another person and shall:

1. Direct at least one officer to remain with the body or the injured person. In cases where a suspect is taken to a hospital, the assigned officer shall remain with the suspect, securing any physical evidence until relieved.

2. Direct at least one officer to secure the scene.

3. Direct at least one officer to remain with the involved officer to assure his/her personal safety and well-being. The involved officer shall not be questioned unnecessarily.

4. If the involved officer was injured and taken to an emergency facility, an officer or supervisor shall be sent to the emergency facility to act as a liaison between medical and WPD personnel.

5. Secure the involved officer's weapon(s), and in the case of firearms, all ammunition carried in the incident. **Firearms are to be left loaded with the magazine positions undisturbed**. If appropriate, the Watch Commander shall ensure that the involved officer's weapon is replaced as soon as practical.

6. At no time shall the officer's weapon be taken in the presence of the suspect, a witness or the media.

7. All personnel at the scene shall be directed to submit a detailed supplemental report describing their actions and observations. This report must be submitted prior to the end of their shift.

8. The first supervisor (Sergeant or above) arriving on the scene, prior to the arrival of the Watch Commander, shall be responsible for the direction of subordinate personnel until the arrival of the Watch Commander, consistent with the Incident Command System. Control of the scene shall then be handed over and shall remain the responsibility of the Watch Commander or his/her designee. If a Commissioned Officer arrives on scene, he can act as a senior advisor to the incident.

9. In the event an officer shoots or critically injures another person, the Watch Commander shall ensure the following notifications are made:

   a. The Patrol Supervisor or Watch Commander;
   b. The Criminal Investigations Bureau Commander;
   c. The Bureau Division Commander for the officer involved;
   d. The Public Information Officer;
   f. The Deputy Chief of Police; and
   g. The Chief of Police

E. When a member's actions, or use of force in an official capacity results in death or serious physical injury, he shall be placed into an administrative assignment, pending an internal WPD review of the incident and the member's ability to resume his/her normal assignment (independent of the internal investigation). The Chief of Police may recommend, to the City Administrator, that the officer be placed on Administrative Leave for the remainder of the shift in which the incident occurred, and remain on Administrative Leave until the Chief of Police, or his/her designee, authorizes a status change.

1. The Commander of the involved officer shall:

   a. Make a recommendation to place the officer on Administrative Leave or in an administrative assignment on the officer's following workday, if the officer shoots or seriously injures another person.

   b. If the involved officer's Commander is unavailable, the next highest-ranking Commissioned Officer shall handle this responsibility.

2. Return to Service

   In all incidents where a member's actions result in serious injury or death, the member involved may return to duty only after the following have been completed:

   a. Review of the investigative information by the Chief of Police.

   b. Psychological assessment.

   c. If applicable, firearm familiarization session with the officer's new weapon under the direction of the firearms training officer.

   d. Authorization by the Chief of Police.

F. **The Maryland State Police (MSP) shall conduct an immediate investigation at the scene whenever an officer discharges his/her weapon at, or seriously injures or kills, another person.**

1. The involved officer shall be advised of his/her Miranda rights prior to any custodial interrogation.

2. The criminal investigation shall be conducted in the same manner as any other major crime.

G. The WPD CIB Commander, in his/her role as the chief internal affairs investigator for the WPD, shall respond to the scene whenever an officer discharges his/her weapon at another person or seriously injures or kills another person. The CIB Commander shall initiate a separate administrative investigation.

H. The findings from both investigations shall be forwarded to the Chief of Police for his/her review and approval of completion. Upon his/her review, the findings of the criminal investigation shall be forwarded to the States Attorney's Office.

I. Except as directed by the Chief of Police, no member shall converse with the media about any part of an investigation of any use of force incident.

J. Following a shooting or critical injury incident, the Commander of the Administrative Bureau shall:

1. Ensure that follow-up medical support is provided to the involved officer.

2. Ensure every officer who shoots or critically injures a person in the line of duty shall meet with a psychologist or psychiatrist selected by the WPD. This interview is designed to assist the officer in dealing with the incident, and at the same time, provide the WPD with

necessary information for appropriate assignments.

3. Contact a Critical Incident Stress Management (CISM) Team to assist the involved officer as appropriate.

VIII. POLICY REVIEW

At least annually, all agency members authorized to carry weapons are required to receive in-service training on the agency's use of force policies and demonstrate proficiency with all approved lethal weapons and electronic control devices that the member is authorized to use. In-service training for other less lethal weapons and weaponless control techniques shall occur at least biennially.

IX. CANCELLATION

This General Order cancels and replaces General Order F-10, Use of Deadly Force, dated April 6, 1981 and General Order F-11, CN/OC Aerosol Spray, dated April 20, 1994.

AUTHORITY:

_____
Jeffrey Spaulding
Chief of Police

Appendix A: Use of Force – Continuum
Appendix B: Arrest – Detainee Alert Form
Appendix C-1: Use of Force – Part 1
Appendix C-2: Use of Force – Supervisor
Appendix C-3: Use of Force – Watch Commander
Appendix C-4: Use of Force – Bureau Commander
Appendix C-5: Use of Force – Deputy Chief
Appendix C-6: Use of Force – Injuries
Appendix C-7: Use of Force – OC Spray
Appendix C-8: Use of Force – Taser

WESTMINSTER POLICE DEPARTMENT

General Order: 6-02

Subject: **AUTHORIZED WEAPONS, QUALIFICATIONS AND INSPECTIONS**

Effective Date: October 1, 2009

This General Order contains the following sections:

I. POLICY
II. DEFINITIONS
III. GUIDING PRINCIPLES
IV. AUTHORIZED LESS-LETHAL WEAPONS
V. AUTHORIZED LETHAL WEAPONS AND AMMUNITION
VI. PATROL RIFLES
VII. CEREMONIAL WEAPONS
VIII. INSPECTIONS AND INVENTORY
IX. CANCELLATION

I. POLICY

It is the policy of the Westminster Police Department (WPD) to identify the weapons and ammunition authorized for use, require that authorized officers are properly trained and qualified in the use of all appropriate weapons, and regulate proper inspections and maintenance to ensure safety.

II. DEFINITIONS

Departmental Armorer: A Departmental member who has received advanced training and certification in the inspection and repair of specific weapon systems utilized by the Department.

CCCRT: The Carroll County Crisis Response Team. This multi-agency team has specialized training and weaponry to address high risk situations such as barricaded subjects, hostage situations and other critical incidents.

Firearms Instructor: A Departmental member designated by the Chief of Police who is a Maryland Police Training and Standards Commission (MPTSC) certified firearms instructor and is authorized to conduct mandated qualification courses of fire without supervision.

Lead Firearms Instructor: A Departmental member designated by the Chief of Police who is a Maryland Police Training and Standards Commission certified firearms instructor on handguns utilized as the primary weapon by the WPD. Additionally, the Lead Firearms Instructor is responsible for the inspection and the implementation of approved firearms training for WPD.

III. GUIDING PRINCIPLES

A. Only weapons and ammunition identified or referenced in this General Order are authorized for use by members, both on and off-duty, of the WPD No new weapons or ammunition will be authorized unless approved by the Chief of Police. All weapon and ammunition specifications are included in Appendix A.

B. Pocket knives may be carried by on-duty personnel as a utility tool. Knives must not be visible and shall not have a blade of greater than four (4) inches. The carrying of switchblades is strictly prohibited. Pocket knives are NOT authorized weapons.

C. Only those members specifically authorized, trained, and having demonstrated proficiency in the use of a weapon, may carry and use that weapon. Demonstrating proficiency shall include

achieving minimum qualifying scores on a prescribed course; attaining and demonstrating a knowledge of the laws concerning the use of the weapon and knowledge of the WPD policies on the use of force, escalating/de-escalating force, deadly force and being familiar with recognized safe handling procedures for the use of the weapon.

D. The instruction and qualification for all weapons shall be provided by a certified firearms or weapons instructor. All training and proficiency must be documented.

E. This General Order identifies authorized weapons, qualification procedures and inspection requirements. The use of these weapons must be consistent with all WPD training and written directives. General Order 6-01, Use of Force, governs the deployment of authorized weapons.

F. Consistent with General Order 6-01 , the Use of Force Continuum is referenced as a model that provides direction on the levels and implements of force that can reasonably be used in response to given actions by a suspect. It is a fluid model that allows for the escalation or de-escalation of force as the situation and suspect actions change. It does not prescribe what implement should be used; rather, it provides a range of options that are reasonable.

G. All personnel authorized to carry any weapon will be issued copies of all applicable policies and procedures prior to being authorized to carry the weapon. Instruction shall be provided on the policies. The issuance of weapon policies and instruction shall be documented.

H. Any member failing to demonstrate proficiency with a weapon will not be returned to duty with that weapon, until such time as proficiency is demonstrated and documented. Maintaining proficiency with the primary service weapon, ASP baton and OC spray is mandatory for all officers.

I. Throughout this General Order, references to the "CCCRT" will indicate WPD officers currently assigned to the tactical component of the Carroll County Crisis Response Team. The CCCRT has additional weapons authorized beyond this General Order, which are specifically addressed in CCCRT Standard Operating Procedures (SOP). CCCRT members may utilize these weapons, within guidelines established by the CCCRT SOP, while working in a patrol capacity if confronted by circumstances requiring the use of those specialized weapons.

J. It is the obligation of each member to ensure adequate safe daily storage and handling procedures for all assigned weapons. At the conclusion of a member's tour of duty, and unless being carried while off-duty, all authorized weapons must be secured in an appropriate manner.

K. When officers travel out-of-state, they shall adhere to the applicable laws of that jurisdiction. Unless on official business or as otherwise approved by the Chief of Police, no officer shall be permitted to carry a departmentally issued firearm out-of-state. Officers who reside outside of Maryland are permitted to transport their weapons to and from work.

L. When officers are required to carry a handgun on a commercial aircraft, they will follow procedures consistent with FAA/TSA guidelines. However, officers are not permitted to carry their departmentally issued firearm out-of-state unless on official business or as otherwise approved by the Chief of Police. Members will also comply with applicable airline regulations regarding weapons on aircraft.

M. All officers must also adhere to the provisions of the Law Enforcement Officers Safety Act of 2004 as applicable.

IV. AUTHORIZED LESS-LETHAL WEAPONS

The WPD provides the following less-lethal weapons to officers:

A. Friction-Lock Extending Baton

1. Officers shall train with the approved friction-lock extending metal baton and shall demonstrate proficiency as mandated by the Support Services Division (SSD) Any officer

who cannot successfully demonstrate the proper application techniques shall be subject to immediate remedial training before being permitted to carry the baton.

2. All officers who have demonstrated proficiency and are involved in everyday field operations shall carry the approved friction-lock extending metal baton on their duty belt. All other officers should keep the baton readily available when subject to answering calls or traveling in a police vehicle.

NOTE: *The Departmentally issued flashlight is not issued as a weapon. In no event should it be carried in lieu of the approved friction-lock extending metal baton. It is not as versatile as the baton and, in fact, may cause severe injury. It is recognized, however, that some situations may escalate very quickly and an officer may need to use force under circumstances where the baton is not readily available. Use of the flashlight as a weapon under such circumstances may be necessary and should be consistent with the training received with the baton.*

B. OC Chemical Agent

1. Oleoresin Capsicum (OC) is a powerful inflammatory agent that occurs naturally in cayenne pepper and, when sprayed into the face of a violent or uncooperative subject, results in the swelling of the eyes and airway, yet causes no permanent injury to the subject

2. Officers, Cadets, Auxiliary Officers and the Parking Enforcement Officer are the only departmental personnel authorized to carry OC spray. Plain-clothes officers may carry a pen-like canister of this chemical agent issued by the Department.

3. OC canisters shall not be stored in direct sunlight or in places where the temperature may reach 120 degrees Fahrenheit, such as in the trunk of a car.

V. AUTHORIZED LETHAL WEAPONS AND AMMUNITION

A. Appendix A of this General Order may be updated as required, without affecting the other provisions of this General Order.

B. Firearms

1. Officers may carry WPD approved firearms both on and off duty. See Appendix A for a list of approved firearms.

2. Prior to being authorized to carry a secondary weapon/off-duty weapon, an officer must:

a. Submit an Off-Duty Handgun/Holster Request Form through the chain of command and have the request approved; AND

b. Annually meet the minimum qualification scores required by MPTSC and the SSD; AND

c. Demonstrate proficiency in the full operation of the weapon to an authorized Firearms Instructor.

d. Under extenuating circumstances the Chief of Police may approve a personally-owned firearm to be utilized as a primary weapon. Such requests must be submitted in writing to the Chief of Police through the chain of command. A firearm approved under this policy must be inspected by a Firearms Instructor prior to approval and maintained in a manner consistent with Departmental weapons. Any holsters utilized with this weapon (on or off duty) must be inspected and approved by a Firearms Instructor prior to use.

NOTE *– Officers attending work-related Court appearances and departmentally-sanctioned*

training are permitted to carry their primary firearm or an approved secondary firearm/holster unless otherwise directed due to specific training requirements.

3. Any officer who fails to qualify with any secondary/off-duty weapon shall be given opportunities to re-qualify with that firearm. Upon failure of the officer to qualify, it shall disqualify the officer from carrying the firearm until such time as the officer may re-qualify. The officer **shall** remain on regular duty assignment if qualified to carry the primary service weapon.

4. Officers may carry the secondary/off-duty weapon when they have received their copy of the approved Off-Duty Handgun/Holster Request Form, which has been signed by the Chief of Police.

5. Officers assigned to CCCRT shall be authorized to carry additional special weapons that they have been trained and certified to use in accordance with the CCCRT SOP. They must demonstrate proficiency with these weapons in addition to any primary, secondary and less-lethal weapons listed in this General Order.

6. Officers are not permitted to make alterations or modifications to any WPD firearm, except as listed under 6a. and 6b. Officers may disassemble their weapon for cleaning purposes, but only to the extent as instructed by the SSD.

   a. A sleeve grip enhancer, grip extension or adhesive grip tape may be applied to the officer's primary weapon to aid in maintaining a proper grip on the weapon. These devices must be inspected by a Firearms Instructor prior to and after installation and may not permanently alter the weapon.

   b. A weapon mounted light may be utilized by officers as long as it complies with guidelines established by the SSD. These devices must be inspected by a Firearms Instructor prior to and after installation and may not permanently alter the weapon. Holsters utilized to accommodate a weapon mounted lighting system must be inspected and approved by a Firearms Instructor based on the procedure outlined in section V. C. 1.

7. Only a Departmental Armorer is authorized to make any repairs or alterations to any WPD weapon, after obtaining appropriate approval/authorization from the Deputy Chief. A Departmental Armorer is limited to the inspection and repair of weapons for which the armorer has been trained and certified.

8. Officers are prohibited from carrying firearms when using any substance that may render them incapable of effectively using a firearm (e.g. alcoholic beverages or prescription drugs).

C. Holster Approval

1. All firearms must be carried in an approved holster. Prior to carrying ANY firearm in a non-Department issued holster, the officer must present the holster for inspection to a Firearms Instructor along with an Off-Duty Secondary Weapon and Holster Request form. A Firearms Instructor shall inspect the holster to verify it is designed to carry the intended weapon as well as verify the holster is in serviceable condition and will securely retain the intended weapon. Once the holster is recommended for approval, the Firearms Instructor will forward the Off-Duty Secondary Weapon and Holster Request form to the SSD Commander. The SSD shall maintain a file of all approved non-departmental issued holsters, the weapon the holster is designed to carry and the officer utilizing the holster. Holster inspections will be part of annual qualifications for secondary weapons and the holster may be disqualified for use in subsequent years should it fail to meet the above guidelines.

D. Handgun Training Requirements

After training and qualification, officers shall be issued a handgun by the WPD.

1. Officers shall fire three handgun qualification courses annually, using their normal duty holster. The courses shall include daylight conditions, reduced lighting conditions, and a decision/stress course.

2. A minimum score of 70% is required to pass each course. (***Note**: The decision/stress course is scored differently than other qualification courses as it is not regulated by the MPTSC*).

3. If a score of 70% is not achieved, the Firearms Instructor shall provide remedial training and retesting on the same day. Up to three opportunities for re-testing shall be provided. An officer who does not achieve a score of at least 70% following immediate remediation and retesting shall be:

   a. Placed in an administrative capacity; AND

   b. Relieved of police powers as determined by the Chief of Police, or the Chief's designee. A Personnel Order shall be issued, as appropriate, by the Chief of Police.

   c. Placed in the remedial firearms training program administered by the SSD.

   d. Following further remediation, failure to qualify may result in termination of employment, consistent with City regulations pertaining to job performance.

4. The Firearms Instructor shall immediately forward a memo, through the chain of command, to the Chief of Police whenever a score of 70% is not achieved following remediation.

5. The SSD shall instruct all officers regarding Use of Force guidelines and the Use of Force Continuum.

6. In-service training for issued and secondary weapons shall be provided in accordance with MPTSC guidelines.

E. Condition of Weapon

The primary and any secondary weapon shall be in the following condition when on-duty, in uniform or when carried as authorized:

1. Loaded with Department-issued service ammunition (primary), or approved ammunition (secondary) and kept with a round chambered.

2. Weapons shall be kept clean and properly maintained at all times.

3. Officers assigned to CCCRT shall carry their primary and secondary weapons according to this General Order. All special weapons shall be carried in accordance with the guidelines approved by the Field Services Bureau Commander.

F. Method of Carrying Firearms

1. While on duty, officers are authorized to carry their primary weapon and one approved secondary weapon under the following guidelines. The primary weapon shall be:

   a. In the issued holster appropriate with assignment and on the strong side hip; OR

   b. In an approved, non-issued holster when authorized by the Chief of Police.

Non-uniform officers shall keep their weapon concealed from public view, except at a crime scene or other assignment where their police identification is visible and they are readily identifiable as police officers.

2. The secondary weapon shall be:

   a. In an approved holster; AND

   b. Concealed from view; AND

   c. Authorized for use only in those critical situations when the primary weapon has been taken, lost, emptied or disabled.

G. Off-Duty

1. When legally permissible and within the restrictions outlined in this order, off-duty officers are authorized to carry either the primary or secondary weapon.

2. Any officer carrying a weapon off-duty must be in possession of the officer's badge and WPD photo identification.

3. Officers are prohibited from carrying firearms while off-duty if they intend to, or engage in, the consumption of alcoholic beverages that would interfere with their ability to effectively utilize the firearm. Additionally officers are prohibited from carrying firearms off-duty if they consume any substance that would interfere with their ability to effectively utilize the firearm.

4. The primary weapon shall be carried in the WPD-issued holster or an approved holster and the secondary weapon shall be carried in an approved holster.

5. Any firearm carried by an officer while off-duty shall be concealed from public view, except when the officer is in uniform or is at a crime scene where the officer's police identification is visible and he/she is readily identifiable as a police officer.

6. When operating a police vehicle, officers must carry the primary or secondary weapon. Narcotics officers are exempt from this requirement if their assignment dictates and approval has been given by the Criminal Investigations Bureau Commander.

H. Firearm Safety

1. Officers shall be responsible for the care and safety of all primary and approved secondary firearms. This responsibility extends to the officers' homes and they should be keenly aware of the very real danger of keeping a firearm in their residence.

2. To assist officers in keeping their weapon safe, the WPD shall provide a trigger lock to all officers for their primary weapon. When not under the immediate control of the member, all departmentally issued firearms shall be secured in a manner that ensures they are not accessible to any person who is not a sworn member of the WPD. The use of the issued trigger lock is an acceptable manner to secure the service weapon. The use of a gun safe or lock box is also encouraged. The WPD also encourages officers to take similar precautions with other firearms in the home.

3. Firearms shall not be left in the passenger compartment of any unattended vehicle. Handguns may be temporarily secured in a locked compartment (glove box), locked trunk or in a locked box that is permanently mounted in the vehicle:

   a. When transferring a prisoner to another police, correctional or hospital facility if that facility does not provide a secure location for an officer's handgun; OR

b. For short-term storage during an incident or event where carrying a handgun is not reasonable or appropriate.

VI. PATROL RIFLES

Patrol Rifles are assigned only to officers participating in the Patrol Rifle Program (PRP), and are intended to enable first responding officers to increase safety for citizens and other officers during high-risk situations. Qualified officers shall only use a rifle in extraordinary circumstances. The decision to deploy a rifle shall be in conformance with the training provided and based upon the information and resources available to the officer at the time, the risks created by the use of the rifle, and the danger posed by the suspect.

Officers participating in the PRP will be issued a rifle (see Appendix A for current model), a sling, cleaning kit, two total magazines, 50 rounds of ammunition, soft transport case, manual and tactical fore-end light.

A. Selection of Participants in the PRP

The criteria for officers to be selected for the PRP include the following:

1. Successful completion of probationary period.

2. Positive supervisory endorsements.

3. The Commander of the Field Services Bureau and the Deputy Chief shall choose the final participants in the program based on the officers' performance evaluations, current weapon proficiency and current Departmental needs.

B. Rifle Training and Qualification

1. Officers selected to the PRP must successfully complete a tactical rifle school approved by the SSD prior to being issued a rifle. This school will satisfy all requirements of the MPTSC.

2. Officers shall qualify bi-annually with their assigned rifle and must qualify with a minimum score of 80%. Officers shall also successfully complete a lowlight and stress/decision course of fire as directed by the SSD.

3. Officers who fail to qualify will be required to take the qualification course one additional time. In the event that a qualifying score is not achieved, the instructor will terminate the course for that day. The officer is not certified to carry a rifle until a qualifying score is obtained. As soon as practical, the officer will undergo remedial rifle training. If the officer fails to meet the minimum required score (80% or higher) after remedial rifle training, the officer will be removed from the program.

4. Officers participating in the PRP shall receive bi-annual in-service rifle training, in accordance with the MPTSC approved by SSD.

5. Supervisors will receive familiarization training on the rifle and the program annually.

6. All records of qualification and training will be forwarded by the Firearms Instructor conducting the rifle qualifications to the SSD. The SSD shall maintain a record of all qualifications.

C. Deployment Guidelines

1. Qualified officers shall only use a rifle in extraordinary circumstances. The decision to deploy a rifle shall be in conformance with the training provided and based upon the information and resources available to the officer at the time, the risks created by the use of the rifle and the danger posed by the suspect.

2. Trained and qualified officers may use Patrol rifles to:

   a. Provide a more immediate tactical response to calls involving armed and/or violent offenders.

   b. Increase citizen and officer safety during high-risk incidents.

   c. Provide for more accurate and controlled shot placement.

   d. Penetrate ballistic body armor.

3. Qualified officers may deploy the issued patrol rifle under any of the following conditions (this list is not all inclusive):

   a. Perimeter/containment situation involving a hostage situation and/or barricaded subject.

   b. Response to an active shooter.

   c. High-risk traffic stop.

   d. Incident where an officer has a reasonable expectation that there is potential for an armed subject encounter.

   e. To provide cover for a police K-9, or another officer, in the search for an armed subject.

   f. Upon direction of a supervisor for an extraordinary event.

4. Officers shall always consider the potential consequences of their actions when making the decision to use a rifle. When contemplating the use of the rifle, officers shall consider the following factors:

   a. Reduced use of hands when using the rifle.

   B. Handcuffing or searching a suspect requires the assistance of another officer.

   c. Officers shall not search or handcuff a suspect while holding the rifle.

   d. Potential background targets and extended ballistic range of a rifle.

   e. Possibility of the rifle inciting or aggravating a situation as opposed to being a protective measure.

5. Officers participating in the PRP are not intended to function as part of the CCCRT. Officers are to perform their duties as trained and not enter situations for which they are not equipped or trained. Officers may be used to assist the CCCRT at the discretion of the CCCRT Incident Commander. Officers may only use the patrol rifle on which they have qualified.

D. Transporting and Storage

1. The rifle will be kept in one of the following four conditions.

   a. **Armory Condition**: The rifle will be kept in the armory condition at all times when the rifle is stored outside of an officer's assigned vehicle. An example would be when the rifle is stored in the rifle safe at WPD Headquarters (HQ). The armory condition is as follows:

1) Magazine removed;
2) Bolt forward on an empty chamber;
3) Selector switch on SAFE.

NOTE: Officers will be provided a lock for the rifle, which should be secured on the rifle when the rifle is not actively on patrol.

b. **Charged Condition**: The rifle will be placed in the charged condition when the rifle is deployed during an incident. The charged condition is as follows:

1) Magazine inserted;
2) Round chambered in the rifle;
3) Selector switch on SAFE until ready to fire.

c. **Safe Condition:** The rifle will be placed in safe condition when the rifle is going to be inspected, checked for maintenance, or on a break on the shooting line. The safe condition is as follows:

1) Magazine removed;
2) Bolt locked to the rear;
3) Selector switch on SAFE;
4) Ejection port visible.

d. **Patrol Condition:** The rifle will be placed in the patrol condition while an officer is on duty. The patrol condition is as follows:

1) Bolt forward on an empty chamber;
2) Selector switch on safe;
3) Magazine inserted.

2. The rifle shall be stored in a locked departmentally installed rifle box/safe in the officer's assigned vehicle in the patrol condition when the officer is on-duty except during situations in which a rifle is being utilized.

3. While off-duty, officers shall store the patrol rifle as follows:

a. Officers who are not assigned a take-home vehicle shall secure the rifle in the armory condition in the designated rifle locker at WPD HQ.

b. Officers who are assigned a take-home vehicle may secure the rifle in the armory condition in the trunk rifle safe or the approved locking stand of their vehicle while off-duty. The rifle will be secured at WPD HQ rifle locker if the officer's vehicle is being serviced.

c. The rifle locker designated for the PRP at WPD HQ is to remain locked at all times. Officers assigned to the program and supervisors will be issued keys for the rifle locker.

E. Maintenance and Care

1. Officers are responsible for the periodic cleaning and lubrication of their assigned rifles in accordance with their training.

2. A Firearms Instructor will inspect all rifles bi-annually.

3. Only a Departmental Armorer shall perform maintenance (other than cleaning and lubrication).

4. All rifles will be armored once a year at a minimum. The SSD shall maintain written records of all maintenance and inspections of each weapon.

5. Any damage to the rifle or mechanical failure will be reported to a Departmental Armorer and supervisor immediately and appropriate action will be taken.

6. Failure to properly maintain an assigned rifle may result in removal from the PRP and reassignment of the rifle.

F. Removal from the Patrol Rifle Program

1. Any officer who fails to meet the PRP requirements shall be removed from the program. Reasons for such removal shall include, but not be limited to, improper maintenance of the weapon, failure to properly follow the mandates of the program, failure to qualify, inappropriate display or use of the weapon based on training received, and/or any other significant breach of this policy or use of force guidelines.

2. An officer may be removed from the program upon transfer or promotion or based on needed placement of the weapon.

3. Additionally, the Commander of the Field Services Bureau may remove officers from the PRP. Removal may be based on, but not limited to, recommendations from the supervisors or the SSD.

VII. CEREMONIAL WEAPONS

A. Certain ceremonial weapons shall be assigned to and used by members of the Departmental Honor Guard. Specifications for ceremonial weapons are located in Appendix A. These weapons shall only be used for ceremonial purposes and with blank ammunition.

B. When not in use, ceremonial weapons shall be stored in their designated storage cabinet, which must be locked at all times to maintain the security of the weapons. Only authorized members of the Honor Guard and supervisors authorized by the Chief of Police shall have access to the cabinet.

VIII. INSPECTIONS AND INVENTORY

A. Firearms

1. Prior to issuance, a Departmental Armorer shall inspect each firearm received into inventory to ensure that it is functioning properly.

2. The SSD shall establish a maintenance and inspection record for each approved firearm.

3. The Property Management Specialist shall maintain written records for each firearm issued. The records shall contain the following:

   a. Officer's name and ID number;
   b. Weapon make, model and caliber;
   c. Weapon serial number;
   d. Receiving officer's signature;
   e. Issuing official's signature.

4. Any lethal firearm returned to the Property Management Specialist shall be inspected by a Departmental Armorer and certified in good working order prior to being returned to inventory for reissue. Unsafe or malfunctioning firearms shall not be returned to inventory until repaired and certified functional.

5. Every firearm authorized by the WPD shall be inventoried, inspected and function tested by a Departmental Armorer on an annual basis. The Lead Firearms Instructor shall

document and validate the inventory annually to ensure that each firearm, excluding special weapons issued to CCCRT, is properly accounted for. CCCRT shall document and validate their inventory annually to ensure each weapon is accounted for. The CCCRT shall also keep records showing all special weapons are inspected and armored each calendar year.

6. Every firearm issued by the WPD shall be inspected on a quarterly basis by the officer's immediate supervisor. Any alterations or evidence of poor maintenance shall be reported to the SSD. These inspections shall be documented and maintained at the unit level.

B. OC (Oleoresin Capsicum) Spray

1. All incoming shipments of OC spray or chemical agents shall be inspected by a certified OC/chemical munitions instructor prior to issue or placement into active inventory. The inspection shall verify that:

   a. The approved product has been delivered;
   b. The devices are intact and free of defects or leaks;
   c. The expiration date of the canisters has not passed.

2. Only those devices passing inspection shall be certified for issuance.

3. The certified OC/chemical munitions instructor who inspects and certifies the chemical munitions shall sign and date a copy of the packing slip. The Property Management Specialist shall retain signed packing slips for future reference.

4. The Property Management Specialist shall keep records of any chemical munitions issued. Members shall complete and submit a requisition for any chemical munitions issued to them.

5. OC spray and tear gas shall be inspected quarterly by the officer's immediate supervisor to verify the expiration date and to ensure there are no defects or leaks. These inspections shall be documented and maintained at the unit level.

6. Defective or out-of-date munitions shall be immediately removed from service and replaced with certified munitions.

C. Batons

1. All incoming shipments of batons shall be inspected by a certified instructor prior to issuance or placement into active inventory. This inspection shall ensure that the approved product has been delivered and that the devices are free of defects. Any baton found to be defective or not functioning properly shall not be issued or placed into service.

2. The instructor who inspects the batons shall sign and date a copy of the packing slip that shall be retained by the Property Management Specialist for future reference.

3. The Property Management Specialist shall keep records of all batons that are issued.

4. Batons shall be inspected bi-annually by the officer's immediate supervisor to assess their condition. Unsuitable batons shall be removed from service and a replacement issued by the Property Management Specialist.

5. A certified instructor shall inspect batons during re-certifications.

D. Secondary Firearms

1. All secondary firearms shall be inspected by a Firearms Instructor prior to approval for carry as a secondary weapon.

2. All secondary firearms shall be inspected as part of the annual requalification process. Only those firearms passing the inspection shall be approved for carry. Defective firearms shall be immediately removed from service until repaired, at the member's expense, and certified by a Departmental Armorer.

3. The SSD shall establish and maintain a record on each secondary firearm approved for carry by a member of the Department.

IX. CANCELLATION

This General Order cancels and replaces the following:

General Order M-2 Shotgun Safety – April 6, 1981
General Order M-3 Primary Weapons, Secondary Weapons, Off-Duty Weapons – November 1, 1997
General Order M-4 Patrol Rifle – December 8, 2006

AUTHORITY:

_____
Jeffrey Spaulding
Chief of Police

Appendix A: WPD Authorized Weapons & Ammunition Specifications & Qualifications

Appendix B: Off-Duty Firearm & Holster Request Form

WESTMINSTER POLICE DEPARTMENT

General Order: 7-01

Subject: **ARREST PROCEDURES**

Effective Date: January 15, 2016

This General Order contains the following numbered sections:

I. POLICY
II. STATUTORY PROVISIONS
III. ARRESTS WITH A WARRANT
IV. ARRESTS WITHOUT A WARRANT
V. FORCIBLE ENTRY TO EFFECT AN ARREST
VI. JUVENILE ARRESTS AND CONTACTS
VII. RELEASE WITHOUT PROSECUTION
VIII. TRAFFIC OFFENSES – ADULTS
IX. ALCOHOL/DRUG RELATED TRAFFIC OFFENSES – ADULTS
X. SHOPLIFTING ARRESTS
XI. SPECIAL CIRCUMSTANCES

I. POLICY

All citizens have basic rights set forth in common law, statutory law and the Constitution. Members of the Westminster Police Department shall exercise the power of arrest in compliance with the Federal and State Constitutions, the laws of the United States, State of Maryland and the Westminster City Code. Arrests made without a warrant shall conform to the Annotated Code of Maryland, Criminal Procedure, Title 2.

II. STATUTORY PROVISIONS

This Order contains numerous references to both statutory citations and language. While all such references are correct as of the effective date of this Order, they are subject to change through legislation and case law. Officers are responsible for following the correct law in case the provisions cited in this Order have been superseded.

III. ARRESTS WITH A WARRANT

A warrant is a court order granting the authority to arrest in the United States and is recognized under both the common law and modern statutes.

A. Arrest Warrant Control

The Records Section maintains the warrant files and all arrest warrants are recorded and filed by this section. Warrant files are open twenty-four (24) hours a day for access by authorized Departmental personnel.

1. Warrants issued by the District Court Commissioner or the Circuit Court for service by the Department will be processed by members of the Records Section.

2. Upon receipt of arrest warrants, members of the Records Section shall:

   a. Enter the warrant information into ICIS and generate the warrant tracking sheet from the ICIS entry. The warrant tracking sheet information will contain, at a minimum, the following information:

      i. Date and time received

      ii. Type of charging document

iii. Source of the document

iv. Document control number (court case #)

v. Name of defendant

vi. Officer assigned for service

vii. Date of assignment

viii. Court assigned tracking number for the charges

ix. Police Department case number

3. Complete an MVA, Maryland State Central, FBI, METERS, Courts and NCIC records check on each defendant.

4. Enter all warrants where the defendant is sufficiently identified in METERS for the following offenses.

   a. All felonies and attempted felonies

   b. All misdemeanor crimes

   c. All motor vehicle violation related charges

   d. All Bench Warrants

   e. DWI, DUI

   f. Failure to appear (FTA) for all charges

   NOTE: The defendant's name will also be entered in the NCIC computer system when the warrant is for extraditable offenses. Exceptions may be made for certain misdemeanors with the approval of a Bureau Commander.

5. Warrants requiring service in another jurisdiction will be processed as described above and filed in the warrant files. A "true test" copy of the warrant will be forwarded to the appropriate law enforcement agency for service by the Records Section.

B. Investigating Officer

While making application for an arrest warrant, officers will complete a Warrant/ Summons Control Form.

1. Lacking exigent circumstances, all incoming warrants must be processed by the Records Section prior to service. If the officer checks the box "return warrant to investigating officer," the warrant will be processed by the Records Section. The investigating officer will then be notified that the warrant is ready for service. If the box is not checked, it will be forwarded to the Warrant/Fugitive Section for service.

2. When it is imperative that an arrest be made as soon as possible, the investigating officer may pick up the warrant from the Commissioner's Office. If the warrant is not served by the end of the officer's tour of duty, the warrant will be delivered to the Records Section for processing.

3. Officers may not remove a warrant file to attempt service but may make a

photocopy of only the warrant face-sheet.

C. Warrant Service

1. Only sworn members are authorized to serve arrest warrants.

2. As a general practice, warrants will only be served between the hours of **0600 and 2300 in a residential setting** unless special circumstances exist (e.g., officer safety, destruction or loss of evidence, the seriousness of crime, etc.) and supervisory approval is obtained.

3. Members shall check the information on the warrant prior to service to ensure it is correct and has been signed by the appropriate judicial officer.

4. Whenever a warrant has been served, the arresting officer will ensure that the Communications Division cancels the subject from ICIS/METERS/NCIC upon clearing Central Booking.

5. Officers serving arrest warrants outside of Westminster will contact the appropriate law enforcement agency for assistance. Personnel from the local jurisdiction should accompany the WPD officer to assist with the arrest.

6. When a subject in Westminster is detained in the field because an outstanding warrant exists in another jurisdiction, the information must be verified before an arrest is made. The Communications Division will send a METERS Confirmation Request to the appropriate agency requesting immediate (within 10 minutes) written confirmation that the warrant is still active.

D. Warrant Recall

All requests from the State's Attorney's Office or any Maryland Court to return an arrest warrant will be forwarded immediately to the Records Section. A member of the Section will make appropriate notations on the Warrant Control Form and return the warrant(s) as requested. All computer entries will be cancelled and verified by the Records Section.

IV. ARRESTS WITHOUT A WARRANT

A. Felony

An officer may make the warrantless arrest of a person for a felony when:

1. A person commits or attempts to commit a felony in the presence of or within the view of the officer; OR

2. The officer has probable cause to believe that a felony is being committed in the officer's presence or within the officer's view; OR,

3. The officer has probable cause to believe that a felony has been committed or attempted and that such person has committed or attempted to commit a felony whether or not in the officer's presence or view.

B. Misdemeanor (In the presence or view of an officer)

An officer may make the warrantless arrest of a person for a misdemeanor when:

1. A person commits or attempts to commit a misdemeanor in the presence of or within the view of the officer; OR

2. The officer has probable cause to believe that a misdemeanor is being committed in the officer's presence or within the officer's view

C. Misdemeanor (Not in the presence or view of the officer)

1. Prior to making an arrest for a **misdemeanor not committed in an officer's presence or view,** the officer must have **probable cause** to believe that the suspect has committed one of the **misdemeanor offenses listed in Addendum A,** AND unless that person is immediately arrested:

   a. The person may not be apprehended; OR,

   b. The person may cause injury to the person or damage to the property of one or more other persons; OR,

   c. The person may tamper with, dispose of, or destroy evidence.

2. An officer **is authorized** to make a warrantless arrest, when a misdemeanor offense is not committed in his presence or view, in only the incidents described in Addendum A.

V. FORCIBLE ENTRY TO EFFECT ARRESTS

Except when the urgency of a situation demands immediate action, a supervisor must approve forcible entry of any premises made solely to effect an arrest.

A. Officers in possession of an arrest warrant and with probable cause that the person named in the warrant is inside **the subject's own residence** may forcibly enter that residence to effect the arrest if:

   1. Demand to enter is made by the officer and consent to enter is denied by the occupant; OR,

   2. The person refuses to communicate with the officer, indicating an implied denial of consent to enter.

B. In the absence of a valid search and seizure warrant to search a location for a wanted suspect **(that is not the subject's own residence),** officers **may not** make forcible entry of any residence to effect the **warrantless** arrest of any person unless **exigent circumstances** exist. Exigent circumstances are limited to:

   1. Fresh pursuit of a person whom an officer has probable cause to believe has committed a felony or a misdemeanor in the presence of the officer.

   2. To arrest a person charged with any offense who has just escaped from the officer's custody.

   3. Circumstances in which an officer has probable cause to believe a person is an immediate danger to himself, to others or to the property of others.

   4. Circumstances in which an officer has probable cause to believe that a crime is in progress or to investigate a serious disturbance, which the officer may have heard from the outside.

   5. Prevention of the commission of a felony when demand of entrance was made and entrance is denied.

VI. JUVENILE ARRESTS AND CONTACTS

A. Definitions

1. ADULT
   A person who is 18 years of age or older

2. DELINQUENT ACT
   An act which would be a crime if committed by an adult (Annotated Code of Maryland Courts and Judicial Proceedings, Subtitle 8A § 3-8A-01)

3. DELINQUENT CHILD
   A child who has committed a delinquent act and requires guidance, treatment or rehabilitation. (Annotated Code of Maryland Courts and Judicial Proceedings, Subtitle 8A § 3-8A-01)

4. DETENTION
   "The temporary care of children who, pending court disposition, require secure custody for the protection of themselves or the community, in physically restricting facilities." (Annotated Code of Maryland, Courts and Judicial Proceedings, Subtitle 8A, § 3-8A-01.)

5. GUARDIAN
   An adult who is legally responsible for the care, custody and management of the child, or estate, or both, until the child reaches majority age.

6. HABITUAL OFFENDER
   "A juvenile who has been an adjudicated delinquent on two (2) prior felony cases in the previous eighteen (18) months; AND/OR has been committed to a DJJ institution in the previous eighteen (18) months".

7. INTAKE OFFICER
   "The person assigned to the court by the Department of Juvenile Services to provide intake services." (Annotated Code of Maryland, Courts and Judicial Proceedings, Subtitle 8A, § 3-8A-01.)

8. JUVENILE
   A person who is under the age of 18 years old.

9. MULTIPLE OFFENDER
   "A juvenile who is adjudicated on three or more felony cases, with separate findings of each offense."

10. SERIOUS BODILY INJURY
    "Bodily injury which creates a substantial risk of death or which causes permanent disfigurement or protracted loss or impairment of the function of a bodily member or organ,"

11. STATUS OFFENSE
    "An act of conduct declared by statute to be an offense, but only when committed or engaged in by a juvenile, and that can be adjudicated only by a juvenile court" (i.e.; runaway, truancy, alcohol and tobacco offenses etc.;.)

12. CHILD IN NEED OF SUPERVISION (CINS) – A juvenile offender who has been charged with, or adjudicated for conduct that would not be a crime if committed by an adult. A child in Need of Supervision, (CINS) is a child who needs guidance,

treatment, or rehabilitation because they have committed one of the following status offenses,

- Runaway
- Truancy
- Curfew Violation
- Incorrigible; the juvenile is habitually disobedient, ungovernable, and beyond the control of the person having custody of them without substantial fault on the part of that person.

13. CHILD IN NEED OF ASSISTANCE (CINA) – A juvenile who is subject to the jurisdiction of the juvenile court as a dependent due to abuse or neglect rather than by the commission of prohibited conduct of the juvenile. A child in need of assistance, (CINA) is a child who needs the assistance of the court because,

    - The child has been abused, or neglected, or has a developmental disability or a mental disorder; and
    - Their parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child.

B. Juvenile Contacts

Officers shall record all significant encounters with juveniles through the use of Incident Reports, Arrest Reports or Field Contact Reports. It is the responsibility of all members of the Department to participate in and support efforts to control and prevent juvenile delinquency.

1. Any officer having contact with a juvenile that involves **detention and/or questioning for any criminal activity or civil offenses as the "suspect"** (i.e. alcohol violations, etc. or the investigation thereof) shall make contact with the juvenile's parent(s) or guardian, explaining the contact (routine traffic stops and FIR's excluded).

    a. When a juvenile requests transportation to a location other than his or her residence, notification to the parent or guardian shall be made.

    b. An Incident Report shall be written detailing the circumstances of the juvenile and parental contacts.

2. In certain situations an officer may, with supervisory approval, seek alternatives to arrest in minor juvenile cases. Factors to be considered relating to these minor incidents include the following:

    a. The nature of the alleged offense;

    b. The circumstances of the incident; and

    c. The age, past record and family circumstances of the alleged offender.

3. Victims must be informed and agree with an officer's intention to seek an alternative to arrest. Apart from diverting juveniles to other social service agencies or referring them to the juvenile courts, alternative actions may include, but are not limited to, the following:

    a. Verbal warnings

    b. Informal referrals

c. Consulting with and arranging for corrective action by parents

d. Dropping the charges

e. Community mediation

4. Juvenile interrogations/interviews shall be conducted in accordance with General Order 7-11; Custodial Interrogation Guidelines.

5. Officers shall not release any juvenile information, with respect to an investigation or a closed case, to anyone without a court order. This does not prohibit access to, and confidential use of, a juvenile record by the State's Attorney's Office, Department of Juvenile Services (DJS), Board of Education or any other law enforcement agency in the investigation and prosecution of a juvenile.

C. Juvenile Arrests

Generally, the laws of arrest as listed in Sections IV and V also apply to juveniles.

1. Any officer making an **in-custody arrest** for a delinquent act shall use the least coercive method to restrain the juvenile, consistent with preserving officer and public safety, and transport the juvenile without unnecessary delay to the appropriate police facility (unless the juvenile is in need of emergency medical treatment). Additionally, the officer shall:

   a. Notify the juvenile of any constitutional rights, if appropriate

   b. **Immediately** make every reasonable effort to notify the juvenile's parents, guardian, or custodian after an arrest, but before any other investigative or procedural activities occur (e.g.: interrogation, processing, etc.), when practicable, *unless the juvenile is being charged as an adult.* **Parental permission is not required prior to interrogating a juvenile, nor does the officer need to notify the parents of the intent to interrogate.**

   c. Interview and interrogate juveniles in accordance with General Order 7-11; Custodial Interrogation Guidelines.

   d. Place the juvenile in a detention cell with sight and sound separation from adult detainees while in custody.

   e. Limit the juvenile's detention in a cell to **less than six (6) hours**. In the event that such time expires, members shall seek other options.

      NOTE – JUVENILES ARRESTED FOR STATUS OFFENSES MAY NOT BE TAKEN INTO THE WPD TEMPORARY DETENTION AREA OR PLACED IN A CELL OR OTHER LOCKED/SECURE ROOM.

   f. Submit a detailed Incident Report.

   g. Fingerprint and photograph the juvenile and complete a Juvenile Arrest Sheet in the ICIS Arrest Module.

   h. Complete a Notification to Parents or Guardians and Juvenile Release Form (See Addendum B).

   i. Advise the juvenile's parent(s) or legal guardian of the pending charge(s) and request they sign the Notification to Parents or Guardians and Juvenile Release Form. If the parent(s) or legal guardian(s) refuse to sign

the form, the juvenile shall be held and DJS contacted for final disposition.

2. In addition to the procedure outlined above, **<u>if the juvenile is arrested on school property</u>** during the school day the following procedures apply:

   a. The Code of Maryland Regulations requires that school administrators provide **immediate** notification to parents or legal guardians when a student is arrested on school property during the school day. Therefore, the school administrator must "ascertain the facts from the arresting officer which will enable the school administrator to fully advise the parent or guardian and other school officials of the nature of the charge, the identity of the arresting officer, and the location of the student." **The arresting officer shall ensure this information is provided to the school administrator.**

   b. In rare incidents where a student is arrested during a highly dangerous situation or where a community threat exists, the WPD may request the Carroll County Public School system delay parental notification in the interest of the public health and safety. Requests to delay must be made by the arresting officer's Watch/Division Commander or above.

   c. The arresting officer shall document the following in the incident report:

      i. All contact with the parent(s) or legal guardian(s)

      ii. All attempted contact with the parent(s) or legal guardian(s)

      iii. Notification of the arrest to a specific school official

3. Any officer may charge a juvenile with a misdemeanor that was not committed in the officer's presence by filing a "referral arrest" using the following procedures. This does not preclude an officer from making a warrantless arrest for the enumerated misdemeanors listed in Addendum A.

   a. Officers **will notify** the parent(s) or guardian when a referral arrest is being initiated. The parent(s) or guardian will be informed that the referral still charges the juvenile with a crime.

      i. Determine from the parent(s) or legal guardian(s) whether they will respond to the scene, if they want the juvenile transported to WPD or if they want the juvenile taken to the location of the parent(s) or legal guardian(s) (**if local**).

      ii. Honor any **reasonable** request from the parent(s) or legal guardian(s) concerning transport of the juvenile; AND,

      iii In every instance where the parent or legal guardian cannot be contacted or take custody of the child, the officer shall take the juvenile into custody, and provide transportation to WPD and contact DJS for temporary shelter arrangements.

   b. The officer shall complete an Incident Report, detailing the probable cause for the "referral arrest".

4. An officer may make a custodial arrest if the crime is a misdemeanor and the juvenile cannot provide suitable proof of identity.

5. The officer shall request emergency detention or shelter of the juvenile under the

following circumstances:

a. Detention is necessary to protect the child or person and property of others; OR,

b. The child is likely to leave the jurisdiction of the court; OR,

c. No parent, guardian, custodian or other person is able to provide supervision, care for the child, and return him to the court when required; OR,

d. The juvenile is charged with a serious misdemeanor or felony, or the detention is approved by a supervisor; OR,

e. The juvenile is classified by DJS as a habitual offender, multiple offenders or one who has inflicted serious bodily injury.

6. DJS shall be contacted for authorization of emergency detention or placement.

a. The arresting officer shall give the intake officer details of the probable cause surrounding the arrest and justification for the requested emergency detention. The officer shall give the Intake Officer a copy of the Juvenile Arrest Report.

b. If placement is approved by DJS, the Carroll County Sheriff's Office shall be responsible for transporting (or arranging for transportation for the youth to the designated shelter or detention facility).

c. The investigating officer shall complete an Incident Report by the end of the shift. The report shall contain details of the probable cause and justification for the requested emergency detention.

d. The supervisor shall review the officer's report and a copy of the completed Incident Report shall be faxed to DJS and the Assistant State's Attorney for Juvenile Matters by the end of the duty tour whenever authorization for emergency detention has been granted and the juvenile has been placed.

<u>NOTE</u> – Members wishing to appeal a detention decision by DJS Night Intake (after hours/weekends) may contact the Carroll County DJS Supervisor 24/7 at (443) 244-1469.

D. Juveniles Charged As Adults

1. A juvenile can be charged as an adult, with prior supervisory approval. Refer to <u>Addendum C</u> for applicable charges.

2. The following procedures shall be utilized when dealing with juveniles charged as adults:

a. The juvenile shall be held in an adult cell area. A notation shall be made on the Detention Log indicating that the juvenile is being charged/treated as an adult.

b. An adult "CA" number shall be drawn for booking purposes.

c. A notation shall be made in the narrative portion of the Arrest Report:

"Arrestee is being charged as an adult" or **"waived to adult status by Court Order".**

E. School Contacts

1. Officers may interview students on school premises in connection with a crime committed on the premises or in connection with an investigation which, if not immediately conducted, could compromise the success of that investigation or endanger the lives or safety of the students or other persons. A school official should be present during the interview and their name shall be reflected in the police report relating to the interview.

2. Whenever a student is arrested at school, the arresting officer shall make the appropriate notifications in accordance with Section VI. C.2

3. In the absence of an arrest, a student shall not be removed from public school premises without the consent of a parent or guardian.

F. Board of Education Notifications (Reportable Offenses)

1. In accordance with Maryland law, whenever a Maryland public school student under the age of eighteen (18) years is arrested and charged with a reportable offense as defined by law (see Addendum D), the appropriate school district superintendent, administrator or designee shall be notified of the charges.

2. The **arresting/charging officer** shall determine if the arrested juvenile is being charged with a "reportable offense" as defined by law. (See Addendum D attached) In the event that the arrest is for a "reportable offense", the officer shall:

   a. Determine if the juvenile is enrolled in a Maryland public school or Maryland public school program

   b. Obtain the name of the school or program, including the appropriate school district (i.e., County or City) where the juvenile attends. This information will be included in the ICIS Arrest Module & Juvenile Arrest Sheet relating to the arrest. This applies to students enrolled in schools both within and outside of Carroll County. The Carroll County representative will make any required out of county notifications.

   c. Verify the school information with a parent or guardian and include it in the incident report.

   d. Document all relevant school information in the incident report. If the arrested juvenile attends private school or is not currently attending school, the officer shall note this in the report and the ICIS Arrest Module, indicating that notification of school officials is not required.

   e. **Scan and email the completed police incident report and the School Notification of Reportable Arrest Form to Duane Williams at dawill2@carrollk12.org prior to the end of shift in which the arrest was made.** Effort should be made to have the report approved by a supervisor prior to emailing. If this is not possible, the report must at least be "signed" by the originating officer before it can be printed for scanning.

   f. The email should be entitled "WPD" followed by the case number (I.E. WPD1512345"). Officers should also direct a copy of the email to Mr. Williams to their own email account. The email will be printed and a copy

forwarded to Police Records for filing with the police report.

g. The arresting officer's immediate supervisor shall ensure all required school information is included in the incident report and that the appropriate notifications have been emailed to the school security officer.

h. All paperwork relating to the custodial arrest of a juvenile (to include the incident report, Juvenile Arrest Sheet, Notification to Parents or Guardians and Juvenile Release Form and email) must be completed and submitted by the arresting officer prior to the end of the scheduled work day.

3. The Deputy Bureau Commander of the Criminal Investigation Bureau is responsible for the review of all arrest reports to include confirmation that:

a. The proper notifications have been made to the Carroll County School Security pursuant to this policy, and

b. The required notations relating to the school security notification have been made within the police report relating to the arrest.

c. The Deputy Bureau Commander of CIB will conduct a review of the arrest logs each work day in an effort to identify all arrests meeting the criteria for school system notifications.

d. If the Deputy Bureau Commander of CIB identifies a failure to comply with any portion of this policy, this failure will be reported to the commander of the Field Services Bureau and the responsible Watch Commander for immediate correction. If the responsible officer and/or Watch Commander are not working at the time, Deputy Bureau Commander of CIB will immediately make the required notification and complete the appropriate supplemental report as required by this policy.

G. Status Offenses

1. An officer may take a child into custody if the officer has **reasonable grounds** to believe that the child has run away from his parents or guardian.

2. An officer **may not** take a child into custody solely on the basis of truancy.

a. An officer may attempt to have the juvenile identify himself, his age and his school.

b. If that information can be obtained, the officer shall notify the school principal of the truancy.

c. When an officer takes any action (voluntary transport, escort back to school, etc.), he shall initiate an Incident Report.

3. A juvenile may not be arrested for being incorrigible (i.e. resistant to all effort to correct or improve his or her behavior or cease being truant).

a. When an officer is called to a residence for such a juvenile, the officer shall initiate an Incident Report and have it forwarded to DJS by the Records Section.

b. The parents/guardian shall be instructed to contact the DJS for further

assistance.

H. Alcohol/Drug-Related and other Traffic Offenses - Juveniles

PLEASE SEE SECTION V. OF GENERAL ORDER 2-04 ENTITLED ALCOHOL/DRUG-RELATED TRAFFIC ARREST PROCEDURES FOR DETAILS.

I. Distribution of Juvenile Arrest and Contact Reports

A police record concerning a juvenile is confidential and shall be maintained separately from those of an adult. The contents of such records may not be divulged by subpoena or otherwise, except by order of the Court. This subsection does not prohibit access to or confidential use of the record by the Department of Juvenile Services or in the investigation or adjudication of the child by any law enforcement agency or the Board of Education.

1. Any information will be released through the Records Supervisor in accordance with the Maryland Public Information Act where applicable.

VII. RELEASE WITHOUT PROSECUTION

A. Except as set forth in Subsections C. and E. of this Section, a person arrested by an officer pursuant to an arrest warrant shall not be released without prosecution, except as noted below. All such arrestees must be completely processed and taken before a District Court Commissioner, who will determine the arrestee's eligibility for pre-trial release.

B. An officer may arrange for a *nolle prosequi* through the State's Attorney Office after the Commissioner's hearing, when appropriate.

C. If the arresting officer determines that the arrestee did not commit the offense charged on the warrant (or the wrong person was arrested), approval may be obtained from the State's Attorney Office and a WPD supervisor to release the arrestee prior to the Commissioners hearing. This approval must be documented in an Incident Report.

D. Any adult who has been arrested **without a warrant** may be released without prosecution at any time during arrest processing prior to his Commissioners hearing with **supervisory approval**. Any officer making a release will completely document the incident and the reasons for the release in an Incident Report.

E. A subject taken into custody may have information that is helpful to the successful prosecution of a case. Likewise, an individual may be arrested while acting as an informant operating at police direction. In these instances, processing and charging the subject may not be advantageous. Officers confronted with these circumstances shall request assistance from a supervisor in order to determine what action should be taken and how best to document the incident (public records such as police reports are generally discoverable in court). The supervisor shall obtain all the necessary information to make a determination as to whether the subject shall be charged or released without prosecution (and possibly charged at a later time). The supervisor or the arresting officer may contact the States Attorney Office for guidance.

F. Members making an arrest and later releasing the prisoner without prosecution must obtain an arrest number and complete an arrest report reflecting the details of the arrest.

VIII. TRAFFIC OFFENSES – ADULTS

A. Arrests for traffic violations will be conducted in accordance with, and the under the authority of, Title 26, Section 202 of the Maryland Vehicle Law, contained in the Annotated Code of Maryland, Transportation Article. (See Addendum E for listing of incarcerable

traffic offenses)

B. A police officer may arrest a person without a warrant for a violation of the Transportation Article, including any rule or regulation adopted under it, or for a violation of any traffic law or ordinance of any local authority of this State if;

1. The person has committed or is committing the violation within the view or presence of the officer, and the violation is any of the following:

   a. TA § 21-1411 or 22-409 (relating to hazardous materials).

   b. TA § 24-111.1 (refusal to submit vehicle to weigh station).

2. The person has committed or is committing the violation within the view or presence of the officer, and either:

   a. The person does not furnish satisfactory evidence of identity; OR,

   b. The officer has reasonable grounds to believe that the person will disregard a traffic citation. **Mere refusal to sign the citation is <u>not</u> grounds to arrest the person.**

3. The officer has probable cause to believe that the person has committed the violation, and the violation is any of the following offenses of the Transportation Article:

   a. § 21-902 (Driving or attempting to drive while under the influence of alcohol or drugs), or in violation of an alcohol restriction.

   b. § 20-102 and 20-104 (Failure to stop, give information, or render reasonable assistance in the event of an accident resulting in bodily injury to or death of another person).

   c. § 16-303 (Driving or attempting to drive a motor vehicle while the driver's license or privilege to drive is suspended or revoked).

   d. § 20-103 to 20-105 (Failure to stop or give information in the event of an accident resulting in damage to vehicle or other property).

   e. Any offense that caused or contributed to an accident resulting in bodily injury to or death of any person.

   f. § 21-904 (Fleeing or attempting to elude a police officer).

4. §16-101 (Driving without a license) – While Maryland law permits the arrest of an individual charged with driving without a license, discretionary release should be considered as an option in these cases. Officers should base their decision to arrest on the following factors:

   a. Violator's verifiable address,

   b. Violator's ability to furnish proper identification,

   c. Violator's current and past history of Failures to Appear in Court, and

   d. Violator's current and past history of driving without a license.

5. The person is a nonresident and the officer has probable cause to believe that:

a. The person has committed the violation; AND,

b. The violation contributed to an accident.

6. Officers **shall not make an arrest under § 26-203 of the Transportation Article** (refusing to sign a citation). In the event the violator refuses to sign the citation when a non-ETix paper citation is being issued, the officer shall explain that a signature is not an admission of guilt, only an acknowledgement of receipt of the citation and a promise to either pay the citation or appear in court. Officers may write a second citation for violation of § 26-203 and give the driver all appropriate copies of all citations simultaneously.

C. If a traffic arrest is made by an officer, the officer may release the arrestee without a District Court Commissioner's Hearing if all of the following criteria are met;

1. The defendant is a Maryland resident;

2. No more than two prior failure to appears (FTA) on the defendant's driving record (this may be waived with supervisory approval);

3. The defendant is cooperative and will sign all citations.

NOTE: For alcohol-related traffic arrest release procedures see General Order 2-04, Alcohol/Drug-Related Traffic Arrest Procedures.

D. If a defendant is taken into custody and released, the arresting officer will complete an Incident Report, Arrest Report and the Discretionary Release Advisement Form and provide the defendant with their copy.

E. Defendants not taken into custody, but issued a traffic citation for an incarcerable offense, shall be given a copy of the Discretionary Release Advisement Form by the issuing officer. The officer shall complete an Incident Report and an Arrest Report.

F. All defendants charged with incarcerable traffic offenses and subsequently released on a Discretionary Release Advisement must also be provided with the following District Court documents:

1. "Notice of Advice of Right to Counsel For All Judiciary Proceedings"

2. "District Court of Maryland Notice to Appear"

G. Defendants not meeting the criteria listed in Section VIII.C. shall be transported to the Central Booking Unit as soon as practical. Officers will, in addition to completing the Arrest Report and the appropriate citations, complete a Statement of Probable Cause prior to leaving the Central Booking Unit.

H. Disposition of defendant's vehicle.

1. If a person is arrested for a traffic violation and the vehicle is in the traveled portion of the roadway, the officer may:

a. Move the vehicle to a safe location with the vehicle owner's permission; or,

b. Have a licensed passenger move the vehicle to a desired location with the owner's permission; or,

c. Tow the vehicle in accordance with Departmental policy.

2. If the vehicle is occupied by passengers when the defendant is arrested, the officer will attempt reasonable steps to arrange alternative transportation for them. (Factors such as time of day, weather, location of arrest, age, sex, sobriety, and physical condition of the passengers should be used as guidelines when considering alternatives for the disposition of the passengers.)

I. Court preparation for serious traffic cases.

1. In all serious traffic cases when the defendant or the involved vehicle is licensed or registered out of state, it is the responsibility of the officer to obtain a certified copy of the defendant's driving record and/or vehicle registration record.

2. If the subject has a Maryland license or the vehicle is registered in Maryland, the State's Attorney's Office will obtain the certified copies. Officers may also obtain the certified copies by using an "Application For Certified Copy of Record" (requests may be made by mail, computer or in person at the MVA office in Westminster.)

3. A request for compulsory insurance violation information must include the vehicle identification number or registration plate number, owner's name and the control number.

4. Officers may contact the MVA Investigative Services Section for assistance in any traffic-related matter.

IX. ALCOHOL/DRUG RELATED TRAFFIC OFFENSES - ADULTS

PLEASE SEE GENERAL ORDER 2-04 ENTITLED ALCOHOL/DRUG-RELATED TRAFFIC ARREST PROCEDURES FOR DETAILS.

X. SHOPLIFTING ARRESTS

Officers shall respond as dispatched to the scene of any shoplifting complaint. The officer shall contact the complainant and ensure that order exists at the scene of the offense as well as assist in the lawful means of identifying the suspect. The following are procedures for handling both adult and juvenile shoplifting complaints:

A. **Adults**

An adult shoplifting suspect may be arrested without an arrest warrant if:

1. The offense is committed in the officer's presence or view; OR,

2. Probable cause exists for felony theft; OR,

3. Probable cause exists for misdemeanor theft AND unless the suspect is immediately arrested:

a. He or she may not be apprehended (i.e. the suspect's identity cannot be reasonably confirmed); OR,

b. He or she may cause injury to a person or damage to the property of others; OR,

c. He or she may tamper with, dispose of, or destroy evidence.

B. If none of the conditions for arrest without a warrant outlined above apply, **officers shall neither arrest nor transport a shoplifting suspect unless a warrant has been issued for that suspect** (the **only** exception applies arrests made by commissioned special police officers on the premise of their employers – see Subsection D below). Additionally, officers shall adhere to the following guidelines:

1. Instruct the complainant regarding procedures for obtaining a charging document, if applicable: AND,

2. Verify the on-duty status of a District Court Commissioner; AND,

3. Provide the name and address of the suspect; AND,

4. Avoid using the word "warrant" as the Commissioner will often issue a summons rather than an arrest warrant.

5. An officer may conduct his own investigation and obtain charging documents, if appropriate.

C. **Juveniles**

1. A juvenile shoplifting suspect may be arrested without an arrest warrant if:

   a. The offense is committed in the officer's presence or view; OR,

   b. Probable cause exists for felony theft; OR,

   c. The officer is unable to identify the suspect.

2. If probable cause exists for misdemeanor theft and the offense did not occur in the officer's presence or view, the officer may initiate a referral arrest by completing the ICIS Arrest Module and Juvenile Arrest Sheet. Officers shall follow procedures outlined in Section VI.C.3. when releasing a juvenile suspect on a referral arrest.

   a. Notify the juvenile's parent(s) or guardian of the apprehension by store personnel; AND,

   b. Determine from the parent(s) whether they want the juvenile transported to WPD, left with store personnel, released at the scene, taken to the location of the parent(s) (**if local**) or taken to another location specified by the parent(s) (**if local**); AND,

   c. Honor any **reasonable** request from the parent(s) concerning transport of the juvenile; AND,

   d. In every instance where the parent or guardian cannot be contacted, the officer shall take the juvenile into custody, transport him to WPD and contact DJS for temporary shelter arrangements.

D. **Commissioned Special Police Officers (SPO's)**

1. The provisions of the Annotated Code of Maryland, Public Safety Article, Subtitle 3, Section 3-307 give a **commissioned special police officer**, while enforcing the laws of the State of Maryland on the property of his employer, the same authority and powers possessed by WPD officers while in Westminster, Carroll County.

2. Officers dealing with any person claiming the status of a commissioned special police officer shall verify that status through inspection of that person's credentials.

3. An officer investigating any incident in which an adult arrest has been made by a commissioned special police officer shall:

   a. Search the arrestee, for his own safety; AND,

   b. Transport the arrestee and the SPO to the Central Booking Unit (or have the SPO follow the officer in his own vehicle); AND,

   c. Complete an Incident Report; AND,

   d. WPD officers shall neither prepare nor sign a Statement of Charges for a criminal offense alleged by a commissioned SPO.

   e. An officer dealing with an SPO who has arrested a juvenile shall adhere to the same procedures as listed above in subheading, "Juveniles" in Section VI.C of this order.

XI. SPECIAL CIRCUMSTANCES

A. Military Personnel

1. The Office of the Provost Marshal at Fort Meade, Maryland, shall be notified whenever any member of the United States Armed Forces is arrested. The 24/7 phone number for this purpose is **(301) 677-6622**. Other than this notification, all other arrest procedures shall apply, **except:**

   "No person belonging to the organized militia, shall be arrested on any process except such as may be issued by military authority, while going to, remaining at, or returning from any place at which time he may be required to attend for military duty." AND:

   "No officer or enlisted man of such forces shall be arrested on any warrant, except for treason or felony, while going to, remaining at, or returning from a place where he is ordered to attend for military duty."

2. The Uniform Code of Military Justice provides authority for civil law enforcement officers to arrest a deserter from the United States Armed Forces. Officers who arrest military deserters shall treat the offense as a misdemeanor, process the individual in accordance with current procedures and shall notify the Provost Marshal as indicated above. In accordance with General Order 15-01, Code of Conduct, **officers shall not accept any bounty or other gratuity from the Federal Government** for arresting a deserter, unless the Chief of Police grants special permission.

B. Mail Carriers

Any person arrested while actively engaged in the delivery of United States mail, or while operating a vehicle transporting United States mail, shall be permitted to turn the mail and/or vehicle over to a representative of the Postal Service prior to his removal from the scene of the arrest. All other arrest procedures shall apply. (If a postal service representative cannot respond to the scene within a reasonable period of time, another officer will remain with the vehicle until postal authorities arrive.)

C. Legislators

1. There is no provision in Maryland law that exempts any state or local official, either appointed or elected, from arrest under any federal, state or local laws. The

issuance of a traffic citation, a warning or a physical arrest in those cases where physical arrest is authorized, is permitted.

2. In regard to U.S. Congressmen, the following provision is taken from the Constitution of the United States, Article 1, § 6:

   The United States Senators and Representatives "shall in all cases, except for Treason, Felony and Breach of the Peace, be privileged from arrest during their attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place."

D. **Diplomats**

1. Diplomatic officers, their families, staff and servants are covered by various levels of immunity from arrest, detention or prosecution.

2. Diplomats or consular officers may be detained for a reasonable amount of time to verify diplomatic status.

3. The Department of State has prepared a summary of law enforcement aspects regarding diplomatic and consular privileges and immunities which can be accessed through the Department of Justice website. **http://travel.state.gov/content/dam/travel/CNAtrainingresources/CNA%20Pocket%20Card_BW.pdf**

4. To verify the status of a diplomat, contact the Office of Diplomatic Security at:

   a. (202) 647-1985 (regular business hours)

   b. (202) 647-0140 (non-business hours)

E. **Traffic Offenses Involving Diplomats**

1. When a driver is stopped for a moving traffic violation and has proper and valid identification indicating his diplomatic status, the officer may issue the appropriate traffic citation or warning, for issuance of a citation does not constitute an arrest or detention.

   A diplomat does not have to sign the citation and cannot be arrested for refusal to sign or accept the citation.

2. When an officer stops a person entitled to full diplomatic immunity for DWI, the officer shall request that the diplomat not drive and provide assistance in parking the vehicle or securing another driver. If the diplomat refuses assistance then he is free to leave, but may not operate the vehicle. The appropriate diplomatic mission will then be notified of the incident and directed to make disposition of the vehicle and its contents.

3. The driver, if entitled to diplomatic immunity, shall not be compelled to take any sobriety or other mandatory test, and except in extreme cases, should not be restrained. Force must not be used except when necessary to prevent injury to the diplomat or others, and then only the absolute minimum should be applied. **Sobriety tests may be offered in accordance with set procedures, in order to determine the sobriety of the driver, but may not be required.**

4. **The property of a person covered by full immunity, including his vehicle, may not be searched or seized.** Vehicles may not be impounded but may be towed the distance necessary to remove them from obstructing traffic or endangering public safety. If a diplomat's vehicle is suspected of being stolen or used in the

commission of a crime, the occupants may be required to present vehicle documentation to permit police verification of the vehicle's status through a computer check. If the vehicle is verified to have been stolen or to have been used by unauthorized persons in the commission of a crime, it may be searched. (U.S. Department of State, Office of Foreign Missions. Guidance For Law Enforcement Officers: February 1988.)

5. All serious motor vehicle infractions will be documented in an Incident Report. A copy of the report will be forwarded to the United States Department of State, through the Chief of Police.

F. Foreign Nationals

1. Any person who is not a citizen of the United States is considered a foreign national. When a foreign national is arrested, the arrestee has the right to have his government informed of the event.

2. Upon request from the arrested foreign national, consular officers have the right to visit the arrested national to speak with him and to arrange for his legal representation.

3. Any questions or concerns regarding these procedures shall be directed to Department Of State, telephone number (202) 647-4415 or (202) 663-0812.

G. **Correctional Employees**

1. The Maryland Division of Corrections (DOC) Investigative Unit handles both criminal and administrative investigations within all DOC institutions and facilities and requests notification via METERS teletype of an arrest of a DOC or Patuxent Institution employee.

2. **If the arrested employee indicates that he or she possesses information pertaining to criminal or serious administrative violations within a correctional facility, immediate notification will be made, by the arresting officer, to the Investigative Unit** by calling the DOC Monday through Friday (0830-1630 hours) or the Maryland State Police Telecommunications Division at (410) 653-4200 daily from 1630-0830.

3. The DOC Investigative Unit will contact the arresting officer, evaluate the circumstances and respond when necessary to obtain pertinent information. When requested, the Investigative Unit will provide investigative assistance. The Unit will also make notification to the Commissioner of Corrections and the Director of the Patuxent Institution, as appropriate.

4. The DOC Investigative Unit should be notified whenever information is developed indicating that a DOC or Patuxent Institution employee is involved in criminal activity. This notification shall be made with supervisory approval. **This notification will not be made if it would jeopardize an ongoing investigation.**

AUTHORITY:

Thomas Ledwell

Chief of Police

ADDENDUM A

MISDEMEANORS – WARRANTLESS ARRESTS

Criminal Law Article

Section	Charge
§2-204	Domestic violence (Refer to General Order OPS-22, Domestic Violence Policy)
§2-209	Manslaughter by vehicle or vessel (e.g.: motor vehicle, streetcar, locomotive, engine, train, etc)
§4-101	Carrying or wearing a concealed weapon
§4-203 & 4-204	Handgun violations
§5-101 & 5-620	Restricted possession of hypodermic syringes
§6-105	Malicious burning of personal property in the second degree
§6-301	Destroying, injuring, etc., the property of another, or an attempt to do so
§7-104 & 7-105	Theft, where the value of the property stolen was less than $500, or an attempt to do so
§9-604	Giving a false alarm of fire
§11-3	Prostitution and related crimes under Title 11 Subtitle 3
§11-107	Indecent exposure
Title 5	Drug law violations, or an attempt to violate same

Family Law Article

Section	Charge
§4-509	Ex-Parte, Peace Orders and Protective Order Violations.

ADDENDUM B

Westminster Police Department

NOTIFICATION TO PARENTS OR GUARDIANS AND JUVENILE RELEASE FORM

JUVENILE'S FULL NAME	WPD REPORT #
STREET ADDRESS	JA #
CITY/STATE/ZIP	
TELEPHONE NUMBERS	
OFFENSE CHARGED (SUBJECT TO FINAL REVIEW)	

RELEASE AGREEMENT

In accordance with Section 3-8A-14 of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland, I/we promise to bring the above named juvenile to the designated agency for Carroll County when requested.

If I/we change our address prior to the trial, I/we agree to immediately notify the Department of Juvenile Services in writing of the change at: Carroll County Department of Juveniles Services, 101 North Court St., Westminster MD 21157.

I/We understand that if I/we fail to present the juvenile to Court when requested, that the Court may issue a Writ of Attachment directing that the juvenile be taken into custody and brought before the court. The Court may also proceed against me/us for contempt and issue a warrant for my/our arrest(s).

_____ _____
DATE SIGNATURE OF PARENT/GUARDIAN

_____ _____
DATE SIGNATURE OF PARENT/GUARDIAN

NAME OF PARENT/GUARDIAN #1				**RELATIONSHIP**	
DATE OF BIRTH			DRIVER'S LICENSE # AND STATE		
RACE	SEX	HEIGHT	WEIGHT	HAIR COLOR	EYE COLOR
DAYTIME PHONE				EVENING PHONE	
NAME OF PARENT/GUARDIAN #2				**RELATIONSHIP**	
DATE OF BIRTH			DRIVER'S LICENSE # AND STATE		

RACE	SEX	HEIGHT	WEIGHT	HAIR COLOR	EYE COLOR
STREET ADDRESS					
CITY/STATE/ZIP					
DAYTIME PHONE				EVENING PHONE	

ARRESTING OFFICER	ID #

ADDENDUM C

AUTOMATIC ADULT JURISDICITON OFFENSES*
Under Maryland Courts & Judicial Procedures Code § 3-8A-03

Age 14 and Older	Age 16 and Older
Murder – 1st degree Rape – 1st degree Sex Offense – 1st degree Any offense for which the maximum penalty is life imprisonment. Any Attempts of Above Any Conspiracies of Above	Abduction Assault – 1st Degree Carjacking & Armed Carjacking Abduction Kidnapping Murder – 2nd Degree (non- premeditated murder) Attempted Murder – 2nd Degree Rape – 2nd Degree Voluntary Manslaughter (Not involuntary Manslaughter) Robbery with Dangerous Weapon Attempted Robbery with Dangerous Weapon Sex Offense – 2nd & 3rd Degree (Only if force or threat of force is used) Attempted Rape or Sex Offense 2nd Degree **Handgun Violation:** (“regulated firearms” include handguns and assault weapons) Wearing, Carrying or Transporting a Handgun Use of a Handgun in a Crime of Violence Possession/Sale/Transfer of regulated firearms Sale/Transfer of regulated firearm or ammo to a MINOR Felon, etc., in possession of a regulated firearm MINOR in possession of regulated firearm or ammo. Using, Wearing or carrying a firearm in Drug Trafficking Possession of a firearm by Drug Felon Use of a Machine Gun Sale/Transfer of a stolen firearm

	Possession of a short-barreled firearm or Rifle **Miscellaneous:** Non-incarcerable Traffic & Boating offenses Any Felony IF minor has prior adult felony conviction Peace Order proceeding in which the victim is a person eligible for relief as defined in § 4-501 of the Family Law Article

ADDENDUM D

REPORTABLE OFFENSES
REQUIRING NOTIFICATION TO THE SCHOOL SUPERINTENDENT

The following is an overview of "reportable offenses". The Education Article of the Annotated Code of Maryland defines "reportable offenses" as: (1) a crime of violence, as defined in §14-101 of the Criminal Law Article; (2) any of the offenses enumerated in §3-8A-03(d)(4) of the Courts Article; (3) a violation of §4-101, §4-102, §4-203, or §4-204 of the Criminal Law Article; (4) a violation of §§5-602 through 5-609, §§5-612 through 5-614, §5-617, §5-618, §5-627, or §5-628 of the Criminal Law Article; or (5) a violation of §4-503, §9-504, or §9-505 of the Criminal Law Article. **Arresting officers should review current laws to ensure compliance with the latest legislation.**

Criminal Law Article

Section	Charge
§2-201 & 2-204	Murder
§2-205	Assault with intent to murder (first degree)
§2-206	Assault with intent to murder (second degree)
§2-207	Manslaughter, EXCEPT involuntary manslaughter
§3-303	Rape (1st degree)
§3-304	Rape (2nd degree)
§3-305	Sexual offense (first degree)
§3-306	Sexual offense (second degree)
§3-307	Sexual offense (third degree)
§3-402	Robbery
§3-403	Robbery, deadly weapon
§3-405	Carjacking
§3-405	Armed carjacking
§3-502	Kidnapping
§3-202	Assault (first degree)
§3-203	Assault (second degree)
§3-309	Assault with intent to rape (first degree)
§3-310	Assault with intent to rape (second degree)
§3-402	Assault with intent to rob

§3-311	Assault with intent to commit sexual offense (first degree)
§3-312	Assault with intent to commit sexual offense (second degree)
§4-204	Use of handgun in commission of a felony
§4-503	Manufacture, transport, placement or possession of explosives or explosive device
§6-102	Arson (first degree)
§6-104 to 106	Malicious burning
§ 6-301	MDOP - Malicious Destruction of Property

Criminal Law Article - Continued

Section	Charge
§9-302	Witness intimidation
§9-802	Threat/Solicit criminal gang

Criminal Law Article – Weapons

Section	Charge
§ 4-101	Dangerous weapons (nunchaku, pepper mace, star knife, dirk knife, bowie knife, switchblade knife, sandclub, metal knuckles, razor)
§ 4-102	Deadly weapons on school property.
§ 4-203	Wearing, carrying, or transporting handgun
§ 4-204	Use of handgun or antique firearm in commission of a crime
§ 4-404	Use of machine gun in crime of violence
§ 4-405	Use of machine gun for aggressive purposes
§ 4-503	Manufacture or possession of destructive device
§ 5-621	Use of firearm in separate crime (using, wearing, carrying, or transporting a firearm during and in relation to a drug trafficking crime)
§ 5-622	Firearm crimes (firearm includes handgun, antique firearm, rifle, shotgun, short-barreled shotgun, short-barreled rife, machine gun, regulated firearm)
§ 9-504	False statement concerning destructive device or toxic material
§ 9-505	Representation of toxic material or destructive device

Criminal Law Article – Controlled Dangerous Substances

Section	Charge
§ 5-602	Manufacturing, distributing, possession with intent to distribute, or dispensing CDS
§ 5-603	Equipment to produce CDS
§ 5-604	Counterfeit substance
§ 5-605	Keeping common nuisance
§ 5-606	False prescription

§ 5-607 Penalties – certain crimes

§ 5-608 Penalties – Narcotic drug

§ 5-609 Penalties – Selected Schedule I and II hallucinogenic substances

§ 5-612 Volume dealer

§ 5-613 Drug kingpin

§ 5-614 Importer of certain CDS – unlawful amounts

§ 5-617 Distributing fake CDS

§ 5-618 Possession or purchase of non-controlled substance

§ 5-627 CDS near school property

§ 5-628 Use of minor

Family Law Article

Section	Charge
§9-303 to 305	Abduction

Public Safety Article - Weapons

Section	Charge
§ 5-133	Restrictions on possession of regulated firearms
§ 5-134	Restrictions on sale, rental, or transfer of regulated firearms
§ 5-138	Sale, transfer, or disposal of stolen regulated firearms prohibited
§ 5-203	Possession of short-barreled rife or short-barreled shotgun

An attempt of any of the above

ADDENDUM E

INCARCERABLE TRAFFIC OFFENSES

Transportation Article Section

Section	**Charge**
§12-301	Fraud, misrepresentation - special identification cards
§13-704	Fraud in application or vehicle title or registration.
§14-102	Driving/taking vehicle without consent of owner.
§14-103	Unauthorized possession of a motor vehicle master key.
§14-104	Tampering with vehicle.
§14-107	Removed, falsified or unauthorized identification number or registration card or plate.
§14-110	Altered or forged documents and plates.
§15-312	Prohibited acts - Vehicle sales transactions.
§15-313	Same - Advertising practices.
§15-314	Same - Violation of licensing laws.
§15-411	Prohibited Acts.
§15-502	License required.
§16-101	Driving without a license **(second offense).**
§16-301	Unlawful application for or use of license.
§16-303	Driving while privilege is canceled, suspended, refused, or revoked.
§17-107	Driving uninsured motor vehicle.
§18-104	Renting motor vehicle with incorrect odometer.
§18-106	Unauthorized use of rented motor vehicle.
§20-102	Driver to remain at scene - Accidents resulting in bodily injury.
§20-103	Same - Accidents resulting only in damage to attended vehicle or property.
§20-104	Duty to give information and render aid.

§20-105	Duty on striking unattended vehicle or other property.
§20-108	False reports prohibited.
§21-206	Interference with traffic control devices or railroad signs and signals.
§21-902	Driving while intoxicated, under the influence of alcohol, or under the influence of a drug, a combination of alcohol and a drug, or a controlled dangerous substance.
§21-904	Fleeing or eluding police.

WESTMINSTER POLICE DEPARTMENT

General Order: 7-02 Order# 2015-15

Subject: **SEARCHES OF PERSONS**

Effective Date: January 1, 2016

This General Order contains the following numbered sections:

I. POLICY
II. DEFINITIONS
III. SEARCHES OF ARRESTEES
IV. STRIP SEARCHES
V. BODY CAVITY SEARCHES
VI. CANCELLATION

I. POLICY

It is the policy of the Westminster Police Department to ensure that all searches are conducted with lawful purpose and in a manner consistent with law. Searches are an appropriate and necessary activity to ensure safety and to locate, collect and preserve evidence of a crime which may be secreted on the person of a suspect. Officers will search all arrested persons. Seizures of property and items from individuals will be done only as a means to collect and preserve evidence and remove contraband. Searches will be conducted by officers of the same sex whenever possible. The reasonableness of the officer's conduct in searching an arrested person of the opposite sex depends upon the exigencies warranting the search and the intrusiveness of the search. All searches of arrestees will be documented in a written report.

II. DEFINITIONS

SEARCH INCIDENT TO ARREST - A thorough search of an arrested person (conducted at the scene or at a safer location) which includes going into all pockets, articles of clothing, purses, knapsacks or items in the possession at the time of their arrest to locate weapons, evidence, or contraband. It does not include a strip search or a body cavity search.

SEARCH INCIDENT TO DETENTION – A second search of an arrested person upon arrival at the police or detention facility

STRIP SEARCH - Having an arrested person remove or arrange some or all of their clothing so as to permit a visual inspection of the genitals, buttocks, anus, female breasts, or undergarments of such person in order to search for contraband or evidence of a crime.

BODY CAVITY SEARCH- This type of search involves a physical intrusion into individual's body cavities in order to search for contraband or evidence of a crime. Body cavity searches (lacking extremely exigent circumstances) may only be performed pursuant to the duty authorized search warrant and by a licensed physician.

III. SEARCHES OF ARRESTEE

A. Any person who has been arrested pursuant to an arrest warrant, a warrantless arrest under the provisions of Criminal Procedure (CR) Article of the Maryland Annotated Code Section 2-202 or a warrantless arrest made under the provisions of the Maryland Motor Vehicle Code, Section 26-202 shall be searched under the following parameters:

1. Officers shall conduct a full search regardless of the reason for arrest; however,

strip searches and body cavity searches are not permitted except as prescribed in Sections IV and V of this order.

2. Officers shall search the person arrested and the immediate area within the person's lunge, reach or grasp. For passengers in cars, this area is defined to include the entire passenger compartment of the motor vehicle.

3. The search must be contemporaneous (i.e. within the same period of time) with the arrest.

4. Officers of the same sex as the prisoner will conduct searches of prisoners. A person's gender will be classified as it appears on the individual's government issued identification card.

    a. If the gender of the prisoner is in question and the prisoner does not have a government issued identification card available, the officer will respectfully ask if the person has male genitalia:

        i. If the arrestee states that they have male genitalia, they will be treated as a male.

        ii. If the arrestee states that they do not have male genitalia, they will be treated as a female.

5. An officer may conduct a patting of the clothing of a prisoner of the opposite sex as long as the search does not extend to the groin area of the male or the genital and/or breast areas of the female.

6. If a more thorough search must be conducted for safety reasons, the arresting officer will request an officer of the same sex to conduct the search.

7. *Under exigent circumstances*, an officer may thoroughly search a prisoner of the opposite sex if the officer sees any weapon, escape implement, evidence or if they have reason to believe that the prisoner is in possession of any of these items *and there is no same sex officer available.*

    a. When fully searching a prisoner of the opposite sex, officers are reminded that the primary purpose of a search is to check for weapons.

    b. All opposite-sex searches will be conducted in a professional manner, utilizing appropriate search techniques (see subsection c. below), documented in the incident narrative and witnessed by another officer whenever possible.

    c. When searching an arrestee of the opposite sex, the back (or blade) of the hand should be used to search the chest, buttocks and genital areas.

B. At the time of the search incident to arrest, the officer searching the suspect is responsible for seizing:

2. Property unlawfully possessed (contraband)

2. Property lawfully possessed but which is dangerous to personal safety or could aid in escape (instrumentalities of escape)

3. Evidence of a crime

4. Other property which may be held for safekeeping will be inventoried and placed in the WPD Property/Evidence Section consistent with General Order 11-01, Property and Evidence Control.

C. Officers who search arrestees will be held to professional standards of proper and thorough searches.

D. Officers will search an arrestee a second time upon arrival at the police or detention facility. This search is referred to as a "search incident to detention." At the police or detention facility, the officer searching the suspect is responsible for seizing all personal property of the arrestee. Once all of the property has been collected it will be documented on the Westminster Police Department Personal Property Inventory Receipt. Any property that may be released to the arrestee will be done so at the time of his release.

E. The following items seized during search incident to detention will not be released to the suspect and will be placed in the WPD Property/Evidence Section.

1. Property unlawfully possessed (contraband)

2. Property lawfully possessed but which is dangerous to personal safety or could aid in escape (instrumentalities of escape)

3. Evidence of a crime

F. Officers will search prisoners prior to transport to or from a detention facility.

G. Officers will search any prisoner they receive from another officer.

IV. STRIP SEARCHES

A. **Prior to approving a strip search or the application for a search warrant concerning a body cavity search, supervisors must consider the following factors before approving the search:**

1. **The type of crime for which the person was arrested**

2. **The prisoner's age**

3. **The prisoner's prior arrest record, if known**

4. **The circumstances of the arrest**

5. **The specific factors giving rise to the belief that the item(s) sought are concealed somewhere on/in the prisoner's body.**

NOTE: Supervisors with questions relating to the authorization for a strip or body cavity search may contact the CIB Commander for guidance as appropriate.

B. Individuals arrested for traffic violations and other minor offenses of a non-violent nature shall not be subject to strip searches unless the arresting officer has reasonable articulable suspicion to believe that the individual is concealing contraband or weapons. Reasonable articulable suspicion may be based upon, but is not limited to, the following:

1. The nature of the offense charged

2. The arrestee's appearance and demeanor

3. The circumstances surrounding the arrest

4. The arrestee's criminal record, particularly past crimes of violence and narcotics offenses

5. The discovery of evidence of a major offense in plain view or in the course of a search incident to arrest

6. Detection of weapons or contraband beneath the suspect's clothing during a pat down or field search incident to arrest

7. The actions of the arrestee during the time the officer had contact or control over the prisoner

C. Once authorized by a supervisor, strip searches shall be conducted in the following manner:

1. A strip search will never be conducted in place of or before an exterior body search has been conducted to help reveal a weapon or suspected contraband.

2. Strip searches will be conducted by two (2) officers of the same sex as the arrestee, unless exigent circumstances dictate otherwise.

3. Strip searches shall be conducted as privately as possible and out of view of the public or individuals of the opposite sex.

4. Officers involved in the strip search shall refrain from touching the arrestee's body except for safety and control purposes.

5. To protect the privacy of the person being searched, the strip search will be completed at Police Headquarters, the Central Booking Unit or in a private area where it cannot be observed by persons not involved in the search.

6. Prisoners will not remain unclothed any longer than necessary.

7. Civilian employees are not permitted to conduct or assist in strip searches.

8. The primary officer facilitating the search will document the following in the police report relating to the incident:

a. Date, time and location of the strip search

b. Reason for the strip search

c. A description of the contraband, weapons or evidence recovered, if any

d. The names of the officers present during the search

e. A detailed description of the nature and the extent of the search

f. The name of the Supervisor who approved the strip search

V. BODY CAVITY SEARCHES

A. Body cavity searches may only be conducted upon the authority of a duly authorized **search and seizure warrant**, unless extremely exigent circumstances dictate otherwise

(example - intrusion into the mouth area of a person attempting suicide by overdose). The decision to seek a search warrant for a body cavity search recognizes that a body cavity search is highly invasive of personal privacy and is reasonable only where the suspected offense is of a serious nature and/or poses a threat to the safety of officers or others.

B. Officers wishing to obtain a search warrant for a body cavity search must consult with and obtain authorization from their supervisor prior to undertaking this process.

NOTE: Supervisors with questions relating to the authorization for a strip or body cavity search may contact the CIB Commander for guidance as appropriate.

1. Consistent with supervisory approval, an affidavit for a search warrant shall be prepared that clearly defines the nature of the alleged offense, the items/evidence being sought with the warrant and the basis for the officer's probable cause to conduct a body cavity search.

2. The member shall contact the Command of the Criminal Investigation Bureau and/or The Office of the State's Attorney for advice and assistance as appropriate.

C. Body cavity searches pursuant to a search warrant will be conducted at a medical facility (except under extremely exigent circumstances) and only by a licensed physician.

D. The officer initiating the search shall complete a WPD incident report documenting the following:

1. The reasons for the body cavity search

2. The date, time and location the search took place

3. A detailed description of the nature and the extent of the search

4. The identity of the officers and medical personnel present during the search, and

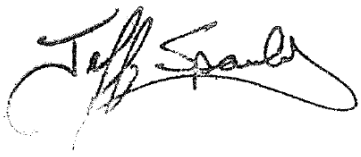
5. A description of the contraband, weapon or evidence recovered

NOTE - All search warrant documentation will be filed in the WPD Records Section.

VII. CANCELLATION

This General Order cancels and replaces General Order F-1, Arrest Procedures, dated February 20, 1985.

AUTHORITY:



Jeff Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 7-03 Order# 2015-05

Subject: **ARRESTEE TRANSPORT AND SECURITY PROCEDURES**

Effective Date: January 1, 2016

This General Order contains the following numbered sections:

I. POLICY
II. POST-ARREST PROCEDURES
III. TRANSPORTATION OF ARRESTEES
IV. HANDCUFFING PROCEDURES
V. WEAPON SECURITY
VI. ESCAPE PROCEDURES
VII. SECURITY PROCEDURES FOR HOSPITALIZED ARRESTEES
VIII. CANCELLATIONS

I. POLICY

The Westminster Police Department provides for the safety and security for our members, arrestees and the community at large. This policy sets forth the procedures relating to the transportation and security of all persons taken into custody by the Department.

II. POST-ARREST PROCEDURES

In effecting any arrest, WPD officers shall follow all policies and procedures set forth in General Order 7-01, Arrest Procedures, and all other applicable orders. Subsequent to custodial arrest, the arresting officer has the following responsibilities:

A. Prior to any interrogation the officer shall advise the arrestee of his Miranda Rights, Interrogations shall be conducted in a manner consistent with Maryland and Federal case law and Departmental policy. ***The advisement of Miranda Rights is not necessary until the subject is in custody and information beyond identification requirements is requested.***

B. The arresting officer is ultimately responsible for making positive identification of his arrestee. Identification may be made by any of the following methods:

1. Photo identification
2. Prior arrest information
3. Personal knowledge
4. Fingerprints

C. The officer shall transport the arrestee to the appropriate detention facility.

1. Adults and juveniles waived to adult jurisdiction or charged as adults due to the nature of the crime shall be processed and booked at the Carroll County Central Booking Facility (CBU). The temporary detention area located within WPD may be used for the processing of adults as a back-up when exigent circumstances arise.

2. Juveniles will be processed in the temporary detention area within WPD.

3. For DUI arrests, officers have the option of using the Intoximeter instrument at WPD, MSP Westminster Barracks or the CBU for testing. If an arrestee is tested at a location other than the CBU and is not eligible for discretionary release or criminal charges are filed, the arrestee shall be transported to the CBF for booking after testing.

4. An intoxicated individual with a blood alcohol level (BAC) of .30 or higher must be transported to a local hospital for evaluation and treatment prior to CBU acceptance/processing.

III. TRANSPORTATION OF ARRESTEES

A. At the beginning of each shift, and **prior to and after each arrestee transport**, officers shall conduct a thorough examination of any vehicle to which they are assigned. Special attention shall be given to areas accessible to an arrestee where weapons or evidence could be hidden. The examination should also confirm that the vehicle's rear door handles and windows have been modified so that an arrestee may not exit the vehicle without the assistance of an officer.

B. Before being placed in a WPD vehicle, all arrestees shall be searched for contraband and weapons. When searching an arrestee of the opposite sex, the back (or blade) of the hand should be used to search the chest, buttocks and genital areas. These searches must be conducted by the officer(s) transporting the arrestee. The transporting officer may request an officer of the same sex as the arrestee to conduct the search if one is available.

C. Arrestee Transports in Departmental Vehicles

1. All arrestees being transported in Departmental vehicles shall be seat belted. Those transported in the rear compartment of the prisoner van will be restrained using the restraint bar mounted on the center partition.

2. Arrestee transports require adequate personnel:

   a. One officer shall not transport more than one arrestee in a patrol car, unless a supervisor grants approval. The arrestee shall be placed in either the right rear or right front seat with the seat belt fastened.

   b. At no time shall two officers transport more than two arrestees in a car. The arrestees shall be placed in the right rear and right front seat, with the second officer in the left rear seat behind the driver. If a screened vehicle is used, both arrestees shall be placed in the rear seats.

   c. The prisoner van is the only vehicle in which more than two (2) arrestees shall be transported.

   d. There shall be two (2) officers present to utilize the prisoner van whenever two (2) or more arrestees are being transported. The second officer may follow the van in his WPD vehicle. In addition to assisting with the arrestees, the second officer shall assist with the backing up of the van.

3. Any time an officer has been involved in a serious physical struggle in effecting an arrest, another officer should transport and process the arrestee, if possible ("partner intervention").

4. Anytime an arrestee is being transported by a WPD officer, the officer shall advise Communications of his unit number, location, destination and beginning and ending mileage.

5. Whenever an arrestee is transported from a detention facility (excluding the WPD temporary detention area), a supervisor shall determine, on a case-by-case basis, the number of officers needed for the transport. WPD personnel will complete any appropriate paperwork as requested or provided by the detention facility and that documentation shall accompany the detainee throughout the transportation process and must include any known escapee or suicidal potential (i.e. Alert Form, Writ, etc).

6. Adult and juvenile arrestees may not be transported together.

7. Arrestees with physical and/or mental disorders, disabilities, illness or injury may create special circumstances for transport. An arrestee's wheelchair, crutches or prosthetic devices shall be secured and searched by the transporting officer and transported with the arrestee.

8. Arrestees who are seriously ill or seriously injured when taken into custody, or who become so during transport, shall be taken to a hospital for treatment. Should the nature of an illness or injury require the use of an ambulance for arrestee transport, an officer shall escort the arrestee to the hospital and remain with the arrestee until he is returned to a detention facility or released from police custody. Officers accompanying arrestees to a medical facility in an ambulance shall ride in the rear compartment of the ambulance with their arrestee. There may be rare exceptions when the presence of an officer in the rear of the ambulance would significantly impede the delivery of emergency medical treatment. In these cases, the transporting officer and paramedic shall confer and agree upon the most appropriate location for the officer to ride. **The transporting officer is ultimately responsible for the security of the arrestee at all times**. Any differences that cannot be resolved by the WPD supervisor should be addressed through the highest ranking fire department official available at the time. The nature of the illness or injury and any action taken must be documented in an incident report. If the injury resulted from police use of force, the entire incident, including transport to the hospital, must be reported in accordance with General Order 6-01 Use of Force.

   a. During transport to a medical facility, the transporting officer shall ensure that the arrestee is restrained by one or more restraining devices, to include handcuffs, handcuffs and belly chain, leg irons or flex cuffs. Flex-cuffs shall only be used when other devices are unavailable, when an arrestee's wrist size is a factor or when requested by EMS personnel on a hospital transport by ambulance.

9. Arrestees who have minor injuries when taken into custody may be seen by Fire and Rescue personnel. When a patient has been treated or has refused treatment from the fire department, the EMS run number shall be recorded on the appropriate documentation. If there is a dispute over the need to transport from the CBU to the hospital after a refusal of treatment in the field, the CCDC Post 1 Supervisor shall have the final authority to accept/deny acceptance into the facility.

10. The WPD shall immediately respond to the CBU to take custody of any WPD arrestee in need of an emergency psychiatric evaluation who cannot be reasonably controlled/restrained by CBU staff. Arrestees who pose a suicidal risk will be closely monitored in accordance with existing procedures and will be transported as promptly as possible to the District Court Commissioner. In the event the arrestee is to be released from custody by/at the Commissioner and it is believed the subject poses a risk of harm to himself or others, CBU staff will detain the person and contact the WPD who will immediately respond to evaluate, complete an EP (emergency petition) if warranted and transport the subject to the hospital. In the event questions arise over the need to obtain medical care the Watch/Division Commander shall consult with the CCDC Post 1 Supervisor.

11. At the conclusion of each arrestee transport, the vehicle is to be searched for weapons and evidence that may have been concealed by the arrestee during the transport. The operator must also remove any other items left by the arrestee.

D. Prisoner Van Transport Procedures

Whenever the WPD prisoner van is used to transport arrestees, the following procedures shall be utilized:

1. The prison van shall be searched for weapons and contraband prior to and after transporting arrestees.

2. Arrestees shall be searched in accordance with the guidelines of this and other applicable General Orders.

3. Arrestees shall either be handcuffed behind the back or a transport belt used.

4. If seat belts are available in the van, they must be used. Those transported in the rear compartment will be restrained using the restraint bar on the center partition.

5. Arrestees will not be left unattended in the van by an officer unless extreme conditions such as an "Officer Needs Assistance" call or other emergency exists, but then only with the approval of the Watch Commander and Notification to Communications.

6. Male and female arrestees may only be transported together when separated in different compartments in the van. Violent or potentially dangerous subjects should also be transported separately from a group, preferably in a police vehicle with a screen.

7. Arrestees should not be left in the van any longer than necessary. Common sense should be used in extreme weather conditions. When the van's environmental systems are in use, the engine shall be kept running to avoid excessive drain on the battery.

8. Transporting officers shall visually examine the interior of the van cubicle to ensure that the arrestees are secure prior to opening the doors.

9. Requests from outside law enforcement agencies to use the prisoner van for specific operations shall be considered on a case-by-case basis. All requests shall be made to the Watch Commander.

E. Prisoner Van Uses

1. The prisoner van shall be used for the transport of multiple arrestees at the direction of the Watch Commander. This transportation shall include, but is not limited to, removing subjects from an incident scene to a processing location or a detention facility.

2. A maximum of ten (10) arrestees may be transported at one time (four (4) max in each rear compartment and two (2) max in the side compartment.

F. Prisoner Van Reporting Procedures

1. Prisoner van operators shall log in the mileage, destination and operator after each use.

2. Any vehicle problems, shortages, missing equipment or damage shall be reported on a Departmental Memorandum to the Deputy Chief, who shall arrange for its immediate correction/repair.

3. If the prisoner van is involved in a motor vehicle collision, reporting procedures shall be followed in accordance with General Order 8-05 Departmental Traffic Collisions.

IV. HANDCUFFING PROCEDURES

A. Arrestees being transported in WPD vehicles shall be handcuffed unless exigent circumstances exist. The transportation of arrestees without the use of handcuffs should be a rare exception. Discretion may be used in deciding whether to handcuff based upon the circumstances of the arrest, the nature of the offense and the conduct or physical condition of the arrestee.

B. Handcuffs shall be applied with the hands behind the back, palms outward, keyholes facing up

and double locked. (EXCEPTION: when WPD issued restraining belts are used, the hands may be cuffed in the front with palms facing inward). Whenever circumstances prevent handcuffing behind the back, officers shall use the best resources available to adequately restrain the arrestee or request additional assistance.

C. Officers may use discretion in handcuffing juveniles under age thirteen (13) based upon the behavior of the child, but will use authorized restraints necessary to control unruly or potentially violent juveniles of any age. If not handcuffed, a vehicle with a prisoner screen will be utilized.

D. Officers may handcuff the prisoner with their hands in front, or use other appropriate and approved restraining device(s) when the prisoner:

1, Is in an obvious state of pregnancy,

2. Will be transported for a great distance (i.e., extradition transport with transport belt),

3. Has a physical handicap, or

4. Has injuries that could be aggravated by standard handcuffing procedures.

E. Arrestees shall not be handcuffed or otherwise attached, other than by seat belts, to any part of the vehicle during transport.

F. Flex-cuffs are authorized for use as arrestee restraints when necessary.

G. Once applied for transport, handcuffs or other restraint devices shall not be removed until the arrestee is actually inside any detention facility or a security area of any other facility to which the arrestee has been transported. Exceptions to this procedure are authorized if made at the request of medical personnel or if the officer believes the handcuffs are too tight. This determination shall be made consistent with training.

H. Under no circumstances shall any officer engage in the “Hog-tying” of an arrestee. Hog- tying is defined as placing an arrestee’s stomach on the ground, with the arms handcuffed behind the back. The feet are then hobbled and a strap hooked to the handcuff chain. After a few seconds, the legs of the arrestee may begin to tire and attempt to drop down. This causes the cord of the restraining strap to pull on the handcuff chain. This pulling extends the arrestee’s arm, expanding the chest, which results in the arrestee being able to exhale, but not inhale.

I. Officers shall not kneel or sit on an arrestee’s neck or back while handcuffing.

J. During the handcuffing procedure, the time the arrestee spends on his stomach must be minimized. The officer must be aware of the potential risks and monitor the arrestee for signs of breathing, respiratory distress, etc.

K. After the arrestee is secure and there is no longer a threat to officer safety, the arrestee shall be placed in the recovery position.

L. If a high-risk arrestee (e.g. obese, intoxicated, unruly, escape risk) is being transported or receiving treatment from fire or EMS resources, an officer shall inform the Fire/EMS Supervisor (or medic if no supervisor is on the scene) of those factors which make the arrestee a high risk.

M. Members have an obligation to ensure that handcuffs are not applied too tight or in a manner which causes undue pain or injury to the arrestee. Should an arrestee complain that handcuffs are causing pain or injury, the arresting/transporting officer will as soon as safe and practical check the handcuffs to ensure that they have been applied in a manner consistent with training and policy.

V. WEAPON SECURITY

A. Transporting officers shall observe the arrestee(s) as often as practical during the transport.

B. Upon arrival with an arrestee at any WPD detention facility, the CCDC or other detention or holding facility, officers shall place their firearms, ammunition, and edged weapons in the lock boxes provided before entering the secured area with the arrestee; this includes the Intoximeter/DRE area. Tasers must be locked in the officer's trunk or in a mounted weapons locker before entering the CCDC or any WPD detention area, unless a detainee has been combative with the officers or has verbalized their intention to become combative, consistent with General Order 6-01, Use of Force.

C. Officers transporting arrestees to secured facilities such as Springfield State Hospital, Sheppard Pratt or other psychiatric institutions, shall lock their firearms inside the trunk or locked compartment or their vehicles, consistent with General Order 6-02, Authorized Weapons, Qualifications & Inspections, before entering the buildings.

D. Whenever an arrestee is transported to a hospital, the transporting officer is responsible for maintaining custody and security of the arrestee. If the arrestee remains at the hospital for an extended time period, the officer shall contact his supervisor to provide continuous custody and security of the arrestee.

E. During arrestee transports, officers shall not respond to law enforcement situations unless supervisory approval has been obtained and the call is of an emergency nature, such as:

1. "Officer Needs Assistance" calls in the vicinity.

2. Personal injury accidents or other life threatening situations in the vicinity that require first aid or other immediate assistance.

NOTE: The transporting officer remains responsible for the safety and custody of the arrestees and shall advise Communications of his status and obtain assistance from other officers as soon as possible.

F. During extended transports (extraditions, etc.), officers shall provide:

1. Meals for arrestees as needed. Selection of a meal location shall be made at random to provide a safe and secure place for everyone.

2. Reasonable opportunities to use toilet facilities.

a. The toilet area must first be checked.

b. Arrestees shall remain under observation, when practical.

c. When an arrestee of the opposite sex is involved, the assistance of a police officer of the same sex may be required.

NOTE: Extended transports of arrestees requires the assignment of at least one officer of the same sex as the arrestee being transported.

G. WPD will not transport anyone in custody to visit critically ill relatives, or attend funerals, etc.

H. No member of the public shall be allowed to communicate with an arrestee during transport.

VI. ESCAPE PROCEDURES

A. In the event that an arrestee escapes from WPD custody, the Watch Commander shall be notified immediately. Communications shall broadcast a lookout with all pertinent information on all channels and notify the Maryland State Police at the Westminster Barracks and the CCSO:

1. Location;

2. Direction of travel and means of transportation;

3. Name and physical description;

4. Any knowledge of possible weapons being used; and

5. Charge(s) on which he was held.

B. The Watch Commander shall utilize those resources he deems necessary to perform a thorough search. The Watch Commander is responsible for the search effort and concluding the operation. This shall include, but is not limited to:

1. Setting up a perimeter;

2. Calling K-9 officers to assist with tracking;

3. Considering the use of a police helicopter;

4. Immediate notification to the Criminal Investigations Bureau Commander;

5. Immediate notification to the Chief of Police;

6. Ensuring the incident is documented in an incident report; and

7. Prepare a written memo to the Chief of Police outlining the incident and possible corrective measures for the future.

C. The transporting officer shall initiate and complete a detailed incident report of the escape prior to the end of that day's tour of duty. The officer's supervisor shall immediately forward a copy of the report to the appropriate Bureau Commander for review.

VII. SECURITY PROCEDURES FOR HOSPITALIZED ARRESTEES

A. If an arrestee requires transport to a medical facility and will be at the facility for an extended period of time for evaluation/treatment or admitted to a medical facility, the arresting/transporting officer shall contact a supervisor to determine if the arrestee must be continually guarded or released without prosecution pending an application for charges/warrant at the Commissioner.

B. The decision to release without prosecution from the hospital and apply for charges/warrant shall be based on the seriousness of the offense, the potential threat to the community and the probability that the prisoner will appear in court.

C. At a minimum during Emergency Room assessment and treatment, an officer will be assigned to guard the arrestee. If a holding area is provided at the hospital, it shall be utilized to keep the arrestee until being moved for treatment or into a regular room. This will be at the direction of the hospital staff.

1. All arrestees, regardless of security status, shall be secured to the bed unless prohibited in writing by a physician. At a minimum, one arm and one leg shall be secured to the bed at all times unless restraints conflict with the provision of medical care.

D. Once an arrestee has been hospitalized with assignment to an inpatient room, the following procedures shall be followed:

1. The arresting on-duty Watch Commander will be responsible for assigning a minimum of one officer to serve as a guard with approval from the Bureau Commander.

2. If the arrestee is going to be at the hospital more than two hours, consideration should be given to having two (2) officers guard the prisoner as staffing

permits. Additionally, consideration should be given to establishing an eight (8) hour rotating schedule. Supervisors will conduct checks during each shift.

3. The assigned officer(s) shall wear the uniform of the day. Plain clothes officers shall not generally be used for security details. If plain clothes officers are used in this capacity, they must be readily identifiable as a police officer.

4. Officers will ensure the hospital room and the arrestee are thoroughly searched before and after all room changes or movements within the hospital facility and during shift changes.

5. Officers will remain with the arrestee and remain alert during the tour of duty.

6. If only one officer is assigned as a guard, the WPD must provide relief as needed. Hospital Security officers shall never be left as the sole guarding authority.

7. The officers will comply with the hospital rules unless they interfere with good security measures. If hospital orders do interfere with appropriate security, officers will contact their Watch Commander immediately. The Watch Commander will consult with hospital staff to resolve the issue.

8. Should the arrestee need additional care in another hospital department, officers will accompany the hospital staff on all movements.

9. For operating room and other specialty care areas, hospital staff will instruct officers where to station themselves in order to be in constant sight of the arrestee.

10. The arrestee will use a portable commode chair for all personal relief. The chair shall be placed next to the bed and the arrestee's arm will remain handcuffed to the bed during use.

11. Officers will inspect the arrestee's meal tray prior to each meal.

12. The arrestee will not be allowed to receive incoming calls or make any outside calls without approval from the arresting officer's Bureau Commander.

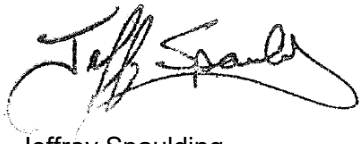
13. Visitors are not to be permitted to visit arrestees, except in extraordinary circumstances. The decision will be made by a Bureau Commander or his designee after consultation with the hospital staff.

14. When an arrestee is released from the hospital and transported to CBF, all hospital paperwork containing details of the arrestee's current condition, medications and medical instructions shall be obtained from the physician and will accompany the arrestee to the CBF and given to the CBO.

VIII. CANCELLATIONS

This General Order cancels and replaces General Order F-3, Restraint Procedures, dated January 26, 2015.

AUTHORITY:



Jeffrey Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 7-05

Subject: **Interviews, Interrogations and Waiver of Rights**

Effective Date: October 1, 2016

This General Order contains the following numbered sections:

I. PURPOSE
II. POLICY
III. DEFINITIONS
IV. INTERVIEW & INTERROGATION

I. PURPOSE

To distinguish the difference between interviews and interrogations; delineate legal considerations for both; and, specify guidelines for conducting them

II. POLICY

Westminster Police Department (WPD) sworn members will interview, interrogate or otherwise question individuals in accordance with the law and established Departmental procedures.

III. DEFINITIONS

INTERVIEW: The process by which an officer obtains information from a person who may have personal knowledge of interest to the Department. Interviews are conducted in order to collect facts relating to an incident, to substantiate information obtained from other sources, or to obtain additional relevant information.

INTERROGATION: The process by which an officer obtains information from a person who is a suspect in the incident under investigation, or to obtain information from an otherwise uncooperative person who has knowledge of the incident in question.

INVESTIGATIVE QUESTIONING: An officer may obtain routine information from a subject without advising him of his Miranda Rights. This information can include name, address, telephone numbers, occupation and other normal identifying data. A suspicious person may also be asked to explain his presence and conduct without the necessity of advising him of his Miranda Rights.

CUSTODIAL: When an officer has not arrested a person or otherwise taken the person into custody by restricting the person's freedom or ability to discontinue the conversation, that person can be asked whatever questions are necessary and pertinent. The key to this circumstance is *custody*. When there is no *custody*, the law places no restrictions on questioning. When an officer exerts authority or control over a person in a manner that restricts the person's freedom to act, then a *custodial situation* exists.

STANDARD MIRANDA WARNINGS:

A. You have the right to remain silent.

B. Anything you say can and will be used against you in a court of law.

C. You have the right to talk to a lawyer and have him present with you while you are being questioned.

D. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish one.

E. You can stop answering questions at any time.

WAVIER OF CONSTITUTIONAL RIGHTS: Having been advised, a person can knowingly and intelligently waive these rights. To secure a waiver, the following questions will be asked:

A. Do you understand each of these rights I have explained to you?

B. Having these rights in mind, do you wish to talk to me now?

WAIVER OF JOHNSON RIGHTS (PROMPT PRESENTMENT): Whenever a defendant is in custody and has not been afforded an initial appearance before a District Court Commissioner, prior to questioning, that defendant must waive his right to prompt presentment before a Judicial Officer (Johnson Rights), or he must be taken for an initial appearance before further questioning. This issue is represented in Item 6 on the *Advice of Rights and Waiver Form*.

IV. INTERVIEW AND INTERROGATION

A. Victim/Witness Interviews:

1. Successful criminal investigations are based on the thoroughness and accuracy of the investigation. This includes the detailed and precise interviewing of victims and witnesses and the concise documentation of the interview. Factors that should be taken into consideration when interviewing are:

   a. The trauma and stress to which the victim or witness has been subjected;

   b. The location of the interview (should be conducted in private if possible);

   c. The age and physical limitations of the subject;

   d. The credibility of the subject;

   e. The timeliness of the interview; and,

   f. Any mental impairment of the subject.

2. Department members will interview all persons who have the potential to provide information relating to the incident under investigation. Interviews should be conducted, when possible, to cause the least amount of inconvenience to the person being interviewed. They should also be accomplished as soon after the incident as practical. Members will conduct interviews in a manner to prevent alienating the person being interviewed.

3. Officers should be aware that discretion plays an important part in the timing of the interview. As time increases between the incident and the interview, information tends to lose its accuracy. At the same time, if a victim or witness is emotionally distraught over an incident, an interview initiated prematurely may produce negative results.

4. Officers are discouraged from making any promises or inducements regarding prosecution in order to obtain a statement. Statements obtained as a result of a promise or inducement may be inadmissible at trial.

5. The location of the interview should be considered to accommodate the interests of the victim or witness and the officer. The importance or seriousness of the case may dictate that the person to be interviewed be brought back to the police station, the preferred location for most interviews. In any event, persons to be interviewed should remain separated and advised not to discuss the details of the case with each other.

6. The age and physical limitations of the interviewee must be considered when interviewing. Elderly victims and witnesses may have hearing or sight limitations, which may need to be addressed. This may include providing an interviewing environment, which eliminates background noises and other distractions.

7. The credibility of the person interviewed is an important aspect of the investigation. Prior contact with the person, in addition to the consistency of the answers to questions, should be considered.

8. Officers should obtain written statements as often as possible to maintain the accuracy of the information received. A tape-recorded interview may also be advantageous to the investigation (the Watch Commander should be contacted to arrange for the acquisition of a tape recorder). Tape recordings are to be considered evidence and placed in the WPD Property Room in accordance with evidence and property handling procedures.

9. Officers shall use all available resources to provide appropriate language support services (foreign language interpreters, language line, sign language, etc.)

B. Custodial Interrogation of Adult Suspects:

1. The interrogation of suspects shall be conducted with respect for all constitutional guidelines. The WPD Advice of Rights and Waiver Form should be used when initiating a custodial interrogation of a suspect.

2. Prior to an interrogation of a suspect who is in custody, the suspect must be advised of the constitutional rights against self-incrimination (Miranda Warning) and their right to Prompt Presentment. The appropriate language appears on the WPD Advice of Rights and Waiver Form.

3. Officers shall not interview a suspect, obtain a statement, and then advise the suspect of their Miranda rights, and re-interview the suspect in order to obtain the statements under Miranda.

4. Officers are discouraged from making any promises or inducements regarding prosecution in order to obtain a statement during an interrogation. Statements obtained as a result of a promise or inducement may be inadmissible at trial.

5. A suspect who requests to consult with a lawyer before questioning shall not be interrogated until he has had the opportunity to do so.

6. After the Miranda Warning has been given, the suspect should be asked if he understands them. If yes, the suspect should be requested to sign under the Acknowledgment of Rights Statement. If no, the Miranda Warnings should be explained to the suspect again until the suspect states that he clearly understands them.

7. Officers are not required to get the individual's signature on the Statement of Rights Form under the Acknowledgment of Rights Statement, however, it is recommended. If the suspect refuses to sign the Acknowledgment of Rights Statement, that refusal should be documented on the form. Another member, when possible should witness this documentation.

8. In order for any statement to be valid, it must be made voluntarily, knowingly, and intelligently by the individual, without provocation or coercion.

9. Officers shall not use physical intimidation tactics in an effort to provoke or coerce an

individual into waiving his rights or answering questions.

10. If the individual waives his rights and begins to answer questions and later changes his mind and asks for an attorney, the questioning must stop.

11. If the individual invokes his rights and refuses to answer questions but later changes his mind and wishes to answer questions, officers must take care to document that the change of mind was initiated by the individual AND the change of mind was made voluntarily, knowingly, and intelligently by the individual, without provocation. The subsequent waiver should be clearly explained and documented in any written statement or audio recording of the subsequent interview.

12. Detailed notes and/or a tape recording should be made for future reference and court use, when practical. The notes and/or tape recording should include the date, location, officers present, waiver of rights, the time the interrogation began and ended and other pertinent information.

13. Officers should not hesitate to ask a member of CIB for assistance and/or advice prior to the interrogation of a suspect.

C. Non-custodial Adult Interviews:

1. Miranda Warnings need not be given to any individual who volunteers information.

2. If an individual enters any police facility, telephones the police department, or approaches a police officer to offer a confession of or any statement about a crime, the officer is not required to stop the individual from speaking and advise him of his Miranda Rights.

3. An individual need not be advised of his rights if officers are engaged in general, on scene questioning about a crime or other general questioning of witnesses or victims during the fact finding process, as long as the individual has not been taken into custody AND the individual has not been restrained from exercising full freedom of movement and action. If the suspect confesses to a crime of such a nature that he is no longer free to leave, Miranda rights should be given.

D. Juvenile Interrogations/Interviews:

1. Juvenile interrogations shall be conducted in the same manner as adult interrogations, with the following guidelines:

2. The parent(s) or guardian(s) of a juvenile shall be notified of an interrogation/interview when possible. Advance notification is not required. Parental permission to interrogate/interview is not required; however, should a juvenile request to speak with his parent(s) or guardian(s) prior to the interrogation/interview, the request shall be honored or the results of the interrogation/interview may be in jeopardy. The totality of the circumstances should be considered for parental notification, such as the age and maturity of the juvenile as well as the circumstances surrounding the case.

3. Juveniles have the same rights regarding statements and confessions as do adults; however, a special effort shall be made to ensure that the juvenile understands these rights as well as juvenile justice procedures. Great care should be taken to thoroughly document the voluntary nature of a juvenile's statement.

4. The duration of the interrogation/interview and the number of officers engaging in the interrogation/interview shall be conducted as appropriate to the juvenile's age and the nature of the alleged offense. However, the number of officers engaged in the

interrogation/interview will not exceed two (2) at any given time and the duration should not exceed two (2) hours without a break being offered. The break can be postponed if the juvenile is actively engaged in detailing a crime.

5. Officers shall not release any juvenile information, pursuant to an investigation or a closed case, to anyone without a court order. This does not prohibit access to, and confidential use of, a juvenile record by the State's Attorney's Office, Department of Juvenile Services or any other law enforcement agency in the investigation and prosecution of a juvenile.

IV. CANCELLATION

This General Order cancels and replaces G.O. F-6, Explanation of Rights Form and G.O. F-7, Waiver of Prompt Presentment Form.

AUTHORITY:

_____
Jeffrey Spaulding
Chief of Police

Appendix A: Advice of Rights Form and Qualifying Questions

WESTMINSTER POLICE DEPARTMENT

General Order: 7-08 Order#: 2015-14

Subject: **Impartial Enforcement Policy**

Effective Date: January 1, 2016

This General Order contains the following numbered sections:

I. POLICY
II. DEFINITIONS
III. GUIDING PRINCIPLES
IV. DOCUMENTING MOTOR VEHICLE AND INVESTIGATIVE STOPS
V. RESPONSIBILITIES
VI. COMPLAINTS
VII. CANCELLATION

I. POLICY

The Westminster Police Department (WPD) is committed to the protection of human and civil rights for all people and to carrying out law enforcement responsibilities in a nondiscriminatory manner in accordance with the Constitution of the United States. The Department will assure that every person is treated fairly and provided equal protection under the law.

II. DEFINITIONS

Within this directive, the following definitions apply:

A. **Bias-Based Profiling:** Police initiated action based solely on race, ethnicity, national origin, gender, gender identity, sexual orientation, disability or religion rather than reasonable articulable suspicion or knowledge of unlawful activity.

B. **Investigative Stop:** A motor vehicle stop based on reasonable articulable suspicion or knowledge of criminal activity. Information may originate with another officer, a citizen, the Communications Division (includes BOLOs), or by independent observation or investigation.

C. **Motor Vehicle Stop:** Whenever a police officer stops a motor vehicle and detains the occupants to investigate a crime, traffic offense, equipment violation, or take other law enforcement action. This includes both traffic stops (including all radar and laser-based stops) and investigative stops.

D. **Reasonable and Articulable Suspicion:** Information known to an officer at the time the officer initiates action, which would lead a reasonable police officer to suspect that the subject of the information is involved in a violation of criminal or traffic law.

E. **Written Documentation:** Completed forms which identify the details of a police contact, specifically: Maryland Uniform Complaint and Citation (State Citation), Maryland Safety Equipment Repair Order (SERO), WPD written warning (warning), formal investigative report, and Field Interrogation Report (FIR).

III. GUIDING PRINCIPLES

A. The following overarching principles will guide all law enforcement activities undertaken by members of the Westminster Police Department:

- **Standard For Routine Law Enforcement Activity**

  When conducting routine police activity unconnected to an investigation of a specific crime, organization or scheme, members may not consider race, ethnicity, national origin, gender, gender identity, sexual orientation, disability or religion to any degree.

- **Standard for Investigative Law Enforcement Activity**

  When investigating a specific criminal offense, criminal organization, or crime scheme, members may only consider race, ethnicity, national origin, gender, gender identity, sexual orientation, disability or religion if they are in possession of credible information that makes the defining personal characteristic directly relevant to the investigation of a specific offense, organization or scheme.

B. All law enforcement actions, such as motor vehicle stops, investigative stops, arrests, searches and seizures will be based on reasonable and articulable suspicion or probable cause as required by State statutes and the U.S. Constitution. Decisions relating to police actions must be made without regard to a person's race, ethnicity, national origin, gender, gender identity, sexual orientation, disability or religion.

B. Officers must be able to articulate specific facts, circumstances, and conclusions which support their actions.

C. Bias-based profiling in traffic contacts, field contacts, asset seizure and forfeiture, and all other law enforcement actions are prohibited and may lead to disciplinary action, including dismissal.

D. Nothing in this, or any other General Order, alters an officer's authority to conduct enforcement actions or otherwise fulfill the officer's enforcement obligations.

E. All members will receive training on bias-based profiling issues that promote and encourage impartial policing and prevent the creation, adoption or use of inappropriate stereotypes. Applicable training may include, but is not limited to, officer safety, courtesy, cultural diversity, search and seizure issues, legal issues, asset seizure and forfeiture, interview techniques, interpersonal communication skills, constitutional and case law, field contacts and motor vehicle stops.

IV. DOCUMENTING MOTOR VEHICLE AND INVESTIGATIVE STOPS

A. Motor Vehicle Stops

1. ***Written documentation is required for every motor vehicle and traffic stop.***

2. Motor vehicle stops **DO NOT** include:

   a. A checkpoint or roadblock stop.

   b. A stop of multiple vehicles due to a traffic collision or emergency situation requiring the stopping of vehicles for public safety purposes.

3. ***ALL OTHER TYPES OF TRAFFIC STOPS MUST BE IDENTIFIED AS "REPORTABLE" STOPS WITHIN THE ETIX SYSTEM AND ALL OTHER***

AUTOMATED ETIX QUERIES RELATING TO THE STOP (SEARCHES, SEIZURES, ARRESTS ETC…) MUST BE FULLY AND ACCURATELY COMPLETED BY THE ISSUING OFFICER.

4. A State Citation, SERO or WPD written warning must be issued for every motor vehicle stop. The Delta Plus/E-Tix database will be used to capture the data required in this order.

   NOTE - Members who do not have access to the Delta Plus/E-Tix system will complete handwritten State Citations, SEROs and written warnings on the appropriate forms. They must also accurately complete and affix a WPD Data Supplement Sticker to the rear of each citation/SERO/warning documenting the details of the traffic stop and/or search (see Attachment A for details). The data on each Data Supplement Sticker will be entered into the Delta Plus system by administrative staff assigned to the Communications Division.

5. If the officer determines that no violation occurred (i.e. seatbelt was not evident but was in use, apparent equipment violation did not actually exist, etc.) the officer may conclude the stop without issuing any documentation to the vehicle operator. The officer shall then complete the appropriate sections of the WPD written warning form to document the stop. This will allow the date, time, location, officer, and reason for the stop to be recorded.

6. Initiating an arrest as the result of a motor vehicle stop does not relieve the officer from issuing a State Citation, SERO or written warning to document the initial violation that resulted in the traffic stop.

C. Investigative Stops

1. Appropriate written documentation is mandatory for every investigative stop.

2. Field Interrogation Reports (FIR) may be used as appropriate.

3. Portions of the written warning form may be used to document investigative stops that do not require a formal police report or FIR. This would be appropriate for BOLO-based stops where the vehicle or occupant was swiftly eliminated as being involved in the criminal activity.

4. When portions of the WPD written warning form are used to document an investigative stop where no violation occurred, no copy should be issued to the motor vehicle operator.

D. Terminated Stops

The requirement to document all motor vehicle or investigative stops does not prevent an officer from abruptly concluding a stop to respond to a priority call for service (i.e. crime in-progress, officer in need of assistance, etc...). If necessary, the officer should briefly explain the officer's actions to the violator and respond to the priority call without issuing any documentation to the violator. The officer shall later complete the appropriate sections of the WPD written warning form to document the stop. This will allow the date, time, location, officer, and reason for the stop to be documented as required.

E. ***Officers are reminded that a written police report is required to document all searches - including those that result from a motor vehicle or investigative stop.***

V. RESPONSIBILITIES

A. Sworn Officer Responsibilities

1. Officers shall ensure that all law enforcement activities are conducted without prejudice and not in a manner based solely on race, gender, age, ethnicity, sexual orientation, religion, or cultural group.

2. Officers shall ensure that all required data elements are collected from each motor vehicle stop (with the exception of terminated stops and those where no actual violation occurred) by properly completing all fields on the State Citation, SERO, or written warning. Additionally, they will ensure that traffic stops are properly identified as "reportable" and that all required data for reportable stops is completely and accurately entered into the ETix system.

3. Officers shall promptly submit all required documentation from motor vehicle or investigative stops to their immediate supervisor for review and approval.

B. Supervisor Responsibilities

1. Supervisors shall provide periodic training and guidance to officers on data collection procedures as required by this Order.

2. Supervisors shall review and approve all motor vehicle or investigative stop documentation prior to submission to the Custodian of Records.

3. Supervisors shall return any documentation that fails to comply with this order to the issuing officer for prompt correction and resubmission.

C. The Records Section Supervisor Responsibilities

1. The Records Section Supervisor shall return any documentation that fails to provide all mandated data to the appropriate supervisor.

2. The Records Section Supervisor will also ensure that all handwritten traffic citations, Safety Equipment Repair Orders and WPD written warnings are accurately entered into the Delta Plus/ETix system in a timely manner. Records Section staff responsible for data entry pursuant to this Order will initial the Data Supplement Sticker upon entry of the mandated information into the database.

D. Deputy Chief of Police Responsibilities

The Deputy Chief of Police will conduct a thorough administrative review of the data within the Delta Plus/ETix system in January of each year. Issues to be addressed in the review will include, but are not limited to, the effectiveness of Departmental policies and practices as they relate to impartial enforcement, statistical analysis of the Delta Plus/ ETix data, and concerns expressed by members of the community during the reporting period. This report will be presented to the Chief of Police for review and action by the Command Staff.

VI. COMPLAINTS

Complaints alleging that members are conducting policing activities in violation of Departmental policy will be investigated in accordance with the Law Enforcement Officers' Bill of Rights and General Order 15-02, Internal Investigation Process.

VII. CANCELLATION

This order repeals and replaces General Order F-12 entitled Impartial Enforcement Policy, dated July 23, 2010.

Authority:

Jeff Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

DATA COLLECTION INSTRUCTIONS FOR DATA SUPPLEMENT STICKER

Pursuant to General Order F-12, information shall be entered on the Data Supplement Sticker in a manner consistent with the following guidelines:

DURATION OF STOP: Enter the total number of minutes spent on the traffic stop (Example: 15 minutes, 25 minutes). The time calculation begins when the violator's vehicle came to a complete stop. The traffic stop ends when the violator receives a warning, SERO, or citation. If an arrest is made, the traffic stop ends when the defendant is placed under arrest. If there was no traffic stop (i.e. officer called to the scene of a collision) but a warning, SERO, or citation is issued, enter "N/A" in the "Duration of Stop" box.

BEAT: Officers should enter the beat number of where the incident occurred. (Example: 1, 2, 3 or 4).

RELATED CITATIONS/WARNINGS/SEROs: If more than one warning/SERO/citation was issued, the violation that was the primary reason for the traffic stop becomes the primary document. On the warning/ SERO/citation which becomes the primary document, check the "PRIMARY" box and complete all other necessary information on the sticker. Stickers still have to be placed on the back of each related violation but DO NOT have to be completed in full. For related violation documents, check the "RELATED" box and place the warning/SERO/citation primary document number on the provided line.

REASON FOR STOP: Enter the traffic code number (Example: 21-801.1 for speeding violation) on both State citations and warnings or the SERO code observed that warranted the traffic stop. DO NOT enter a narrative description. If the traffic code number or SERO code is listed on the face of the document, it is NOT necessary to rewrite that information in the "Reason for Stop" section, however the "Same as Cite/Warn/SERO" block must be checked. All warnings/SERO's/citations issued as a result of an ACCIDENT should have the word "ACCIDENT" written in the REASON FOR STOP field. If the reason for the stop is the same as the warning/SERO/citation, check the appropriate box. If the reason for the stop is Radar or Laser, check the appropriate box.

DRIVER SEARCHED: If the driver of the vehicle was searched, check the "YES" box. Also check the appropriate REASON FOR SEARCH box; only ***ONE*** reason should be checked. If the driver of the vehicle was not searched, check the "NO" box.

***** If a search is made incident to an Arrest, the "INCIDENT TO ARREST" box should be selected. ***This is the only situation where this box should be checked.*** Searches related to the traffic stop occurring ***PRIOR*** to an arrest should be recorded utilizing one of the other choices indicated on the sticker.

PASSENGER SEARCHED: If ***ANY*** passenger in the vehicle was searched, check the "YES" box. Also check the appropriate REASON FOR SEARCH box; only ***ONE*** reason should be checked. If a passenger was not searched, check the "NO" box. If there were no passengers in the vehicle, there is no need to fill out this section.

NOTE: If more than ***ONE*** passenger was searched, there is only a need to fill in the information for ***ONE*** passenger. There is no need to fill out additional stickers if additional passengers were searched.

*If a search is made incident to an arrest, the "INCIDENT TO ARREST" box should be selected. ***This is the only situation where this box should be checked.*** Searches related to the traffic stop occurring ***PRIOR*** to an arrest should be recorded utilizing one of the other choices indicated on the sticker.

PROPERTY SEARCHED: If any property, including the vehicle, was searched, check the "YES" box. Also check the appropriate REASON FOR SEARCH box; only ***ONE*** reason should be checked.

PROPERTY SEIZED: If any property, including the vehicle, is seized at any point during the traffic stop, check the "YES" box.

CONTRABAND SEIZED: If any contraband is seized from a search resulting from the traffic stop, check the "YES" box.

DRIVER ARRESTED: If the driver of the vehicle was arrested, check the "YES" box. Also, enter the primary charge (Example: 5-601, 10-201, Warrant/OJ, FTA) giving rise to the arrest and the police report number associated with the arrest. If the driver of the vehicle was not arrested, check the "NO" box.

PASSENGER ARRESTED: If ***ANY*** passenger in the vehicle was arrested, check the "YES" box. Also enter the primary charge (Example: 5-601, 10-201, Warrant/OJ, FTA) giving rise to the arrest and the police report number associated with the arrest. If a passenger was not arrested, check the "NO" box. If there were no passengers in the vehicle, you may skip this section.

NOTE: If more than ***ONE*** passenger was arrested, you only need to complete the information for ***ONE*** passenger. There is no need to fill out additional stickers if additional passengers were arrested.

REASON FOR ARREST: Indicate the reason for arrest by checking the appropriate box (STOP, SEARCH, or OTHER).

SERO ONLY

The SERO section located at the bottom of the sticker must be completed for all SERO's designated as the PRIMARY document. The data collection in this area of the sticker is the only place this information is recorded and it is critical that you provide accurate and complete data. *If this area is not properly completed, the SERO will be returned to the issuing officer for correction.*

DRIVER'S GENDER: Indicate if the driver is either "MALE" or "FEMALE" by checking the appropriate box.

DRIVER'S DATE OF BIRTH: Indicate the driver's date of birth (month/day/year).

DRIVER'S COUNTY OF RESIDENCE: Indicate the county in which the driver resides (Example: Howard, Baltimore, etc.). If the driver's residence is out of the state, the code "OS" should be used.

RACE: When completing the RACE section, check only ***ONE*** box. If the violator is of HISPANIC descent, please check the appropriate box. ***At no time are you to ask the violator's ethnicity or race. If you do not know the violator's ethnicity or race, please check the "UNKNOWN" box on the sticker. Please use your judgment and choose the most appropriate classification.***

IMPORTANT - When writing a State citation or written warning for a violator of Hispanic ethnicity, enter this information on the face of the citation/warning by completing the "Race" section with "1/H" for a dark-skinned person of Hispanic origin or "2/H" for a light-skinned person of Hispanic origin.

SUPERVISOR: Supervisors shall review each State citation, SERO or WPD written warning and the Data Supplement Sticker on the rear of each document to ensure that all sections are complete and accurate. The approving supervisor shall then record his/her initials in the appropriate location on the Data Supplement Sticker.

WESTMINSTER POLICE DEPARTMENT

General Order: 7-09

Subject: **CRIMINAL AND CIVIL CITATIONS**

Effective Date: January 1, 2013

General Order contains the following numbered sections:

I. BACKGROUND
II. POLICY
III. USE OF DISCRETION
IV. CRIMINAL/CIVIL CITATION USE
V. PROCEDURES FOR CRIMINAL CITATIONS
VI. ADULT CIVIL VIOLATIONS
VII. JUVENILE CIVIL VIOLATION

I. BACKGROUND

In 2012 the Maryland General Assembly changed the law with respect to the manner in which adults charged with certain minor crimes may be charged. In accordance with these new procedures, adults charged with misdemeanor offenses carrying a penalty of ninety (90) days incarceration or less (to include crimes carrying no period of incarceration and possession of marijuana) MUST be charged by criminal citation – rather than by Statement of Charges. This new law specifically relates to the manner in which defendants are charged – it does not dictate the manner in which defendants are processed or booked.

II. POLICY

The Westminster Police Department (WPD) will effectively utilize criminal, civil and juvenile citations when appropriate and maintain strict accountability of each citation issued.

III. USE OF DISCRETION

A. Sworn officers are vested with a range of discretion when deciding whether to make an arrest while carrying out other police duties and functions. The principal of reasonableness will guide the officer's determinations. The officer must consider various factors in determining which type of legal action will be taken.

B. Officers will use discretion consistently and prudently, based on professional policing competence, to preserve positive relationships and retain the public's confidence.

C. The proper exercise of discretion does not relieve the investigating officer of the responsibility to conduct a thorough preliminary investigation of the events that may precipitate an arrest.

D. Officers are authorized to use alternatives to custodial arrest and/or pre-arraignment confinement when, based upon their discretion, such action is in the best interest of the public, the parties involved, and the criminal justice system.

E. Factors to be considered when deciding whether to issue a criminal citation in the field <u>or</u> after formal booking shall include, but are not limited to, the following:

1. The number of violators involved in the incident;

2. The seriousness of the offense;
3. The age of the offender;
4. The lack of prior criminal involvement by the offender;
5. The need for extended psychiatric or medical treatment for the offender; and
6. The value of obtaining fingerprints and photographs from the offender.

F. Consistent with General Order 7.08 entitled "Impartial Enforcement Policy," the issuance of a criminal, civil or juvenile citation based solely upon an individual's race or ethnicity is prohibited. Nothing in this policy alters the authority of a police officer to enforce the law in a manner consistent with Maryland law and the United States Constitution. The WPD will periodically review reports issued by the Maryland Statistical Analysis Center relating to the issuance of criminal citations to ensure that WPD is practicing and promoting nondiscriminatory law enforcement practices.

IV. CRIMINAL/CIVIL CITATION USE

A. A WPD police report will be completed any time a criminal, civil or juvenile citation is issued. Only one police report per incident is necessary regardless of the number of citations issued or the number of defendants cited. Incidents resulting in the issuance of a criminal, civil or juvenile citation cannot receive a "No Report" disposition. A "Probable Cause Continuation Sheet" (DC/CR4) is NOT required as the details of the offense will be captured within the required police report.

B. Copies of citations issued will be distributed in a manner consistent with Appendix B of this order.

V. PROCEDURES FOR CRIMINAL CITATIONS

A. Adult Criminal Violations

1. The criminal citation **shall** be the primary method of **charging** for misdemeanor criminal offenses carrying a penalty of no incarceration, a maximum penalty of imprisonment of 90 days or less, when certain criteria are met (refer to V.B and C below).

2. Police officers who have grounds to make a warrantless arrest for **qualifying offenses** have two (2) options:

   a. Issue a criminal citation in lieu of making a custodial arrest; or

   b. Make a custodial arrest, follow standard booking and identification procedures and issue a criminal citation in lieu of continued custody (refer to V. E. for further details).

B. Criteria for Issuing a Citation - An officer **shall** charge a defendant by citation if the offense is a qualifying offense (see section V.C below) and all of the following conditions are met. *If the defendant does not meet one or more of the listed criteria, the officer will charge the defendant on a Statement of Charges.*

1. The officer is satisfied with the defendant's evidence of identity and residency;

2. The officer reasonably believes that the defendant will comply with the citation;

3. The officer reasonably believes that the failure to charge on a statement of

charges will not pose a threat to public safety;

4, The defendant is not subject to arrest for another criminal charge arising out of the same incident; and

5, The defendant complies with all lawful orders by the officer.

<u>NOTE</u> – In those limited circumstances where officers elect to charge on a Statement of Charges rather than by the issuance of a criminal citation the officer shall articulate the reasons for the non-issuance of a criminal citation in the police report relating to the incident.

C. Qualifying Offenses for Citations

1. Any misdemeanor or local ordinance violation that does not carry a penalty of imprisonment.

2. Any misdemeanor or local ordinance violation for which the maximum penalty of imprisonment is 90 days or less, and

3. Possession of marijuana over 10 grams under § 5-601 of the Criminal Law Article.

D. In accordance with Maryland law, the following offenses **<u>may not</u>** be charged by criminal citation:

1. Failure to comply with a peace order under § 3-1508 of the Courts Article;

2. Failure to comply with a protective order under § 4-509 of the Family Law Article;

3. Violation of a condition of pretrial or post trial release while charged with a sexual crime against a minor under § 5-213.1 of the Criminal Procedure Article;

4. Possession of an electronic control device after conviction of a drug felony or crime of violence under § 4-109(B) of the Criminal Law Article;

5. Violation of an out-of-state domestic violence order under § 4-508.1 of the Family Law Article; or

6. Abuse or neglect of an animal under § 10-604 of the Criminal Law Article.

E. Procedures for Criminal Citation Issuance

A police officer who has grounds to make a warrantless arrest for an offense that may be charged by a citation may:

1. Issue a criminal citation in the field in lieu of making a custodial arrest.

a. This is an **alternative** to a custodial arrest when the officer has assessed the nature of the crime and determined that the formal arrest and booking process would not be beneficial in the identification and evidence collection process.

b. When an officer determines that he will issue a criminal citation in lieu of arrest, the officer will complete the citation, the defendant must sign acknowledging receipt of the citation and the officer must issue a District Court of Maryland, <u>Notice to Appear</u> form.

2. Make a custodial arrest, transport the prisoner to Central Booking for processing and subsequently issue a citation in lieu of continued custody.

   a. Maryland law permits police officers to arrest individuals who meet the above criteria and use the criminal citation as the means of charging. Custodial arrest will remain the primary means of enforcing these violations when the collection of further evidence or booking information (e.g., photographs, fingerprints, automated fingerprint queries) will be beneficial to public safety.

   b. When an officer makes a custodial arrest for a misdemeanor covered by this policy (see Appendix C), the officer will follow all applicable procedures for custodial arrests. The arrestee will be transported to Central Booking and processed pursuant to the current booking process. The charging officer will issue the criminal citation to the arrestee. The citation must be signed by the arrestee, and the officer must issue a District Court of Maryland, Notice to Appear form. The defendant will be released by Central Booking staff at the conclusion of the booking process.

F. See Appendix C for a list of offenses which may be charged by citation.

G. A criminal citation **WILL NOT** be issued in any of the following circumstances:

1. Criminal violations which carry a penalty of over three (3) months imprisonment;
2. Juvenile criminal violations;
3. Violations of the Maryland Transportation Article;
4. Violations of the Maryland Natural Resources Article;
5. Parking violations;
6. When an **adult** defendant refuses to sign the criminal citation;
7. When a defendant cannot provide satisfactory identification;
8. Circumstances where the officer has reason to believe that an adult defendant will not appear in court as required;
9. Situations where the offense will continue or persons and/or property will be endangered if the defendant is not taken into custody.

H. Officers are legally permitted to issue criminal citations in some circumstances where a warrantless arrest may ordinarily be impermissible (non-specified misdemeanor not occurring in the officer's presence). A citation may be issued where the investigation reveals that the defendant is guilty of the crime, as supported by reliable witness information. Defendants cited in this fashion may NOT be lawfully arrested and booked prior to the issuance of the citation – they must be cited and released without booking.

I. Procedures for filling out a Uniform Criminal Citation are located in Appendix A.

J. Criminal Citation Reporting

Officers shall ensure that all of the following information is included within each Maryland Uniform Citation issued:

1. The date, location and the time of the issuance of the citation;

2. The specific offense charged (to include the proper wording for the charge and the proper CJIS code – both as specified in the District Court Commissioner's Manual);

3. The gender of the offender;

4. The date of birth of the offender;

5. The state and, if available, the county of residence of the offender;

6. The race or ethnicity of the offender as:

   a. Asian; b. Black;
   c. Hispanic; d. White; or
   e. Other.

7. The WPD case number; and

8. A notation as to whether the defendant was or was not subjected to a formal booking process (Booked – Yes/No).

VI. ADULT CIVIL VIOLATIONS

Civil violations for which a citation may be issued are located in the Westminster City Code and the Annotated Code of Maryland. It is important to note that certain alcohol-related violations may be charged civilly. Procedures for filling out a Uniform Civil Citation are located in Appendix A.

A. Citation for possession of less than 10 grams of marijuana § 5-601.1

1. Effective October 1, 2014 possession of less than 10 grams of marijuana is a civil offense.

   a. Civil Citations with a revision date of 10/14 must be utilized for cites of this violation.

A citation issued for a violation of § 5-601.1 involving the use or possession of less than 10 grams of marijuana shall be signed by the police officer who issues the citation and shall contain:

a. the name, address, and date of birth of the person charged;

b. the date and time that the violation occurred;

c. the location at which the violation occurred;

d. the fine that may be imposed;

e. a notice stating that prepayment of the fine is allowed, except as provided in paragraph (2) of this subsection; and

f. a notice in boldface type that states that the person shall:

   i. pay the full amount of the preset fine; or

   ii.. request a trial date at the date, time, and place established

by the District Court by writ or trial notice

VII. JUVENILE CIVIL VIOLATIONS

A. Uniform Juvenile Civil Citations will **only** be used for:

1. A civil alcohol violation found in the Annotated Code of Maryland relating to underage possession, false I.D., alcohol at school, etc.…; and

2. A civil tobacco violation found in Article 10-108 of the Annotated Code of Maryland relating to the possession and/or use of fake I.D. to obtain tobacco;

3. A civil violation of possession of less than 10 grams of marijuana found in the CR 5-601.1 of the Annotated Code of Maryland

B. Procedures for filling out a Uniform Juvenile Civil Citation for Alcohol and Tobacco Offenses are located in Appendix A.

AUTHORITY:

_____
Jeffrey Spaulding
Chief of Police

Appendix A: Procedures for Filling Out Citations
Appendix B: Distribution of Citation Copies
Appendix C: Sources of Violations

WESTMINSTER POLICE DEPARTMENT

General Order: 7-11

Subject: **CUSTODIAL INTERROGATION GUIDELINES**

Effective Date: October 1, 2016

This General Order contains the following numbered sections:

I. PURPOSE
II. POLICY
III. PROCEDURES

I. PURPOSE

The purpose of this policy is to ensure the Westminster Police Department (WPD) conforms to current State of Maryland public policy. This policy states that a law enforcement unit that regularly uses one or more interrogation rooms will equip them with the capability to create audiovisual recordings of custodial interrogations of suspects in connection with cases of murder, rape or sexual offenses in the first or second degree.

II. POLICY

Chapter 360 of Maryland Public Policy requires an audiovisual recording of all suspect interviews in connection with cases of murder, rape or sexual offenses in the first or second degree. In order to become fully compliant with requirements for the audiovisual recording of suspect interviews it shall be the policy of the WPD to conduct all custodial interrogations in cases involving murder, rape or sexual offenses in the first or second degree in compliance with the State of Maryland public policy. In order to facilitate compliance with this mandate the WPD has equipped an interview room at headquarters with audiovisual recording equipment.

III. PROCEDURES

An individual in custody of the WPD will be afforded the opportunity to answer any questions of the arresting or investigating officer.

A. Interrogation of Adult Suspects

1. When used within this policy, the term “interrogation” refers to the questioning of a suspect who is in custody, or is likely to be placed into custody immediately following the statements being made.

2. Custodial Interrogations of suspects for one of the enumerated offenses of murder, rape or sexual offenses in the first or second degree will be conducted at the WPD in the CIB office - Interview Room # 1 which is equipped to conduct audiovisual recordings.

   Note - It is advisable though not required to record interrogations in any significant criminal investigation.

3. Prior to the interrogation of any suspect, the electronic audiovisual equipment will be activated to record the proceedings.

4. The individual activating the recording equipment will log in the case number,

date, case investigator's name, their name, the start time of the recording and the ending time of the interrogation in the log book retained with the recording equipment.

5. In investigations involving murder, rape or sexual offenses in the first or second degree, the interrogation will be recorded **without** informing the suspect pursuant to Courts and Judicial Proceedings § 10-402.

   Other than the enumerated offenses above, the suspect will be informed that the proceedings are being recorded on audiovisual equipment**.**

   a. **If a suspect refuses to consent to an audiovisual recording they should be reminded of the statutory mandate for such recording for the protection of their rights.**

   b. **If the suspect still refuses to consent to the recording but is willing to proceed with an unrecorded interview, the refusal shall be fully documented and recorded, ensuring the suspect understands the reasons for the recording and that they are refusing to do so of their own volition. The recording equipment will then be turned off and the interview will continue.**

6. If another officer is available they will monitor the proceeding from the equipment room to ensure proper operation of the recording equipment.

7. The interrogation of suspects shall be conducted with respect for all constitutional guidelines. The WPD Advice of Rights and Waiver Form should be used when initiating a custodial interrogation of a suspect**. The presentment of the suspect's rights will be recorded.**

8. Prior to an interrogation of a suspect who is in custody, the suspect must be advised of the constitutional rights against self-incrimination (Miranda Warning) per G.O. 7-05 entitled "Interviews, Interrogations and Waiver of Rights".

9. Officers shall not interview a suspect, obtain a statement, and then advise the suspect of their Miranda rights, and re-interview the suspect in order to obtain the statements under Miranda.

10. After the Miranda Warning has been given, the suspect should be asked if he understands them. If the suspect indicates that they do understand their rights as explained the suspect should be requested to sign under the Acknowledgment of Rights Statement. If the suspect indicates that they do not understand their rights as explained, the Miranda Warnings should be explained to the suspect again until the suspect states that he clearly understands them.

11. Officers are not required to get the individual's signature on the Statement of Rights Form under the Acknowledgment of Rights Statement, however, it is recommended. If the suspect refuses to sign the Acknowledgment of Rights Statement, that refusal should be documented on the form. It is recommended that another member witness this documentation.

12. In order for any statement to be valid, it must be made voluntarily, knowingly, intelligently and without coercion.

13. Officers shall not use physical or psychological intimidation tactics in an effort to coerce an individual into waiving his rights or answering questions.

14. If the individual waives his rights and begins to answer questions and later changes his mind and asks for an attorney, the questioning must stop.

15. If the individual invokes his rights and refuses to answer questions but later changes his mind and wishes to answer questions, officers must take care to document that the change of mind was initiated by the individual AND the change of mind was made voluntarily, knowingly, intelligently, and without provocation. The subsequent waiver should be clearly explained and documented in any written statement or audio recording of the subsequent interview.

B. Interrogation of Juvenile Suspects

Juvenile interrogations shall be conducted in the same manner as adult interrogations with the following guidelines:

1. As a general practice the parent(s) or guardian(s) of a juvenile **shall be notified of an interrogation/interview when possible unless the parent(s) or guardian(s) are suspects in the investigation.** Parental permission to interrogate/interview is not required; however, should a juvenile request to speak with his/her parent(s) or guardian(s) prior to the interrogation/interview, the request shall be honored or the results of the interrogation/interview may be in jeopardy.

   a. **The officer shall consider the totality of the circumstances when considering whether or not there should be parental notification prior to an interrogation/interview. The following factors should be considered prior to an interrogation/interview;**

      1. The age and experience of the juvenile
      2. The education level of the juvenile
      3. The background of the juvenile
      4. The circumstances surrounding the case such as a serious felony, a crime of violence or charging a juvenile as an adult with the crime.

2. Juveniles have the same rights regarding statements and confessions as do adults; however, a special effort shall be made to ensure that the juvenile understands these rights. **The circumstances of the juvenile's statement should be thoroughly documented**.

3. The duration of the interrogation/interview and the number of officers engaging in the interrogation/interview shall be conducted as appropriate to the juvenile's age and the nature of the alleged offense. However, the number of officers engaged in the interrogation/interview will not exceed two (2) at any given time and the duration should not exceed two (2) hours without a break being offered. The break can be postponed if the juvenile is actively engaged in detailing a crime.

C. Audiovisual Recording Preservation

Immediately upon the conclusion of the interrogation, steps will be taken to copy the interrogation session from the hard drive of the DVR onto another form of data storage media to create a backup copy. This function must be conducted in the event of a failure of the hard drive of the DVR.

1. The interrogation session can be copied to a CD-R or a USB flash drive. If a flash drive is utilized the digital image of the interrogation must also be copied to a CD-

R to represent the memorialized copy of the interrogation session for future reference.

2. A CD-R of the interrogation session will be retained in the CIB office as a backup copy. The electronic file of the interrogation session will be stored on the CIB crime scene computer. This device is a secure data storage site.

3. Any digitally recorded interrogation session is considered as evidence in a criminal investigation and shall be treated as such. Officers are prohibited from retaining copies of any interrogations for their personal use outside the scope of their law enforcement function with the WPD.

D. Requests for copies

1. Requests for a copy of the digital interrogation session from the State's Attorney's Office will be handled by the CIB staff.

2. All requests from defense attorneys will be in the form of a subpoena and will be processed by the CIB staff.

AUTHORITY:

_____
Jeffrey Spaulding
Chief of Police

Appendix A: Advice of Rights with Qualifying Questions

WESTMINSTER POLICE DEPARTMENT

General Order: 7-12 Order# 2015-06

Subject: **CENTRAL BOOKING UNIT PROCEDURES**

Effective Date: January 1, 2016

This General Order contains the following numbered sections:

I. POLICY
II. DEFINITIONS
III. POST-ARREST PROCEDURES
IV. CENTRAL BOOKING FACILITY PROCEDURES

I. POLICY

The Westminster Police Department (WPD) will work collaboratively with the staff of the Carroll County Central Booking Unit to ensure the safe and efficient identification, processing and prompt presentment of arrestees brought into the unit. This policy sets forth the procedures to be used when utilizing the services of the Central Booking Unit.

II. DEFINITIONS

A. Automated Booking System (ABS): The uniform, automated system that documents arrests and captures biographical characteristics of offenders brought into CBU. The system is designed and maintained by the Carroll County Detention Center (CCDC) utilizing the Criminal Justice Information System.

B. Central Booking Unit (CBU): A secure facility operated by the CCDC, designed to hold adults arrested in Carroll County, or juveniles waived to adult jurisdiction, through their initial appearance before the District Court Commissioner.

C. Central Booking Deputy (CBD): A certified correctional deputy assigned to the Central Booking Unit.

III. POST-ARREST PROCEDURES

In effecting any arrest, WPD officers shall follow all policies and procedures set forth in General Order 7-01, Arrest Procedures, and all other applicable orders. Subsequent to custodial arrest, the arresting officer has the following responsibilities:

A. Prior to any interrogation the officer shall advise the arrestee of his Miranda Rights. Interrogations shall be conducted consistent with the General Order 7-05, Interviews, Interrogations and Waiver of Rights. The advice of Miranda Rights is not necessary until the subject is in custody and information beyond identification requirements is requested.

B. The arresting officer is ultimately responsible for making positive identification of his/her arrestee. Identification may be accomplished by any of the following methods:

1. Photo identification
2. Prior arrest information
3. Personal knowledge
4. Fingerprints

C. The officer shall transport the arrestee to the appropriate detention facility.

1. Adults and juveniles waived to adult jurisdiction or charged as adults due to the nature of the crime shall be processed and booked at the CBU. The temporary detention

area located within WPD facilities may be used for the processing of adults as a back up when exigent circumstances arise.

2. Juveniles shall be processed in the Temporary Detention Area with WPD.

3. For DUI arrests, officers have the option of using the Intoximeter instrument at WPD, MSP Westminster Barrack or the CBU for testing. If an arrestee is tested at a location other than the CBU and is not eligible for discretionary release or criminal charges are filed, the arrestee shall be transported to the CBU for booking after testing.

4. An intoxicated individual with a blood alcohol level (BAC) of .30 or higher must be transported to a local hospital for evaluation and treatment prior to CBU acceptance/processing.

IV. CENTRAL BOOKING UNIT PROCEDURES

A. CCDC Booking Deputies shall use the State of Maryland's ABS equipment to provide for direct entry of WPD and other prisoner arrest information and fingerprint identification information in the ABS. All WPD officers shall defer to the direction of CCDC Booking Deputies in regard to booking procedures and operations.

B. Central Booking Unit (CBU) Access

1. To ensure maximum security, WPD officers shall utilize the sally port when moving arrestees into and out of the facility.

2. Officers shall contact WPD Communications, who will in turn contact CBU, to advise that an officer is at the sally port entrance. Should the arrestee be combative, Communications will call CBU in advance to allow them to prepare for the arrestee.

3. Once the sally port door has been opened, the officer shall drive into the sally port and remain in the vehicle until the door closes.

4. All firearms, ammunition, and edged weapons (including all types of pocket knives) are prohibited in the CBU and must be secured appropriately in a weapon locker/lock box provided in the vehicle sally port prior to entering CBU. Tasers must be locked in the officer's trunk or in a weapons locker before entering the CCDC or detention area. When practical, the arrestee(s) shall remain secured in the vehicle until all weapons have been secured.

5. Upon arrival at the CBU, the WPD officer shall identify himself to the CCDC Booking Deputy. The WPD officer shall provide his name and identification number when requested.

6. WPD officers, when not in uniform, must clearly display appropriate WPD identification at all times.

7. WPD officers shall be responsible for any authorized ride-alongs that enter the CBU. Ride-alongs shall be restricted to designated areas (i.e. officers report writing room) and shall not move about the CBU un-escorted at any time.

8. Pertaining to DWI/DUI arrests, the WPD has access to a secure area set aside for an Intoximeter and a Drug Recognition Expert within the Temporary Detention Area in WPD Headquarters. These areas may be used so that the arrestee(s) does not have to enter CBU in the event a discretionary release is indicated. During the use of these areas WPD officers shall follow all applicable policies and procedures set forth elsewhere in this order and in General Order 7-01, Arrest Procedures.

C. Arrestee Processing

1. Adult arrestees shall be transported by the arresting WPD officer (or designated transporting officer) to the CBU.

2. The arresting WPD officer shall follow all WPD booking and arrestee search procedures and shall not bring any evidence or excessive arrestee property into the CBU. Arrestee property shall be limited to those items identified in approved WPD and CCDC policies. **THE ARRESTING/TRANSPORTING OFFICER IS RESPONSIBLE FOR CONDUCTING A COMPLETE AND THOROUGH SEARCH OF EACH PRISIONER PRIOR TO ENTERING THE CBU. IF CIRCUMSTANCES AT THE SCENE OF THE ARREST PRECLUDE A COMPLETE AND THOROUGH SEARCH PRIOR TO REACHING THE CBU (I.E. DISORDERLY OR COMBATIVE PRISONER, THREATENING CROWD ETC…), A SECOND SEARCH SHOULD BE CONDUCTED WITHIN THE SALLY PORT AREA OF THE CBU BEFORE ENTERING THE BUILDING TO ENSURE THAT NO WEAPONS, IMPLEMENTS OF ESCAPE OR EVIDENCE OF A CRIME ENTER THE CBU.**

3. The arresting WPD officer shall complete the Arrest Sheet, Statement of Charges, obtain a WPD Arrest Number and relinquish custody of the arrestee to a CBD.

4. The arresting WPD officer shall remain in the facility with any arrestee delivered to the CBU until such time as the CCDC staff reviews the arrest packet and accepts responsibility for the arrestee. CBDs do not have the legal authority to hold an arrestee until this formal process has occurred.

D. Search of Arrestees

1. Prior to turning any arrestee over to the Booking Deputy at the CBU, the arresting/transporting WPD officer shall search the arrestee. All searches conducted by WPD members shall be conducted in a manner consistent with Departmental policy. Additional searches may be conducted by CCDC personnel in the presence of the WPD officer. All drugs, contraband and evidence shall be seized and stored by the WPD arresting officer for submittal to the WPD Property Room.

2. An initial search shall be conducted by the WPD Officer while the detainee remains in restraints checking for weapons or other contraband.

3. After the initial search, WPD restraints shall then be replaced with CBU restraint equipment. Leg irons and/or handcuffs shall be applied to the arrestee. The WPD officer shall remain present during the second search and property inventory conducted by CBU Deputies.

4. Either the WPD or the CCDC may request personnel from the other agency to assist with same sex arrestee searches or strip searches, in the event there are inadequate personnel available of the necessary gender to accomplish search requirements.

5. All items revealed during a search shall be confiscated and evaluated for evidentiary value by the arresting/transporting WPD officer. Items having no evidentiary value shall be secured and added to the arrestee's personal property report. Items determined as having evidentiary value shall be surrendered to the arresting/transporting WPD officer and entered onto a WPD Property Submission Form as "evidence".

6. All arrestee property received at reception or upon discovery at search shall be listed, by the CBU Deputy, on the CCDC Personal Property Inventory Form - except for drugs, weapons and contraband. These items will be immediately returned to the arresting officer for documentation and charging purposes.

7. Property taken from detainee and confiscated by the arresting/transporting WPD officer as evidence shall be so described upon the WPD Property Submission Form.

8. In the event that drugs, contraband or evidence is discovered after the WPD officer departs the CBU, CCDC staff shall immediately notify the WPD Communications Division. A WPD Supervisor shall be notified and a WPD officer (preferably the arresting or transporting officer) shall return to take custody of the drugs, contraband or evidence.

9. Excessive arrestee property will be refused at the CBU and shall be submitted to the WPD Property Room by the arresting/transporting officer.

10. The Personal Property List/Receipt that lists each item of property and a corresponding location/disposition shall be completed by the CBU. Both the arrestee and the CBD shall review and sign the receipt.

E. Legal Documentation

1. The arresting/transporting WPD officer shall provide appropriate documentation to the CBU. The Statement of Charges shall be prepared utilizing the State's Automated Booking System (ABS) equipment. Some situations such as concerts or other mass arrests that result in a high volume of arrestees may necessitate handwritten Statements of Charges and Personal Property Lists/Receipts.

2. The arresting/transporting WPD officer shall also provide written documentation identifying full details regarding any suicide risk, escape risk, or other "special needs" or security concerns relating to the arrestee. This information shall be provided to the CBU on the **WPD Detainee Alert Form** (Appendix A) as soon as the arrestee is brought into the CBU.

3. The WPD shall provide all legal documentation to the CCDC Booking Deputy to ensure acceptance by the Commissioner. The CBU shall inspect and review the documentation provided. If any errors or omissions in the documentation are discovered at any time, it shall be the responsibility of the arresting/transporting WPD officer to return to CBU to correct those errors or omissions.

4. Should the District Court Commissioner require additional information, the arresting/transporting WPD officer or a WPD supervisor, shall respond to the Commissioner's Office to address the issues.

5. After all required documentation is provided to the CBU, and all required arrestee searches are completed and the CBU assumes prisoner responsibility, the arresting/transporting WPD officer may depart the CBU.

6. All WPD copies of documentation shall be picked up daily by a WPD representative and submitted to the Records Section.

F. Warrants

1. Both the WPD officer and CBU Deputy shall conduct warrant checks and computer inquiries on the arrestee including RMS/JMS, METERS, NCIC and the District Court System after a detainee has been properly identified.

2. The CBU Deputy in Charge shall contact the arresting/transporting WPD officer or WPD Watch Commander to arrange to have any warrants served prior to the initial appearance before the Commissioner. All warrants must be served by a sworn police officer.

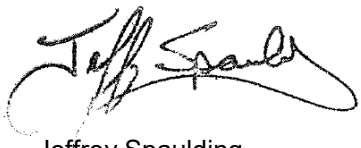
3. In the event that the CCDC identifies open warrants on an arrestee after the WPD arresting/transporting has departed the CBU, the CCDC shall contact the WPD. During normal business hours, the CCDC shall first contact the WPD Warrant Fugitive Section (WFS). In the event that no WFS personnel are immediately available, the WPD Watch Commander shall assign an on-duty officer to take appropriate action.

G. Unusual Circumstances

1. Whenever possible, the WPD agrees to notify the CCDC in advance of any WPD special operations likely to generate a surge in the number of arrestees to be processed by the CBU.

2. Whenever possible, the WPD shall increase staffing to aid in the pre-booking processing of all mass arrests.

AUTHORITY:



Jeffrey Spaulding
Chief of Police

Appendix A

WESTMINSTER POLICE DEPARTMENT

DETAINEE ALERT FORM

NAME: _____ **WPD Case#:** _____

AN ALERT HAS BEEN PLACED ON THE ABOVE DETAINEE FOR THE FOLLOWING REASONS:

☐ MEDICAL CONDITION

☐ SUICIDE RISK

☐ DEMEANOR

☐ TASER Time Deployed _____ EMS? Yes ☐ No ☐ Hospital? Yes ☐ No ☐

☐ NO CONTACT / NO PHONE CALLS

☐ OTHER: _____

DETAILS:

_____

_____

_____

_____

_____

_____

_____	_____	_____
Officer's Signature	Date	Time

_____	_____
Central Booking Deputy's Signature	Time

WESTMINSTER POLICE DEPARTMENT

General Order: 8-02

Subject: **VEHICLE OPERATION**

Effective Date: February 1, 2017

This General Order contains the following numbered sections:

I. POLICY
II. INTRODUCTION
III. DEFINITIONS
IV. DRIVING
V. VEHICLE ASSIGNMENT
VI. TRANSPORTING CITIZENS
VII. TRANSPORTING INJURED PERSONS
VIII. USE OF SEAT BELTS
IX. PROHIBITED USES
X. INTERIOR CLEANLINESS
XI. INSPECTION OF VEHICLE
XII. DAMAGED VEHICLE OR INOPERATIVE EQUIPMENT
XIII. SERVICE IN THE FIELD
XIV. REMOVAL OF KEYS
XV. DEPARTMENT VEHICLES TO BE LOCKED
XVI. FUELING OF POLICE VEHICLES
XVII. EMERGENCY OPERATION
XVIII. USE OF LIGHTS AND SIREN
IXX. STATE LAW EXEMPTIONS
XX. TRAFFIC STOPS
XXI. STATIONARY USE OF EMERGENCY EQUIPMENT
XXII. DISCONTINUANCE OF EMERGENCY RESPONSE
XXIII. EMERGENCY ESCORTS
XXIV. OTHER ESCORTS
XXV. CANCELLATION

I. POLICY

It is the policy of the Westminster Police Department (WPD) that all personnel operating WPD vehicles will do so in full compliance with Maryland Vehicle Law. During non-emergency operation, personnel will obey motor vehicle laws in the same manner required of any other person. Personnel are responsible for ensuring that their assigned vehicles are in safe operating condition. The use of WPD vehicles will be limited to those operations that support the Department's mission.

II. INTRODUCTION

Maryland Vehicle Law exempts emergency vehicles that have their emergency lights and siren activated from certain "rules of the road" when responding to an emergency call or when pursuing a suspected or actual violator of the law. However, the law requires all officers responding to an emergency to drive with due regard for the safety of all persons and property.

III. DEFINITIONS

EMERGENCY CALL: a situation that includes a reasonable possibility of death or personal injury, as evidenced by the facts known at the time. Examples include, but are not limited to, the following calls in progress or which just occurred: officer in need of assistance, assault, rape, robbery, burglary, kidnapping, murder, shooting, stabbing, suicide, domestic dispute involving violence, personal injury accident, arson, or any call in which a weapon is present.

EMERGENCY VEHICLE: a Department vehicle that has been registered as an emergency vehicle with the Maryland Motor Vehicle Administration (MVA). All Department vehicles with emergency lights and siren installed will be registered with the MVA as an emergency vehicle.

IV. DRIVING

A. Vehicles will be driven at safe speeds that permit a response that is appropriate for the situation.

B. Vehicles should be driven in a manner that will not hinder the flow of traffic or pose unreasonable risks to anyone. In all situations, members will consider the conditions present and use reasonable judgment.

C. Vehicle operators will comply at all times and under all circumstances with the provisions of Maryland Vehicle Law.

D. Use of the mobile data computers will be in compliance with General Order 14-02, Mobile Data Computer Program.

E. Except for emergencies, drivers will not utilize cellular phones without a "hands free" device while the vehicle is in motion.

V. VEHICLE ASSIGNMENT

A. Fleet vehicles will be assigned for use by a supervisor. "Take Home" vehicles will be assigned per General Order 8-04, Take Home Vehicle Policy.

B. Operators will not allow unauthorized individuals to operate a WPD vehicle.

VI. TRANSPORTING CITIZENS

A. Citizens will not be transported in WPD vehicles, except:

1. In a "Take Home" vehicle being operated by the off-duty officer;

2. As required in the performance of duty for a legitimate police purpose;

3. If the citizen is a member of the Auxiliary Unit, an intern or another pre-approved individual; or

4. During a "Ride Along" approved per Standard Operating Procedure FSB-01, Ride Along Program.

B. Prior to transporting any other citizens, members must first receive permission from their supervisor.

C. When transporting a member of the opposite sex or a juvenile non-family member, sworn personnel will radio to the Communications Division their starting location and starting mileage, and at the completion of the transport will radio their ending location and ending mileage.

VII. TRANSPORTING INJURED PERSONS

Department vehicles should not be used to transport injured persons to the hospital. Instead, an ambulance should be called. Exceptions may be made to this rule whenever the officer at the scene believes it necessary because of unusual or exigent circumstances.

VIII. USE OF SEAT BELTS

A. Except as provided in Maryland Vehicle Law, all WPD employees, when operating or riding in a WPD vehicle or any vehicle driven on-duty, will use all safety devices and restraint systems (seat belts) provided by the manufacturer. The lap belt and shoulder harness will be used in accordance with the intended use and design of the manufacturer.

B. Drivers will ensure that all occupants of the vehicle are properly secured in a seat belt or a child safety seat at all times while the vehicle is in motion, except as exempted by Maryland Vehicle Law.

C. The Department also realizes that during exigent circumstances seatbelts may become a hindrance to certain law enforcement functions. Officers will use common sense and will consider the law enforcement function versus the safety risk (E.g., the release of the restraining device immediately before arrival at the scene of an emergency call) prior to operating a vehicle without use of the restraint system.

IX. PROHIBITED USES

A. WPD vehicles will not be used for the purpose of jump-starting, pushing or towing a civilian vehicle.

B. No member of the Department will use a WPD vehicle, other than a "Take Home" vehicle operated by an off-duty officer, for personal purposes without approval of a Bureau Commander.

X. INTERIOR CLEANLINESS

A. Each employee will remove trash and debris that have accumulated in the vehicle during the operator's use, and will ensure that the vehicle is in a clean condition for the next user.

B. Per City Policy, use of any tobacco products is prohibited while riding in a City vehicle.

XI. INSPECTION OF VEHICLE

A. At the beginning of each tour of duty, members will conduct a thorough inspection of the vehicle and its equipment. Inspections will include:

1. Condition of tires, wheels and body;

2. Emergency equipment;

3. Locking mechanisms;

4. Condition of other equipment (brakes, lights, radios, P.A. system, upholstery, spare tire, jack etc.); and,

5. The presence of any contraband, evidence or weapons.

B. Employees will ensure, as much as possible, that the vehicle is in a safe operating condition.

C. At the beginning of each month, members will complete a *WPD Vehicle Inspection Form* for their assigned vehicle, and will submit it via chain of command to the FSB Commander. The FSB Commander will review the *WPD Vehicle Inspection Forms*, and will forward them to the Property Management Specialist for filing and any required follow-up actions.

XII. DAMAGED VEHICLE OR INOPERATIVE EQUIPMENT

A. When the inspection of a vehicle reveals damage or inoperative equipment, operators will record the damage or inoperative equipment on the *WPD Vehicle Inspection Form*. Additionally, they will notify their supervisor to determine if further documentation is warranted. Supervisors will cause significant damage to be documented on a memorandum, which will be reviewed and forwarded via chain of command to the Deputy Chief for follow-up.

B. When the damage or inoperative equipment is such that the vehicle should not be used, the member's supervisor will be contacted in order to obtain another vehicle and to ensure proper documentation and repair of such damage or inoperative equipment. These same procedures apply should the damage be sustained or equipment fail during a tour of duty.

XIII. SERVICE IN THE FIELD

In the event a Department vehicle needs service as a result of a flat tire, mechanical failure or collision, the vehicle operator will notify his/her supervisor, who will arrange for the service needed. Certain supplies and tools will be maintained at headquarters, including spare tires.

XIV. REMOVAL OF KEYS

Except as provided by Maryland Vehicle Law and during exigent circumstances, ignition keys will be removed from all WPD vehicles when the operator leaves the immediate vicinity of the vehicle. This protects the vehicle and the equipment carried inside of the vehicle.

XV. DEPARTMENT VEHICLES TO BE LOCKED

To prevent theft and vandalism, members will ensure that WPD vehicles are locked with windows closed whenever not in the immediate presence of an employee. K9 vehicles may be left secured with the engine running and/or with the windows open, as appropriate, if the dog is to be left in the vehicle.

XVI. FUELING OF POLICE VEHICLES

Fleet vehicles will be fueled as soon as possible once the fuel level drops below one-half (1/2) tank. Vehicles will be fueled at a Fuelman location or at the Carroll County Maintenance Facility. The Deputy Chief will advise members when fueling locations change between these two (2) options.

XVII. EMERGENCY OPERATION

Sworn personnel are authorized to operate emergency vehicles in an emergency manner when responding to an emergency call or when pursuing a suspected or actual violator of the law. Supervisors are authorized to override the decision of the vehicle operator, and either require or prohibit such emergency operation. Vehicle pursuits are governed by General Order 8-03, Vehicle Pursuit Policy.

XVIII. USE OF LIGHTS AND SIREN

A. When a vehicle is being operated in an emergency manner, the officer operating the vehicle will use both the emergency lights and siren. Section 21-106[c] of the Maryland Vehicle Law requires the use of audible signals when a police vehicle is being driven contrary to the rules of the road and the use of visual signals when a police vehicle is parked contrary to the rules of the road.

B. The provisions of this section do not relieve the driver of a police vehicle from the duty to drive

with due regard for the safety of all persons and property, nor will such provisions protect the driver from the consequences of the disregard for the safety of all persons and property.

IXX. STATE LAW EXEMPTIONS

A. In accordance with Maryland Vehicle Law (Section 21-106) and WPD policy, when operating in an emergency manner, the driver of an emergency vehicle may:

1. Park or stand without regard to the provisions of the rules of the road;

2. Pass a red or stop signal, or a stop sign / yield sign, but only after slowing down enough to ensure that the officer can clear the intersection safely;

3. Exceed any maximum speed limit; and,

4. Disregard any traffic control device or regulation governing direction of movement or turning in a specified direction.

B. Such maneuvers are authorized only when they can be executed safely and with due regard for the safety of all persons and property.

XX. TRAFFIC STOPS

When making a traffic stop, emergency lights and additional equipment, such as the siren, horn, headlights, hazardous warning lights, spotlights and the public address system will be used as needed to ensure the safety of the officer and the public.

XXI. STATIONARY USE OF EMERGENCY EQUIPMENT

Unnecessary use of emergency equipment can compound traffic problems. Officers are authorized to operate emergency lights, hazardous warning lights, spotlights and other emergency equipment at the appropriate level necessary to ensure the safety of the officer and the public during traffic stops, when parking contrary to legal requirements and when assisting motorists.

XXII. DISCONTINUANCE OF EMERGENCY RESPONSE

A. Sworn personnel operating in an emergency manner must continuously evaluate their ability to control their vehicle, the condition of the roadway, other environmental factors and the type of emergency. Emergency operation should be halted when the vehicle can no longer be operated in a safe manner without endangering persons or property.

B. Emergency operation will also be discontinued when officers at the scene of an emergency advise that additional emergency response is no longer necessary.

XXIII. EMERGENCY ESCORTS

A. Officers are prohibited from conducting emergency escorts for civilian vehicles, except when:

1. Escorting for the purpose of preserving life; or,

2. Expediting the movement of supplies or personnel during a national, state or local emergency.

B. Officers will obtain supervisory permission prior to conducting an emergency escort.

C. All reasonable alternatives, such as awaiting the arrival of an ambulance, should be explored

prior to providing an escort of a civilian vehicle.

D. During an approved escort, the civilian vehicle's headlights and hazard lights should be activated. The civilian will be advised to remain a safe distance behind the police vehicle; that a complete stop will be made at all red signals and stop signs; and, that the vehicles will only proceed when safe to do so.

XXIV. OTHER ESCORTS

A. The WPD may be asked to provide escorts for dignitaries, public officials or during other unusual circumstances. If such a request is made, it will be handled or coordinated by the Watch Commander or the Bureau Commander.

B. Plans for civilian escorts of oversized vehicles will be reviewed for adequacy by the FSB Commander.

C. Funeral escorts will be handled with emergency lights and headlights activated and in compliance with Section 21-207 of Maryland Vehicle Law.

XXV. CANCELLATION

This General Order shall cancel and replace General Order H-1, entitled Vehicle Operation dated April 6, 1981 and General Order D-3, Transportation of Passengers in Departmental Vehicles dated April 6, 1981.

AUTHORITY:

_____
Jeffrey Spaulding
Chief of Police

Appendix 1: WPD Vehicle and Equipment Inspection Form

WESTMINSTER POLICE DEPARTMENT

General Order: 8-03

Subject: **VEHICLE PURSUIT POLICY**

Effective Date: February 1, 2007

This General Order contains the following numbered sections:

I. POLICY
II. PURSUIT PROTOCOLS
III. COMMUNICATION PROTOCOLS
IV. USE OF TIRE DEFLATION DEVICES
V. ROADBLOCKS
VI. ANALYSIS
VII. REVIEW DATES
VIII. CANCELLATION

I. POLICY

The safety of the public and of its officers is the primary concern of the Westminster Police Department (WPD) with respect to the pursuit of motor vehicles. Deciding to pursue, or to continue the pursuit of, a motor vehicle involves continuously weighing the hazards presented by the pursuit against the potential danger created if the driver is not apprehended immediately. Good judgment in weighing these risks is essential. The seriousness of the offense involved does not lessen the officer's duty to drive with due regard for the safety of all persons, including fellow officers.

II. PURSUIT PROTOCOLS

A. Officers shall use the information provided in the WPD Policy / Training Aid for Motor Vehicle Pursuits (Matrix), when determining whether or not to initiate/continue a pursuit. The information contained in the matrix shall be used as the officer and supervisor continuously re-evaluate the circumstances and make decisions to continue or to terminate the pursuit. Officers shall keep safety in mind at all times. Factors to consider when deciding whether to initiate, continue or terminate a vehicle pursuit include, but are not limited to:

1. Reasons for the pursuit;
2. Vehicle speeds, road and weather conditions;
3. Pedestrian and other vehicular traffic;
4. Possible loss of communications;
5. Officer safety concerns;
6. Officer's driving skills;
7. Knowledge of the area; and
8. If there is a reasonable expectation that the vehicle or operator could be identified and apprehended at a later time.

B. An officer may only initiate a vehicle pursuit when he/she concludes that the immediate danger to the public, the officers and the suspect created by the pursuit is less than the potential danger created if the suspect is not apprehended immediately.

C. **Whenever the risk of injury to the officer or to the public from a vehicle pursuit outweighs the perceived danger of not apprehending the suspect(s), a pursuit may not be initiated or continued**.

D. An officer may pursue only an alleged felony or misdemeanor suspect whom the officer has probable cause to arrest and whose identity the officer does not know.

1. An officer may pursue a suspect whose identity is known only if the officer has reason to believe the suspect would present a threat of death or serious bodily injury should he/she not be apprehended immediately.

2. An officer will not pursue a suspect when the sole reason for the traffic stop is a payable violation.

3. An officer will not pursue a fleeing motorcycle unless it involves a crime where the Officer has reason to believe that serious harm or death has been or will be inflicted if apprehension is not swiftly achieved.

E. If the Watch Commander/Sergeant or a Command Staff Member is not available to manage, supervise or coordinate the pursuit, the officer will terminate the pursuit.

F. The officer initiating a pursuit will maintain radio contact with Communications. A second officer involved in the pursuit may take over radio communication responsibilities.

G. A pursuit may be terminated by any of the involved units, the Watch Commander/Sergeant or any Command Staff Member. If a decision is made to terminate the pursuit, this decision will be broadcast over the radio. Communications will repeat this broadcast and will ensure that involved units acknowledge the order to terminate the pursuit.

H. Upon notification of the termination of a vehicle pursuit, all involved officers will turn off their vehicles' emergency equipment and will immediately abide by all State Transportation Articles, including the posted speed limit. Communications will notify surrounding agencies of the fleeing vehicle's description and last known direction of travel.

I. The pursuit will be terminated immediately by all involved officers if:

1. The danger posed to the public, the officers or the suspect by continued pursuit becomes greater than the potential danger created if the violator is not apprehended immediately;

2. The distance between the police vehicles and the suspect vehicle becomes so great that further pursuit would likely be futile;

3. The suspect is alleged to have committed only misdemeanor offenses and the suspect vehicle leaves the State of Maryland;

4. The suspect vehicle comes under the surveillance of an airborne police unit. Under such circumstances, officers who had been involved in the pursuit may continue to follow the suspect vehicle at a slower speed and in a more conservative manner;

5. If the Watch Commander/Sergeant or a Command Staff Member is not available to manage, supervise or coordinate the pursuit or they direct the officer(s) to terminate the pursuit; or

6. The officers involved in the pursuit lose radio contact with Communications.

J. An officer will not initiate, or become involved in, a vehicle pursuit when there are any passengers in his/her vehicle who are not sworn police officers of this Department or sworn officers of an allied agency involved in a law enforcement function.

K. All police vehicles involved in the pursuit will be operated with emergency equipment activated, including the siren. Prior to proceeding through an intersection, against the direction of any traffic control device, officers will ensure that the intersection is clear, that any other vehicular traffic at

the intersection has stopped and no other vehicles or pedestrians are entering the intersection.

L. Officers will not caravan vehicles during pursuits. Tertiary units may take up positions proximate to the pursuit route to form a perimeter in the event that the vehicle pursuit ends. Supervisors shall not permit patrol sectors to be stripped of coverage. Supervisors will monitor and control the number of units involved in the pursuit.

M. Unmarked emergency vehicles may initiate a vehicle pursuit. When sufficient marked police vehicles become involved in the pursuit, unmarked vehicles will immediately disengage and will only operate at the posted speed limit.

N. Officers driving non-traditional police cars shall be aware of the limitations of these vehicles and operate under the same procedures as unmarked vehicles.

O. Departmental specialty vehicles (e.g. prisoner vans, etc.) shall not engage in a pursuit, except in the most exigent of circumstances and only until relieved by a marked patrol vehicle.

P. Officers will not intentionally use their vehicles to bump or ram a suspect's vehicle in order to force the vehicle to a stop. "Ramming" is a form of deadly force and may be initiated only under circumstances when deadly force is justified as outlined in General Order 6-01, Use of Force. Officers will consider the potential impact to other motorists or pedestrians when determining whether to apply deadly force in this manner.

Q. The ranking supervisor with a working knowledge of the pursuit has the responsibility of either authorizing a continued pursuit or canceling the pursuit.

R. The primary unit will indicate via radio if it is readily apparent the vehicle pursuit is leaving the City limits. The Watch Commander/Sergeant will coordinate (directly or through Communications) with supervisory personnel from that jurisdiction to determine their level of involvement and relinquish control of the pursuit to that jurisdiction if appropriate. Because of potential communication limitations and the lack of familiarity with the roadway system, pursuits should be re-evaluated by the pursuing officer(s) and supervisor(s) before leaving the City limits. No pursuit shall leave the City limits of Westminster without supervisory approval. **Officers must be mindful of the possible loss of communications when leaving the City and assess further action against the risks to their safety.** Consideration should be given to turning over primary responsibility for the pursuit to units from other law enforcement agencies in the County with primary jurisdiction. Other factors to consider include: how far reliable radio communications can be maintained, the presence of sufficient backup officers and the number of suspects in the pursued vehicle.

S. If the pursuit leaves Carroll County, involved officers shall relinquish the pursuit to officers of that jurisdiction as soon as practical. After the local jurisdiction assumes the pursuit in sufficient numbers to ensure the safety of the officers involved, WPD Officers will abandon active pursuit. Officers may only continue operating in a non-emergency manner at the posted speed limit.

T. If a vehicle is pursued into the City by officers of another police agency, no officer of the Department will become involved in the pursuit without direct supervisory authorization. Any officer who becomes involved in a pursuit that was initiated in another jurisdiction and enters the City will follow all procedures and guidelines established by this General Order.

U. Officers involved in a vehicular pursuit will be held accountable for the continuation of the pursuit when circumstances dictate the pursuit should have been terminated.

V. Under appropriate circumstances, supervisors should request the assistance of a police aircraft to assist with vehicle pursuits.

W. Officers shall maintain post-pursuit discipline once the pursuit has terminated. Strong consideration

should be given to using “high-risk stop” procedures to extricate the suspect(s) from the vehicle to ensure officer safety. *Consideration should also be given to having an officer who was not directly involved in the pursuit take custody of the arrestee until the involved officers have the opportunity to calm down from the stress of the pursuit*. Sufficient officers will be allowed to remain on the scene to ensure safety and maximize chances of apprehension. No other units will respond to the termination point unless requested by the pursuing officer or supervisor. The supervisor will clear any units who are no longer needed at the scene.

X. Officers shall not discharge a firearm at or from~~,~~ a moving vehicle except in deadly force situations as described in General Order 6-01, Use of Force.

Y. Any officer involved in the vehicle pursuit shall submit a police report detailing his/her actions/observations in the pursuit to his/her Watch Commander by the end of the shift. Additionally, the primary pursuit officer shall complete a detailed memo within twenty-four (24) hours of the incident and submit the memo to his/her Watch Commander.

The Watch Commander for the shift during which the pursuit occurred shall ensure that the proper documentation is prepared and submitted in a manner consistent with this Order. The Watch Commander will additionally review the details of the pursuit for consistency with Departmental policy and law, provide a written endorsement and submit the entire package (copies of all reports and memoranda) to the Bureau Commander in a timely manner.

The Bureau Commander shall review the entire incident to ensure conformance with Departmental policy and to provide a meaningful critique and endorsement to aid in future pursuits. The Bureau Commander will then forward these reports via chain of command to the Chief of Police.

Z. Supervisors of officers involved in vehicle pursuits have a responsibility to discuss/critique the circumstances of the pursuit with subordinate personnel in order to continually learn and improve. This requirement shall be completed within three (3) work shifts from the date of the pursuit.

III. COMMUNICATION PROTOCOLS

A. The officer initiating a pursuit shall immediately notify Communications of his location, vehicle description, current speed, the violation warranting pursuit, and traffic, road, pedestrian and weather conditions. **Supervisors shall not allow pursuits to continue without this information being provided.**

B. Communications shall immediately broadcast a short alert tone and advise all units of the pursuit. The Watch Commander/Sergeant must acknowledge the pursuit, **which indicates his or her assumption of command.** Once the Watch Commander/Sergeant acknowledges, he or she is responsible for the pursuit unless relieved of this responsibility by a higher-ranking official.

C. Officers and supervisors involved in a pursuit shall remain mindful of radio communications involving other police agencies. During multi-agency pursuits, officers shall use plain English for all communications and avoid the use of "10-codes" etc.

D. If an officer or Watch Commander/Sergeant believes that a pursuit will exit the City limits of Westminster:

1. The officer and/or Supervisor should reconsider if the pursuit should be continued. The Supervisor should consider the increased risk caused by changing radio frequencies when deciding if approval to continue the pursuit out of the City is warranted.

2. The officer shall notify Communications immediately of the jurisdiction that he or she believes the suspect will be entering. The Supervisor shall make the determination if the pursuit should continue or be discontinued.

3. Communications shall notify the appropriate jurisdiction of the pursuit about to enter its jurisdiction, verify the interoperability talk group and advise the other jurisdiction that a Westminster unit will be contacting the agency on that talk group. Communications shall then advise the unit(s) involved in the pursuit and the supervisor to switch to that talk group upon entering the jurisdiction. If the supervisor approves the continuation of the pursuit into that jurisdiction, the supervisor shall switch to the designated talk group with the officer(s) in pursuit.

4. Officers and Supervisors shall remain cognizant of the fact that the Signal-13 button will not be heard if an emergency occurs outside the Carroll County radio system range.

5. Each officer involved in a pursuit that switches to an alternate channel shall identify himself or herself by stating "Westminster Police" followed by his or her unit number, the word "to" and the agency that the officer is calling (e.g. "Westminster Police 311 to Baltimore County PD Dispatch").

6. Provided that the channel is not currently in use, the dispatcher should respond immediately (e.g. "Baltimore County PD Dispatch to Westminster Police 311, go ahead").

7. The Westminster Police officer should then state the reason that her or she is calling and what action is requested of the other jurisdiction (e.g. "Westminster Police 311 is in pursuit of a..."). Once initial contact has been established and the reason given for the call, the communication shall proceed in a normal fashion until complete. Before officers return to their normal Westminster radio channels, all officers shall identify themselves and inform the appropriate dispatch center that they are switching back to their normal channel.

8. Officers and supervisors shall recognize that continuing a pursuit into another jurisdiction increases the risks inherent in all pursuits. Officers are likely to be less familiar with the area. Switching radio channels is more difficult while conducting a vehicle pursuit.

9. All radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

IV. USE OF TIRE DEFLATION DEVICES

A. Whenever a vehicle pursuit is initiated, the use of tire deflation devices should be considered as a means to quickly and safely resolve the situation. Use of such devices will not be considered as a roadblock or the application of deadly force. Officers may only use departmentally-issued tire deflation devices that have been approved by the Chief of Police.

B. Tire deflation devices will be deployed using the following criteria:

1. Only officers who have been trained and authorized by the Department may deploy a deflation device.

2. Authorized officers will only deploy the devices after receiving approval from a supervisor.

3. Once the tire deflation device has been deployed, the deploying officer will announce on the operational channel the location of the deployment. Communications will rebroadcast this location.

4. Tire deflation devices will not be used on vehicles that have fewer than four wheels.

5. After use, the deploying officer will replace any spikes that have been removed from the Roadspike or replace the used Stop Stick. Any damage to the device will be reported

under normal procedures. The devices will be turned in to the Property Management Specialist for repair or replacement.

C. The use of a deflation device will be documented in a Police Report and the related Memorandum. The documentation of the use will cover the circumstances surrounding its use, the weather and road conditions and the effectiveness of the device. This documentation is also needed to provide for replacement or repair of damaged units under the manufacturer's warranty.

V. ROADBLOCKS

A. Definitions

ROADBLOCK: An obstruction in the roadway, natural or man-made, that stops or diverts vehicular traffic.

CHECKPOINT: A point on a roadway at which all vehicles are stopped for a law enforcement purpose. This type of roadblock allows vehicles to be checked before continuing. This does not normally involve the use of deadly force.

MOVING ROADBLOCK: Using Departmental vehicles, while in motion, to restrict, reduce, or eliminate the chance for escape of a felon. This is done by forcing another vehicle to slow down, stop or change direction.

HARD ROADBLOCK: A roadblock that uses heavy material, vehicles or equipment to stop or divert an approaching vehicle. This type of roadblock may constitute the use of deadly force under certain circumstances and will only use City-owned vehicles and property for the roadblock.

SOFT ROADBLOCK: A roadblock that uses signs, flares, barricaded devices or other warning devices, which, if struck, cause little or no damage. This type of roadblock does not normally constitute the use of deadly force and should be considered as an alternative to the Hard Roadblock.

B. Use of Roadblocks

1. Officers may initiate a roadblock, with supervisory approval, only after all reasonable and conventional means have failed. This means that the use of lights (overheads, dash lights, headlights and grill lights), siren and horn have proved unsuccessful.

2. Only a supervisor may authorize the implementation of a roadblock. Before authorizing a roadblock the supervisor will evaluate available information and decide if a roadblock is appropriate, considering the imminent threat to the personal safety of the public, police, and violator.

3. The supervisor will consider the following before authorizing a roadblock:

   a. The number of personnel available for assignment to the roadblock;

   b. The seriousness of the crime or incident;

   c. The sufficiency of the information and descriptions of wanted persons and vehicles;

   d. The traffic and roadway conditions;

   e. The available time and methods to provide a reasonable system of warning to motorists; and,

f. The type of roadblocks and the selection of the most appropriate one for the circumstances.

4. Only marked police vehicles should be used in roadblock situations for easy identification purposes.

5. **MOVING ROADBLOCKS** constitute an exceptional risk to the safety of the officer(s) and the public. **Particular care should be taken to determine whether this option is the only one available and it should be undertaken as a "last resort" option.** These roadblocks are intended to slow the fleeing vehicle in a controlled manner. Officers should be cognizant of their vehicle location if a felony stop is initiated after the stop.

6. **HARD ROADBLOCKS** constitute a great danger to the police, public and violator. This type of roadblock will only be used in situations when deadly force is appropriate and are therefore rarely permissible. This type of roadblock will not be used at the following locations:

   a. Over the crest of a hill where visibility is poor;

   b. During foggy or misty weather conditions;

   c. Around a curve in the roadway, due to limited reaction distance; and,

   d. Any location where there is limited sight distance such that drivers may foreseeably be unable to stop safely in time to avoid an accident.

NOTE: This type of roadblock will be used in conjunction with a clearly visible safe passage for a suspect onto a road that limits hazards and increases the likelihood of apprehension. Supervisors may consider blocking exit ramps and side streets to ensure that the suspect vehicle will continue on the roadway on which it is traveling. This may be done to direct the suspect toward the tire deflation device or to keep the suspect from entering into more densely populated areas. This action may not constitute the use of deadly force; however, consideration should be given to traffic volumes and sight distances before deciding on this course of action.

7. **SOFT ROADBLOCKS** are less dangerous and should be given consideration.

8. **CHECKPOINTS** may present the best option in identifying the occupants of a vehicle. These roadblocks allow vehicles to be checked before continuing and could be used in an incident such as a hostage situation or any serious crime where a perimeter needs to be secured. Generally, this type of roadblock does not constitute the use of deadly force.

C. Review and Critique of Roadblocks

Anytime a roadblock is used, it will be fully documented in a Police Report and related Memorandum. The reports will be forwarded, for review, to the Chief of Police through the chain of command. Any procedural changes identified through the critique process will be approved by the Chief of Police prior to implementation.

VI. ANALYSIS

The Field Services Bureau (FSB) Commander shall conduct an annual analysis of all motor vehicle pursuits. This analysis shall be designed to identify any potential patterns or trends that could indicate additional training needs, equipment upgrades and/or policy modifications. The report shall be submitted to the Chief of Police, via the chain of command, by March 1st of each year.

VII. REVIEW DATES

A. Supervisors of sworn personnel will conduct a review and discussion of this General Order with their subordinates during February and August of each year. This review will minimally consist of a review and discussion of critical portions of the general order. Additionally, supervisors will ensure that each subordinate has reviewed the entire general order and understands its content.

B. The Communications Supervisor will conduct a review and discussion of **Section III** of this General Order with Communications Staff during February and August of each year. The Communications Supervisor will ensure that each subordinate has reviewed **Section III** and understands its content.

C. The Support Services Division (SSD) Commander will send out this general order via PowerDMS to all sworn personnel and to Communications Staff for mandatory review and signature during February and August of each year.

VIII. CANCELLATION

This General Order shall cancel and replace General Order 61-81, High Speed Pursuits, dated November 1, 1991.

AUTHORITY:

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Jeffrey Spaulding
Chief of Police

Appendix A – Training Aid for Motor Vehicle Pursuits

WESTMINSTER POLICE DEPARTMENT

General Order: 8-04

Subject: **TAKE-HOME VEHICLE POLICY**

Effective Date: July 1, 2019

This General Order contains the following numbered sections:

I. POLICY
II. PURPOSE
III. DISCUSSION
IV. PROGRAM ELIGIBILITY
V. PROGRAM GUIDELINES
VI. PROHIBITED USES

I. POLICY

It is the policy of the Westminster Police Department (WPD) that all take-home vehicles shall be operated at all times in compliance with the requirements of both this General Order and General Order 8-02, Vehicle Operation. All participating officers shall comply with the provisions of this General Order. Any request for a variance to this General Order must first be approved by the Chief of Police or his/her designee.

II. PURPOSE

To establish guidelines and criteria governing eligibility and use of take-home vehicles used by members of the Department

III. DISCUSSION

When feasible, appropriate and within budget and operational constraints, the Department may assign vehicles to individual personnel to increase visibility, to decrease response time to call-ins, to enhance operational effectiveness, to improve availability of equipment, to increase the useful life of the vehicle through personal maintenance and care provided by a sole operator, and to serve as a recruitment and retention tool. The Department reserves the right to remove or reassign take-home vehicles when necessary for the good of the Agency and/or the City.

IV. PROGRAM ELIGIBILITY

A. The Deputy Chief of Police (Deputy Chief), or his/her designee, will serve as the Program Administrator for the Take-Home Vehicle Program (THVP).

B. Vehicles in the THVP will be assigned to eligible officers as vehicle availability and budgetary conditions permit. The THVP is limited to sworn personnel meeting the following criteria:

1. Newly-hired entry-level police officers must successfully complete their probationary period to be eligible for the THVP.

2. Newly-hired lateral police officers are eligible for the THVP upon successful completion of the Field Training and Evaluation Program (FTEP).

3. Officers must maintain an overall “Satisfactory” or higher rating on their annual Performance Evaluation Reports (PER) to remain eligible for participation in the THVP.

4. Officers must reside within a twenty-five (25) air mile radius of police headquarters as illustrated in Appendix B.

5. Officers must be willing to immediately respond to any incidents as required while operating their take-home vehicle in accordance with the procedures of this General Order.

6. Sworn members of the rank of captain or higher who are required by their position to serve as part of the WPD's Command Staff are eligible.

C. Officers meeting the above criteria who are interested in participating in the THVP shall submit an Application to Participate in Take-Home Vehicle Program – Appendix A, through the chain of command, to the Program Administrator for review and approval.

D. THVP vehicles will be assigned to eligible applicants as available. THV may be withdrawn at any time based upon an operational or administrative need as determined by the Chief of Police.

E. Officers participating in the THVP shall be responsible for strictly adhering to all Department rules and regulations, including the provisions of this General Order.

F. Officers may be suspended or terminated from the THVP at the discretion of the Chief of Police for any violation of Department rules and regulations, for any violation of law, and for unsatisfactory performance.

V. PROGRAM GUIDELINES

A. Participating officers may utilize their take-home vehicle consistent with the following guidelines:

1. During their tour of duty and while conducting official Departmental business;

2. To and from their residence for their tour of duty;

3. To and from Departmentally-sanctioned training assignments; and,

4. To and from work-related Court appearances.

5. Officers who reside in Carroll County are permitted to operate their THVP vehicles within Carroll County while off-duty and within the parameters of this policy.

6. Officers who reside outside of Carroll County and within the twenty-five (25) air mile radius, may request permission from their bureau commander on a case-by-case basis to operate their THVP vehicles while off-duty and within the twenty-five (25) air mile radius, while they are on-call for specific assignments, including:

   a. On-Call Criminal Investigator and Supervisor;
   b. Crisis Response Team members and Incident Commanders; and,
   c. Crisis Negotiation Team members.

   Any special exception granted under these circumstances shall be based upon a specific situation where it makes sense for the requesting officer to have their assigned vehicle available under the circumstances. In these situations, the officer shall:

   a. Be prepared to respond immediately to the call-in and
   b. Have all required equipment available for the call-in.

   Otherwise, THVP participants who do not reside in Carroll County shall not operate their THVP vehicles other than during the circumstances listed in subsections 1- 4 above.

B. Officers will not allow any person (other than an authorized WPD employee or volunteer, or an authorized maintenance person) to use or operate his/her assigned vehicle without written permission from the Program Administrator.

C. Officers who are on extended disability leave, light duty, leave away from the City, or are suspended from duty will be required to turn in their vehicle to the Program Administrator. The Program Administrator may temporarily reassign the vehicle.

D. The Chief will administratively remove an officer from this program when continued use of a vehicle jeopardizes the vehicle due to neglect or abuse, or as the result of disciplinary or performance actions.

E. Officers who have had their police powers restricted or removed must return the vehicle to the Program Administrator.

F. Unattended vehicles must be locked at all times.

G. Seatbelts and shoulder harnesses shall be worn by all occupants.

H. When operating a THVP vehicle, officers shall report their duty status to Communications and shall monitor WPD Channel #1 on their mobile radio.

I. While operating within the city limits of Westminster, off-duty officers shall conduct traffic stops in those incidents where the violations are life-threatening and require immediate action, or when inaction may be viewed unfavorably by the public.

J. While operating within the city limits of Westminster, off-duty officers shall respond to any calls or incidents which are life-threatening and require immediate action, or when inaction may be viewed unfavorably by the public. Any incident that becomes involved or time consuming may be turned over to an on-duty officer. Officers witnessing these events outside the city limits shall immediately notify the law enforcement agency having jurisdiction and take appropriate action permitted by law.

K. Participating officers with civilian passengers in proximity to a serious or life-threatening call (I.E. homicide, armed robbery, shooting, high speed pursuit, etc…) shall discharge their passenger at a safe location away from the danger area. The officer may contact Dispatch and request that another officer pick up their passenger as soon as practical and safe.

L. Participating officers are required to carry their badge and departmental identification card, a departmentally approved handgun/holster, and a pair of metal or flex handcuffs at all times while operating their take-home vehicle. They must also carry and actively monitor their police radio.

M. Participating officers shall be personally responsible for the proper care and maintenance of their assigned vehicle, consistent with established policies. Vehicle alterations of any kind, to include bumper stickers, decals, insignia, banners or placards are prohibited. Participating officers shall participate in the weekly vehicle inspection process.

VI. PROHIBITED USES

A. Participating officers shall not use their THVP vehicles to visit any liquor establishment, nor will they consume any alcoholic beverage within six (6) hours prior to the operation of their THVP vehicle.

B. Off-duty officers and passengers shall be appropriately attired so as not to bring discredit upon the Department. The following are examples of unacceptable attire: halter tops, tank tops, tube tops, short shorts, sleeveless T-shirts, open-toed sandals, shower shoes, exposed swimming suits, “cut-offs” and any clothing with offensive language.

C. The THVP vehicle shall not be utilized to carry excessively large or heavy loads or objects which protrude from the trunk or windows; except as required in the performance of duty.

D. Animals shall not be transported in a THVP vehicle, except in unusual circumstances with supervisory approval and within the K-9 Unit.

AUTHORITY:

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Thomas Ledwell
Chief of Police

Appendix A: Application to Participate in Take-Home Vehicle Program

Appendix B: Twenty-Five (25) Mile Radius Map

WESTMINSTER POLICE DEPARTMENT

General Order: 8-05 Order# 2015-05

Subject: **DEPARTMENTAL TRAFFIC COLLISIONS**

Effective Date: November 1, 2015

This General Order contains the following numbered sections:

I. POLICY
II. PURPOSE
III. DRIVER RESPONSIBILITIES WHEN INVOLVED IN COLLISION
IV. PASSENGER RESPONSIBILITIES WHEN INVOLVED IN COLLISION (WPD PERSONNEL)
V. SUPERVISOR RESPONSIBILITIES
VI. COLLISIONS OCCURING OUTSIDE THE CITY OF WESTMINSTER
VII. WPD DEPARTMENTAL COLLISION INVESTIGATION FORM
VIII. CANCELLATION

I. POLICY

The Westminster Police Department (WPD) will ensure the thorough and proper investigation of all traffic collisions involving on-duty WPD personnel and collisions involving off-duty WPD personnel who are driving a Westminster City (City) - owned vehicle. A sworn police supervisor will conduct the investigation of any collision involving WPD personnel that occurs within the WPD jurisdiction with assistance, as needed. Collisions that occur outside of the WPD jurisdiction will be immediately reported to that jurisdiction's law enforcement agency for investigation consistent with that agency's policy.

II. PURPOSE

To establish policy and procedures for the investigation of traffic collisions involving WPD employees

III. DRIVER RESPONSIBILITIES WHEN INVOLVED IN COLLISION

A. Notify Communications immediately; request any appropriate EMS/Fire & Rescue response; and, request response of a Patrol Supervisor for investigation;

B. Ensure scene safety, and render appropriate first aid;

C. Secure the scene; do not move any of the involved vehicles, unless they present a danger to the involved parties or create a traffic hazard;

D. Do not make any statement concerning the cause or fault of the collision, except to the investigating Patrol Supervisor or in response to any inquiries from ranking police officials;

E. Per General Order K-16, "Substance Abuse Policy," where reasonable suspicion of drug or alcohol use exists, submit to drug/alcohol testing when directed by a supervisor; and,

F. Submit a detailed memorandum describing the events of the collision to the investigating supervisor.

IV. PASSENGER RESPONSIBILITIES WHEN INVOLVED IN COLLISION (WPD PERSONNEL)

Follow steps outlined in Section III, Subsections B, C, D, and F

V. SUPERVISOR RESPONSIBILITIES

A. An on-duty Patrol Supervisor will conduct the collision investigation, whenever possible. Primary collision investigation responsibility will be assigned to an accident re-constructionist when deemed appropriate and directed by a Bureau Commander for collisions involving serious personal injury or a fatality.

B. The investigating supervisor will:

1. Conduct a traffic collision investigation;

   (a) An A.C.R.S. report will be completed for all Departmental collisions, unless waived by a Bureau Commander (minimal damage/deer struck);

   (b) Complete an I.C.I.S. incident report, if needed, for any additional information not contained in the A.C.R.S. report;

   (c) Substitute WPD address and phone number for any WPD member's home address and phone number in all reports;

   (d) Take digital photographs of the overall scene, any damaged property, and of each vehicle, including each vehicle's registration plate;

2. Collect and document any additional information that is necessary to make a conclusion as to the primary cause of the collision, and make a determination of "fault;"

3. Complete a LGIT Vehicle Accident Report; attach copies of the A.C.R.S. report, any I.C.I.S. reports, the involved members' memorandums, and a printed set of the digital photographs; and, forward this bundle of paperwork directly to the Deputy Chief within 24 hours.

4. For all Departmental collision investigations not involving serious bodily injury, a fatality, or the potential for a more significant disciplinary charge, such as "driving under the influence," follow the steps in Section VII, "WPD Departmental Collision Investigation Form." More significant incidents will be assigned for internal investigation.

VI. COLLISIONS OCCURRING OUTSIDE THE CITY OF WESTMINSTER

A. A WPD employee who is involved in a Departmental collision that occurs outside of the City will follow the steps listed in Sections III and IV of this order, as applicable, except that he/she will also immediately notify the law enforcement agency that has jurisdictional authority to investigate the collision.

B. The driver will attempt telephone contact with his/her immediate supervisor to provide notification of the collision and the circumstances, and if not successful in reaching his/her supervisor, will call Communications to notify the on-duty Patrol Supervisor. An on-duty supervisor will respond to out-of-jurisdiction Departmental collisions when appropriate.

C. The driver will ensure that the appropriate police agency is contacted, and will request a complete investigation of the collision, unless a Bureau Commander waives this requirement. In all cases, the driver will ascertain the proper procedure by which a copy of all official police reports may be obtained. This information will be included in his/her memorandum. In the event the police agency refuses to conduct an investigation, the driver will advise his/her supervisor, and will be guided by the supervisor's instructions.

D. If the City vehicle is disabled, the supervisor and the driver will arrange for the vehicle to be towed back to headquarters.

VII. WPD DEPARTMENTAL COLLISION INVESTIGATION FORM

A. An "at fault" Departmental collision may subject an employee to disciplinary action. Supervisors completing a DCI will follow the Department's general order, which outlines the disciplinary process to ensure the employee is afforded his/her rights under policy and the Law Enforcement Officers' Bill of Rights (LEOBR), when applicable.

B. If the involved driver is a subordinate of the investigating Patrol Supervisor, the investigating Patrol Supervisor will obtain a DCI #, and will complete the WPD Departmental Collision Investigation Form; attach copies of the A.C.R.S. report and any I.C.I.S. reports, a printed set of the digital photographs, and the original involved members' memorandums, and submit them via chain of command to the Chief of Police;

C. If the driver is not a subordinate of the investigating Patrol Supervisor, the investigating Patrol Supervisor will forward copies of the A.C.R.S. report and any I.C.I.S. reports, a printed set of the digital photographs, and the original involved members' memorandums to the driver's immediate supervisor;

The driver's immediate supervisor will obtain a DCI #, and complete the WPD Departmental Collision Investigation Form; attach copies of the A.C.R.S. report and any I.C.I.S. reports, a printed set of the digital photographs, and the original involved members' memorandums, and submit them via chain of command to the Chief of Police.

D. Command Staff reviewing the DCI will recommend appropriate action for an employee who has been involved in an "at fault" collision. Appropriate action may include non-punitive action and/or disciplinary action. Factors to consider when determining appropriate action in "at fault" collisions may include:

1. The actions of the driver (negligence, disregard for procedures, violation of traffic laws, etc.);

2. The significance of the collision (minor damage, major damage, personal injury);

3. The driver's previous "at fault" collisions and the time frame between these collisions; and,

4. Other circumstances surrounding the collision (weather conditions, vehicle pursuit, time of day, etc.).

E. Reviewing staff may recommend non-punitive action in lieu of, or in addition to, discipline, such as:

1. Written or verbal counseling session, and documentation for performance evaluation;

2. Suspension or removal of an employee's participation in the "Take Home Vehicle Program;" or,

3. Remedial or enhanced driver's training.

VIII. CANCELLATION

This General Order cancels and replaces the following:

General Order H-10 – Dated April 6, 1981 and Revised September 15, 1994

AUTHORITY

Jeffrey Spaulding
Chief of Police

Appendix A: Departmental Collision Investigation Form
Appendix B: Departmental – LGIT Vehicle Accident Report

WESTMINSTER POLICE DEPARTMENT

General Order 9-01

Subject: **DEPARTMENTAL MISSION**

Effective Date: October 3, 2016

This General Order contains the following numbered sections:

I. POLICY
II. MISSION STATEMENT
III. GUIDING PRINCIPLES
IV. CANCELLATION

I. POLICY

It is the policy of the Westminster Police Department to provide high quality, efficient and effective public safety service to our community in a manner consistent with our mission statement. The mission statement sets forth the official philosophy of the Department and provides all personnel with general direction to guide their professional behavior and conduct as they serve the community.

II. MISSION STATEMENT

It is the mission of the Westminster Police Department to safeguard lives and property, to reduce the incidence and fear of crime with impartiality and integrity and to enhance public safety while partnering with the community to improve the quality of life.

III. GUIDING PRINCIPLES

The Department recognizes that its personnel, as members of a law enforcement agency, are expected to adhere to a standard of personal and professional conduct which may be considered higher than those demanded of the citizens we serve. This higher standard of conduct is reflected in the rules of conduct and the professional code of ethics we are taught during our initial training. The Department desires to reinforce these higher standards of conduct and provides the following "guiding principles" to guide its personnel as they strive to attain our stated mission:

A. We consistently and unfailingly demonstrate honesty and integrity in everything we do.

B. We treat all people with dignity, courtesy and respect at all times.

C. We are objective, fair and impartial in the execution of our duties.

D. We are responsive to the concerns of the citizens that we serve.

E. We embrace the concepts of Intelligence-led, Problem and Community Oriented Policing.

F. We hold ourselves accountable and adhere to strong ethical behavior and standards of conduct, providing an example to one another and the public.

IV. CANCELLATION

This General Order cancels and replaces General Order A-2 entitled "Departmental Mission and Jurisdiction", dated April 6, 1981.

AUTHORITY:

_____
Jeffrey Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 9-02

Subject: **ORGANIZATIONAL DIRECTION AND STRUCTURE**

Effective Date: January 1, 2016

This General Order contains the following sections:

I. POLICY
II. ORGANIZATIONAL DIRECTION
III. ORGANIZATIONAL STRUCTURE
IV. ORGANIZATIONAL CHART
V. OFFICE OF THE CHIEF OF POLICE
VI. CRIMINAL INVESTIGATIONS BUREAU
VII. PATROL BUREAU
VIII. SUPPORT SERVICES BUREAU

I. POLICY

The Westminster Police Department (WPD) shall maintain an organizational structure based on function, unity of command, delineation of responsibility, accountability and the effective delegation of authority under which the Department can operate effectively and efficiently.

II. ORGANIZATIONAL DIRECTION

The WPD is committed to a structured chain of command with commensurate authority and responsibility in providing continuity and unity of command.

A. Authority and Responsibility - The success of the Department requires that the necessary authority accompany responsibility. Authority to execute the required activity of the organizational component shall be delegated by the Chief of Police (Chief) through the chain of command to individual members. At every level of the organization, members will be given the authority to make decisions necessary for the effective execution of their responsibilities.

B. Delegation of Authority - The Chief is responsible for the performance of the organization. To assist the Chief in accomplishing the goals and objectives of the Department, members shall be delegated authority to perform the duties of their assignments.

C. Accountability - Members are accountable for their overall performance and for the performance of the members under their immediate supervision. This accountability shall include the use of, or failure to use, delegated authority in accomplishing the responsibilities of their position. All members shall be organizationally accountable to only one (1) supervisor at any given time. Each organizational component shall be under the direct command of only one (1) supervisor at any given time. Each organizational component shall be under the direct command of only one (1) supervisor at any given time.

D. Span of Control - Supervisors are delegated specific areas of assignment over which they have supervisory or command responsibility at all times. Supervisors will not have an excessive number of members under their immediate control. As a general policy, this will not exceed eight (8) members.

E. Staff Meetings

1. The Command Staff shall participate in regular meetings as needed to accomplish the

Mission of the Department.

2. Command Staff and Supervisors should conduct meetings involving members within their respective functions as needed to facilitate the efficient flow of information, to strategize operations and to strategize the implementation of goals and objectives.

F. Chain of Command

1. The Chain of Command shall be the line of authority that extends from the Chief through a single person at each level of supervision to the level of execution.

2. The following is the precedence of rank for all sworn officers (regardless of assignment) in descending order:

   a. Chief of Police
   b. Major (Deputy Chief)
   c. Captain (Bureau Commander)
   d. Lieutenant
   e. Sergeant
   f. Corporal
   g. Police Officer First Class
   h. Probationary Police Officer
   I. Recruit Officer

3. Commanders and supervisors possess the authority to issue orders to all subordinate personnel within their chain of command. When orders are issued to personnel other than immediate subordinates, all intermediates in the chain of command will be informed as soon as possible.

4. Personnel will attempt to limit orders to subordinate individuals within their chain of command. Recognized exceptions that authorize orders outside of the direct chain of command include:

   a. Situations in which personnel are vested with staff authority over a specific function. Whenever such functional orders are issued, the chain of command of both the employee issuing and receiving the order should be notified of the order.

   b. Situations involving circumstances that require immediate action when time does not permit the superior officer to utilize the direct chain of command. When such orders are issued, the issuing member will notify his/her own and the receiving member's chain of command as soon as possible.

5. Official WPD business will be conducted via the chain of command, unless a common sense exception exists such as:

   a. An employee possesses information that is detrimental in some respect to a superior. In such circumstances, the employee is authorized to contact the next highest-ranking member in the chain of command or the Department of Human Resources (HR) under appropriate circumstances.

   b. An employee is required in an emergency or due to exigent circumstances to initiate immediate action.

   c. An employee is specifically directed or authorized to do so by general orders; or,

   d. An employee is conducting an operation or activity that by its nature requires cooperation with other members of the Department.

G. Command in Absence of the Chief

1. In the absence of the Chief, the Deputy Chief will assume command of the Department, until the Chief returns or the Mayor appoints a new or "Acting" Chief of Police.

2. In the absence of both the Chief and the Deputy Chief, the senior Captain will assume command of the Department.

H. Incident Command – Incident Command in single incidents involving members of different functional assignments will be determined by rank. A ranking member's appearance on the scene does not automatically place him/her in charge of that scene unless he/she assumes control and announces he/she is taking command. Any officer assuming command at the scene of an incident will inform the person being relieved of his/her intent to assume command, and will notify Communications of the same.

I. Joint Patrol/CIB Investigations

1. The patrol officer assigned to the call will be in charge of the crime scene unless:

   a. Relieved by a detective; or

   b. Relieved by a higher-ranking member.

2. The on-scene detective assigned to investigate the crime will be in charge of the scene unless relieved by a higher-ranking officer.

3. In all instances where a higher-ranking member relieves the officer or detective at the scene, that higher-ranking officer will then assume control and responsibility for the situation.

J. Obedience to Orders

1. The use of the term "Supervisor" denotes all sworn officers at the rank of Sergeant and above, and the Communications Division Supervisor.

   a. Members shall be required to obey any lawful order from a higher-ranking member, including such an order relayed by a member of the same or lesser rank.

   b. Members who are given an otherwise proper order that is in conflict with a previous order, rule, regulation or directive shall so inform the supervisor issuing the order causing conflict.

      1. If the higher-ranking member issuing the order does not alter or retract the conflicting order, the order shall stand and members shall obey the order. The responsibility for the conflict shall be upon the higher-ranking member. Members shall not be held responsible for having disobeyed the previously issued order, rule, regulation or directive.

      2. Members shall not obey an order which they know or should know would require them to commit a criminal act. If in doubt as to the legality of the order, members shall request the issuing member to clarify the order or shall confer with a higher authority.

   c. Occasions may arise requiring a supervisor to issue an order to members outside of the supervisor's immediate responsibility. Nothing in this general order shall prevent this from occurring.

K. Seniority within the Department or within a component of the Department:

1. Higher ranking personnel are senior to lower ranking personnel.

2. For members of the same or equivalent rank, the member who has served longer in that rank shall be senior.

3. For members of the same or equivalent rank who have served the same time in all ranks, the member whose overall ranking in his/her police academy was higher shall be senior.

4. The rank of Police Officer First Class is above that of Probationary Police Officer for determination of seniority.

5. For demoted members, their time served in higher ranks are considered as continuous time served in the rank to which they were demoted.

III. ORGANIZATIONAL STRUCTURE

This general order shall define the Department's organizational structure and functions. The Department contains four (4) command structures; the Office of the Chief; the Criminal Investigations Bureau (CIB), the Patrol Bureau (Patrol) and the Support Services Bureau (SSB). All members ultimately fall under the command of the Chief, however the majority of the organizational components report to a Bureau Commander.

IV. ORGANIZATIONAL CHART

The Department will depict the organizational structure graphically on an organization chart. The Department will review and update the organizational chart as needed, and will make the organizational chart accessible to all personnel. The Office of the Chief shall maintain and update the organizational chart.

V. OFFICE OF THE CHIEF OF POLICE

A. The Chief of Police is the highest-ranking officer within the Department. Under the general direction of the Mayor and the City Administrator, the Chief shall be responsible for administering the Department in accordance with applicable laws and regulations, and for ensuring that the Department meets organizational objectives.

B. The Office of the Chief oversees a diversity of administrative functions. The Office of the Chief will apply principles of organizational management, including long and short range planning, fiscal management, discipline, personnel management and the evaluation of police services.

C. The Office of the Chief shall have the responsibility for the preparation of the Department's annual budgets and control of the Department's expenditures.

D. The Office of the Chief shall direct and coordinate the activities of all organizational components of the Department to see that goals and objectives are being achieved efficiently and effectively.

E. Chaplaincy Program – Managed by the Deputy Chief, Department Chaplains provide support services to members of the Department in need of assistance. Chaplains are trained to provide appropriate services for ceremonies and assist with death notifications, last rites and high stress situations. Chaplains may assist members of the Department professionally and personally.

VI. CRIMINAL INVESTIGATIONS BUREAU

A. The Criminal Investigations Bureau (CIB) shall be responsible for conducting investigations into matters of criminal activity, and shall be responsible for identifying, apprehending and assisting in the prosecution of those individuals responsible for such criminal activity.

B. The CIB includes criminal investigations, narcotics investigations and warrant/fugitive apprehensions. Additionally, CIB will oversee the investigators assigned to the Carroll County Child

Advocacy and Investigation Center (CCAIC) and the Carroll County Drug Task Force (DTF).

1. Criminal Investigations – The investigation of most Part 1 offenses occurring in the City. Additionally, CIB shall be responsible for the investigation of suicides, harassment (stalking), unattended deaths, missing persons, elder abuse and selected cases of telephone misuse.

2. Narcotics Investigations – The identification and apprehension of suspects involved in the distribution and possession of illegal drugs, and the related asset forfeiture process.

3. Warrant/Fugitive Apprehensions – Process and serve District and Circuit Court warrants and indictments for WPD cases and for outside jurisdictions. Identify and arrest wanted subjects; handle the intrastate transport of prisoners and the extradition of out-of-State wanted subjects.

4. Pawn Shop Investigations – Responsible for pawnshop checks and the maintenance of records for all pawnshop transactions that occur in the City; attempt to identify pawned property that may have been stolen; manage, inspect and regulate precious metal and second-hand dealers in the City.

5. Carroll County Drug Task Force (CCDTF) – Investigator(s) assigned full time to handle the investigation of illegal drug distribution and possession in cooperation with collaborating agencies.

6. Carroll County Child Advocacy and Investigation Center (CCAIC) – Investigator(s) assigned full-time to handle the investigation of child abuse and sexual crimes occurring in Carroll County.

7. Internal Affairs Investigations – The CIB Commander is designated as the Internal Affairs (IA) Investigator. He/she shall be responsible for ensuring the integrity of the Department by thoroughly and objectively investigating complaints of member misconduct and by maintaining an early warning intervention system.

VII. **PATROL BUREAU**

The Patrol Bureau (Patrol) shall be responsible for providing police patrol services twenty-four (24) hours per day, 365 days per year. Services chartered by legal mandate, which include prevention and detection of crime, apprehension of criminal offenders and enforcement of criminal and motor vehicle laws shall be the primary responsibilities of Patrol. Patrol structure and responsibilities include:

A. Watch Commanders - Provide command responsibility and accountability in the absence of the Chief of Police and other Senior Command Staff Officers. Watch Commanders shall have the authority to provide operational supervision throughout the Department on a 24-hour daily basis to ensure that policies, procedures, order and regulations are followed.

B. Ancillary Functions

1. Bicycle Patrol Program – Officers who are assigned, trained and maintained to supplement patrol operations. Bicycle patrol officers shall be responsible for patrolling neighborhoods, the downtown area and areas with limited access for standard patrol vehicles. Bicycle Patrol Officers shall report to their assigned supervisor. The Downtown / Outreach Sergeant shall be responsible for coordinating the Bicycle Patrol Program.

2. Canine Program – Canine team(s) shall be assigned, trained and maintained to supplement patrol and narcotics operations. Canine teams shall be responsible for conducting tracks, area searches and controlled dangerous substance detection. They shall also assist with public relations and education through K9 demonstrations. The Patrol Bureau Commander shall manage the Canine Program.

3. Carroll County Crisis Response Team (CCCRT) – Properly trained members may participate as members of the CCCRT, a collaborative multi-agency unit providing SWAT services in Carroll County. This is a part-time assignment in addition to the member's normal work assignment.

4. Carroll County Crisis Negotiation Team (CCCNT) – Properly trained members may participate as members of the CCCNT, a collaborative multi-agency unit providing crisis negotiation services in Carroll County. This is a part-time assignment in addition to the member's normal work assignment.

5. Carroll County Crisis Intervention Team (CCCIT) – Properly trained members may participate as members of the CCCIT; specially trained officers qualified to provide effective, safe and timely response and referrals to those individuals suffering from a mental health emergency.

C. Special Event Coordination and Staffing – Designated Watch Commanders and Patrol Supervisors shall assist with the coordination and staffing of special events in the City. This function shall be accomplished in coordination with the Office of the Chief.

VIII. SUPPORT SERVICES BUREAU

The Support Services Bureau (SSB) is responsible for the Auxiliary Unit, the Background Investigators, the Communications Division, the Critical Incident Stress Management Team (CISM), the Downtown / Outreach Unit, the Parking Enforcement Officer and a diversity of administrative functions for the Department to include:

A. Auxiliary Unit – Volunteers who support Department operations and who serve the community visibly and directly in crime prevention and other activities, such as special events. Auxiliary officers are supplemental to, not substitutes for, regular law enforcement personnel.

B. Background Investigators – Investigators responsible for the completion of complete, objective and accurate background investigations for each prospective WPD employee.

C. Communications Division – The Communications Division is responsible for the receipt, dispatch and management of police calls for service occurring within the City of Westminster on a 24/7 basis. Additionally, the members of this Division are responsible for all record keeping functions, METERS/NCIC issues, Uniform Crime Reports, warrant/hit validation and other ancillary administrative duties.

D. Critical Incident Stress Management Team (CISM) – A group of trained individuals, approved and supported by the Chief, consisting of a coordinator, peer support providers and mental health professionals who are able to support sanctioned CISD, One-on-One Support and Resiliency services to the agency's members.

E. Downtown / Outreach Unit – Sworn members assigned to this unit are responsible for the consistent patrol and the coordination of problem-solving efforts in the downtown area; the Department's crime prevention, educational and community outreach efforts; Management of the Red Light Camera Program, the Auxiliary Unit Program, the Intern Program and Taxicab Licensing functions.

F. Parking Enforcement Officer – Enforces applicable parking regulations in the downtown business district. The Downtown / Outreach Sergeant supervises the Parking Enforcement Officer.

G. Training – The coordination, development and implementation of all Departmental training to include entry-level, in-service, comparative, compliance and executive/leadership development training. The SSB Commander serves as the Departmental Training Coordinator.

AUTHORITY:

Thomas Ledwell
Chief of Police

Addendum A: Organizational Chart

WESTMINSTER POLICE DEPARTMENT

General Order: 10-01 Order# 2015-09

Subject: **DEPARTMENTAL DIRECTIVES SYSTEM**

Effective Date: January 1, 2016

This General Order contains the following numbered sections:

I. POLICY
II. PURPOSE
III. DEFINITIONS
IV. DEVELOPMENT OF WRITTEN DIRECTIVES
V. DISTRIBUTION
VI. REVIEW
VII. REVOCATION OF DIRECTIVES
VIII. CANCELLATIONS

I. POLICY

It is the policy of the Westminster Police Department to maintain a formal written directive system which provides members with a clear understanding of operating constraints and organizational expectations. The Chief of Police is vested with the authority to issue, modify, rescind or approve written directives.

II. PURPOSE

The written directive system provides members with rapid access to individual policies, procedures, rules and regulations.

III. DEFINITIONS

The following words are defined to assist members with an understanding of the different levels of written directives.

A. A **GENERAL ORDER** is a written directive that is permanent and can only be canceled by the Chief of Police. General Orders deal with policy, rules and procedures that affect more than one organizational component of the Department. General Orders prohibit specific behavior and require the performance of certain duties. General Orders are established to apply to situations in which no deviation is permitted, except under the most rare and unique situations.

B. **INSTRUCTIONAL MATERIAL** is defined as written materials that are issued by the Education and Training Division to announce new information, explain existing procedures, and disseminate information on an informal basis. Instructional material may be issued as a training bulletin. These bulletins will be archived by the Training and Education Division.

C. A **MEMORANDUM** provides a means of relaying information of a specific nature, Department wide, and may be utilized for interim implementation of policy and procedural changes. Memoranda will remain in effect until incorporated into another directive, canceled via another memorandum or self canceled by a specific date.

D. A **PERSONNEL ORDER** is defined as written documentation that is issued by the Chief of Police or his/her designee and concerns the following: appointment of new personnel, assignment or transfer of personnel from one Bureau, Division or Section to another,

promotion or demotion of personnel, suspension, dismissal, or assignment to light duty, restoration to duty, termination by resignation or retirement, and training assignments.

E. A **POLICY** is defined as a written directive that is a broad statement of Department principles.

F. A **SPECIAL ORDER** is defined as a written directive that is of a temporary nature. Special Orders may announce policies or procedures directed to a specific circumstance or event or directed to specific segments of the Department. Special Orders may be self-canceling or may be canceled at the direction of the Chief of Police.

G. A **STANDARD OPERATING PROCEDURE** is a written directive that is narrowly focused and only affects a single organizational component. Standard Operating Procedures may be self-canceling or may be canceled at the direction of the issuing authority. Standard Operating Procedures may be issued by the Chief of Police, the Deputy Chief of Police or the appropriate Bureau Commander.

H. A **WRITTEN DIRECTIVE** is defined as any document that is intended to affect or guide the action of Departmental members. Written directives include Department policies, procedures, rules, and regulations, General Orders, Memorandums, and instructional material. Written directives also include County issued policies.

IV. DEVELOPMENT OF WRITTEN DIRECTIVES

A. The written directive system used by the Department provides direction to members in their performance of duty. This system is a continual process of revising and updating written directives. Therefore, members who see a need for a change or improvement in a written directive are encouraged to submit their idea. The following procedure will be adhered to when submitting suggested revisions:

1. Submit a statement of the problem and what options the members may have to improve the situation.

2. The written memorandum or E-Mail should be directed to their Bureau Commander through the member's chain of command.

3. Drafts of all written directives will be distributed to the following persons for review and comment: Chief, Majors, Captains, Lieutenants and Sergeant. A copy will also be distributed electronically to all members for their review. The drafter of the policy will consider all comments when finalizing the directive. Any questions relating to content may be directed to the Chief or the Deputy Chief for guidance.

4. Memoranda and Standard Operating Procedures will be forwarded to the Chief and the Deputy Chief for review prior to issuance by the Bureau Commander.

B. Bureau or Division Commanders may issue informational memoranda that do not affect policy without forwarding them to the Chief for approval. Copies of such memoranda shall be provided to the Chief of Police for reference purposes.

C. Training Bulletins will be developed and distributed by the Education and Training Division.

V. DISTRIBUTION

A. All General Orders, Special Orders, numbered Memoranda and SOP's will be distributed electronically to all members. The Department will maintain the General Order Manual in electronic format on a shared drive remotely accessible to all members, both within Police Headquarters and in the field. The manual will include all polices, SOP's, a table of contents

and an automated "search" function. A hard copy of the manual will be maintained within the Office of the Chief.

B. Instructional material and non-Patrol Standard Operating Procedures will only be distributed to affected personnel.

C. All personnel are responsible for knowledge of and compliance with all written directives.

D. Following the electronic issuance of General Orders, Special Orders, numbered memoranda and SOP's, all members responsible for knowledge of the written directive will open and acknowledge their receipt of the policy within the email system. All such directives must be acknowledged within twenty (20) days.

VI. REVIEW

A. Supervisors are responsible for verbally reviewing all newly issued written directives with their subordinate members and conducting annual inspections of all Departmental orders and procedures manuals assigned to their personnel or section.

B. Supervisors are also required to review the following orders/policies with their subordinates at the designated times. This review will be documented in writing on a roll call training form and forwarded to their Bureau Commander by the end of the appropriate month;

1. **G.O. 6-01 USE OF FORCE** will be reviewed in December and June of each year.

2. **G.O. 15-01 CODE OF CONDUCT** will be reviewed in March and September of each year.

3. **G.O. 8-03 VEHICLE PURSUIT POLICY** will be reviewed in February and August of each year.

4. **G.O. 3-10 CRISIS INTERVENTION TEAM** will be reviewed in April of each year.

5. **G.O. 5-09 DOMESTIC VIOLENCE INVESTIGATION** will be reviewed in January and July of each year.

6. City of Westminster Policy Employee Handbook – **ILLEGAL DESCRIMATION AND SEXUAL HARASSMENT POLICY** will be reviewed annually in May of each year.

4.

C. Watch Commanders are responsible for ensuring that each officer under his command participates in a review of the orders. The Watch Commander will also forward the completed roll call training form to the Support Services Division Commander. .

D. Upon assuming management of a Departmental component, the new Supervisor or Commander will review all applicable directives with the outgoing supervisor or commander.

E. Supervisors will issue all applicable Standard Operating Procedures and review all relevant directives with any new member upon assignment to their command.

VII. REVOCATION OF DIRECTIVES

A. All written directives may be canceled by:

1. A cancellation notice in a newly issued directive, OR

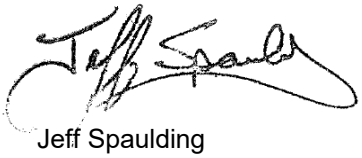
2. A Memorandum issued by the Chief specifically canceling a directive.

B. Until such time as new Orders are issued by a current Chief of Police or Deputy Chief, all previously issued written directives will remain standing and in effect.

VIII. CANCELLATIONS

This General Order cancels and replaces the following policies:
General Order A-1, entitled DEPARTMENTAL DIRECTIVES SYSTEM, dated April 6, 1981
General Order A-2, entitled DEPARTMENTAL MISSION AND JURISDICTION, dated April 6, 1981
General Order A-4, entitled RULES AND REGULATIONS, dated April 6, 1981

AUTHORITY:



Jeff Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 11-01

Subject: **PROPERTY & EVIDENCE**

Effective Date: January 15, 2018

This General Order contains the following numbered sections:

I. POLICY
II. HANDLING AND DOCUMENTATION
III. TEMPORARY LOCKERS
IV. STORAGE
V. RECORDS AND INVENTORY
VI. HAZARDOUS MATERIALS
VII. DISPOSAL OF PROPERTY
VIII. CANCELLATION

I. POLICY

The Westminster Police Department (WPD) will safeguard and properly dispose of all recovered property and evidence through standardized handling and security protocol. The WPD will strive to maintain property in the same condition as it was received and to preserve the integrity of evidence for presentation in court through documented chain of custody. All in-custody property will be stored within designated, secure areas. When appropriate, every reasonable effort will be made to return property to its rightful owner.

II. HANDLING AND DOCUMENTATION

A. Personnel who take custody of property and/or evidence that will be stored in the Property & Evidence Room (P&E) shall complete an electronic PMI Evidence Tracker (PMI) Form documenting the receipt of this property and the chain of custody.

B. Personnel shall ensure that circumstances regarding collection of the property/evidence are appropriately documented in an incident report. Certain recovered property of minimal/no value will not require documentation in an incident report. Refer to General Order 14-01, Departmental Reporting Procedures for further details.

C. Personnel shall ensure that the complete chain of custody is documented for all property/evidence collected. Time periods when property/evidence is stored in a location outside of the P&E shall be documented and explained in an incident report narrative. Personnel shall have either direct control over property/evidence or shall have property/evidence stored in an appropriate, secure location at all times prior to submission to the P&E to ensure integrity of the chain of custody.

D. Prior to the end of their tour of duty, personnel shall either submit property/evidence to the P&E or shall secure property/evidence in a Temporary Locker. The P&E Drop Box may be used to submit property/evidence to the P&E.

E. Personnel shall not destroy property (with some common sense exceptions, such as certain liquids) or keep property in their personal possession. Property should be submitted as soon as practical into the P&E. Property shall not be stored in officers' personal lockers, vehicles, desks, etc. unless under their direct control.

F. Personnel receiving property shall document, in a written incident report, the circumstances by which the property came into their possession. Property will be controlled and tracked through the original "incident" case number, and each separate piece of property will be assigned a "tracking number" by the PMI software.

G. Personnel shall follow procedures in this general order, as well as procedures in General Order 11-02, Controlled Dangerous Substances Collection & Processing, regarding the packaging and labeling of property/evidence. Appropriate packaging and labeling will prevent claims of tampering, contamination and destruction, and will ensure the integrity of the chain of custody.

H. Personnel processing exceptional, valuable or sensitive property/evidence (money, precious metals, jewelry, etc.) shall:

1. Photograph the item;
2. Record serial numbers;
3. Currency:
   a. Make photocopies utilizing a reduced reproduction method when relevant for evidence;
   b. Seal the envelope with officer initials and supervisor initials;
4. Document and itemize the property in detail in the incident report and on the PMI Property Form; and,
5. Safeguard the property until it can be secured in the P&E.

I. When personnel collect property "To Be Released," they shall make reasonable efforts to identify and notify the property owners in a timely fashion. This responsibility initially falls on personnel who collect the property and will transition to the Property Management Specialist (Property MS) much later in the storage process. Personnel shall document owner notifications or attempts to notify in the notes section of the PMI Property Form. Personnel shall advise the Property MS of any notifications or attempted notifications that occur after property is submitted. Personnel shall also query NCIC and MILES to ascertain whether or not property items with serial numbers have been reported stolen. Eligible property will be returned to its rightful owner in a timely manner, provided it is not contraband or evidence, and the issue of ownership is not in dispute.

J. Property/evidence shall be submitted into the P&E for storage as noted above unless:

1. The property is released directly to the property owner or to another authorized, designated person;
2. The item is evidence that is collected by a Crime Scene Technician to be submitted directly to their facility for processing;
3. The property is turned over directly to another authorized agency; or
4. Another bona fide circumstance exists that warrants alternate handling of the property/evidence. Supervisor approval is required prior to following this course of action.

K. When criteria in Subsection J exist, the member who took custody of the property shall document the circumstances in detail in an incident report consistent with General Order 14-01, Departmental Reporting Procedures.

L. When property is released to the owner or to another authorized, designated person directly from the officer without being submitted into the P&E, the officer shall complete and have signed the WPD Property Release Form to document same. The Property Release Form shall be placed in the case file. Additionally, the circumstances shall be documented in an incident report.

M. Personnel who collect and submit property into the P&E:

1. Shall determine the correct initial property disposition, including:

   a. Analyze;
   b. Destroy;
   c. Forfeiture Case;
   d. Hold;
   e. Release to MVA;
   f. Release to Owner; or,
   g. Release to Other – for this disposition, the "Notes" entry in the PMI Property Form shall specify who the property is to be released to.

2. Shall complete appropriate incident reports and PMI Property Forms documenting same; and,

3. Shall make all reasonable efforts to attempt to notify and return eligible property to its rightful owner as soon as practical, and advise the Property MS of these efforts.

III. TEMPORARY LOCKERS

Occasionally, officers will need to temporarily secure property prior to submitting it to the P&E and to entering it into the PMI System. Temporary Lockers have been designated for this purpose. Temporary Locker storage will not be documented on a PMI Property Form unless the locker key is placed in the Drop Box for the Property MS to collect the property. The PMI Property Form only tracks property once it is submitted to the P&E. Details of Temporary Locker storage shall be documented in an incident report. The following procedures will be followed when storing property in a Temporary Locker:

A. Temporary Lockers exist in the following WPD locations:

1.	Alternate Locker (AL) 1-4:	Gun Cleaning Room
2.	Temporary Lockers 1-3:	Hallway Adjacent to the P&E
3.	CIB Storage Locker:	CIB Interview Room 2
4.	Evidence Drying Locker	Gun Cleaning Room

B. Unless approved by a Bureau Commander or higher, property shall not be stored in Temporary Lockers for longer than seventy-two (72) hours.

C. Officers shall document the chain of custody for temporary storage areas and the reason for such storage in the narrative of their incident report. Details should cover chain of custody from recovery point to submission into the P&E or until released to another entity/person. PMI Property Forms should pick up chain of custody seamlessly from details documented in the incident report narrative.

D. Officers shall notify their supervisor when they need to store property in a Temporary Locker. For AL 1-4, supervisors will provide the officer with a locker key and will complete the Temporary Locker Property Log, which will identify the officer submitting the property, the Temporary Locker being utilized and the date/time the locker key was provided to/returned from the officer.

E. As soon as practical, officers shall transition property from Temporary Lockers to the P&E.

F. Officers shall complete a PMI Property Form when transitioning property from a Temporary Locker to the P&E.

G. Supervisors are responsible for checking and monitoring Temporary Lockers to ensure that property stored in Temporary Lockers is accounted for and that property is not left in Temporary Lockers longer than necessary.

H. The Property MS or an Authorized P&E Custodian shall monitor and remove property from Temporary Lockers when the Temporary Locker key has been dropped in the P&E Drop Box to facilitate transition of the property from Temporary Locker to the P&E. In this case, the submitting officer will complete the PMI Property Form as this process is equivalent to submitting property directly to the P&E.

IV. STORAGE

A. The P&E shall consist of a "non-secure" area and a "secure" area. Property/evidence in the P&E that is not under the direct control of personnel shall be stored in the "secure" area. Property/evidence may be temporarily stored in the "Drop Box" after hours when the P&E is not attended and when the front door is locked.

B. Only the Deputy Chief, the Bureau Commanders, the SSD Commander and the Property MS (Authorized P&E Custodians) shall have unescorted access to the secure area of the P&E. All other personnel must be escorted at all times by one of the above members in the secure area of the P&E.

C. Authorized P&E Custodians may handle P&E responsibilities when the Property MS is not available.

D. Property submitted to the P&E must be marked, tagged and properly packaged to ensure safe handling protocol and the preservation of evidence and chain of custody.

E. Each property item, or group of property items, with a different chain of custody shall be submitted separately with a unique PMI Tracking Number.

F. Property items with different initial dispositions shall be packaged separately. Property items with special storage locations shall be packaged separately (CDS, firearms, ammunition, currency, jewelry etc.).

G. Groups of like items with the same chain of custody need not be marked individually or separated by Tracking Number. For example: An officer recovers one (1) box containing twenty (20) cartons of cigarettes. The officer need only complete one (1) PMI Property Form for "One (1) box containing twenty (20) cartons of cigarettes."

H. Bicycles and other large items shall be stored in the secure outdoor storage area. Personnel shall tag with case #, date and officer's name all items stored in this location per procedures and notify the Property MS via email. Motor vehicles are not to be stored in the outdoor storage area. They shall be towed to an impound lot.

I. The Property MS is responsible for the appropriate storage and handling of property/evidence submitted into the P&E. The Property MS shall ensure that all property records accurately reflect the current status of property held in the P&E and that the PMI software program is kept up-to-date accordingly.

J. The Property MS shall visually inspect all submitted containers of controlled dangerous substances (CDS) to ensure proper secure packaging and labeling.

K. The Property MS shall not accept loaded firearms into the P&E. It is the responsibility of the submitting officer to unload the firearm prior to submission. Firearms shall be submitted in a firearms box. All firearms shall have a plastic tie laced through an open chamber. Long guns that aren't being submitted for evidence should not be placed in a firearms box, but shall still have a plastic tie laced through an open chamber.

L. The caged, “secure” area of the P&E shall be locked whenever the P&E is not attended by an Authorized P&E Custodian.

M. Proper submission, documentation, labeling and packaging are the responsibilities of the submitting officer. Officers shall follow guidelines contained in the WPD Evidence Manual. The Property MS shall notify the Support Services Division (SSD) Commander regarding any serious infractions that jeopardize safety, chain of custody or the integrity of the WPD.

N. Property and evidence shall be properly disposed of in a manner consistent with Federal, State and Local laws and other applicable regulations. Every effort will be made to properly dispose of eligible property as soon as practical after legal requirements to do so have been satisfied.

V. RECORDS AND INVENTORY

A. The Property MS is responsible for control of, and accurate record-keeping of, all property and evidence received and stored in the P&E. The Property MS shall log all property submitted to the P&E as soon as practical. The Property MS shall maintain detailed records, including the current disposition and status, of all items in the P&E. Records should include (if known):

1. Item #
2. Incident Case Number
3. Date of Recovery
4. Any Related Case Number
5. PMI Tracking Number
6. Location Recovered From
7. Suspect Name and Phone Number
8. Owner Name and Phone Number
9. Recovering Officer Name
10. Investigating Officer Name
11. Evidence Description, Serial Number, Evidence Type
12. Temporary Location Stored
13. P&E Location Stored or Exterior Location - By Whom and Date/Time Placed
14. Case Status
15. Disposition, Date of Disposition
16. Relevant Notes

B. The following inspections, inventory checks and audits shall be completed and documented:

1. When the Property MS is permanently replaced for any reason, an inventory of property shall be conducted. This inventory will be conducted jointly by the new Property MS and the SSD Commander to ensure integrity of the property system.

2. The Deputy Chief shall designate a Bureau Commander to conduct a full, annual audit of the P&E in conjunction with the Property MS.

3. At least annually, the Deputy Chief and the SSD Commander shall conduct unannounced inspections of the P&E and related storage areas.

C. Whenever an item is removed from the P&E, the property will be batched out and documented through the PMI software.

D. No firearm shall be released for court without a gunlock or plastic tie installed to make the firearm safe.

E. Evidence shall be returned to the P&E immediately by the officer after court or legal proceedings, unless the evidence is being held by the Court. The Property MS shall batch in and document the evidence return through the PMI software.

F. When the P&E is unattended and an Authorized P&E Custodian is unavailable, the officer shall submit the evidence to the P&E Drop Box with a notation on the Property Receipt including the date/time the evidence was placed in the Drop Box.

G. Evidence held by the Court shall be documented on the PMI Receipt of Chain of Custody by the Court Clerk/State's Attorney accepting it with signature.

VI. HAZARDOUS MATERIALS

A. With the exception of certain materials needed for evidentiary purposes, such as clothes, DNA samples, blood samples, etc., the Property MS shall not accept any hazardous or contaminated materials into the P&E.

B. When an officer encounters such Hazardous Materials, it must be disposed of in a manner consistent with O.S.H.A. and Maryland Department of Energy guidelines. The Carroll County Fire Department and/or the Maryland Department of the Environment should be consulted to assist with the appropriate disposal of such materials.

C. Small items of biologically hazardous or contaminated material may be collected and submitted for evidentiary purposes. All items containing biologically hazardous materials must be packaged according to Maryland State Police Crime Laboratory guidelines and clearly labeled with a "Biohazard" sticker affixed to the packaging.

D. At no time will explosives, fireworks or large quantities of ammunition be submitted to or stored in the P&E. Officers shall consult with their Bureau Commander regarding appropriate disposition of such property.

E. Small quantities of gasoline shall be labeled and may be temporarily stored in an appropriate container in the outdoor storage area.

VII. DISPOSAL OF PROPERTY

A. The Property MS is responsible for ensuring the appropriate storage, release, disposal and/or conversion of property and evidence that was submitted to the P&E. The Property MS shall communicate systematically with the submitting officers to coordinate the timely disposition of property.

B. Prompt attention to property disposition and eligibility for changes in disposition status are essential to the efficient operation of the P&E.

C. Minimally every six (6) months, the Property MS shall examine each officer's property list in PMI, and require each officer to submit a disposition update on items being stored in the P&E.

1. The Property MS shall notify officers via email and shall provide each officer with a current list of property being stored in the P&E along with a request for updated dispositions on the property.

2. If an officer is unavailable for a significant period, or no longer works at the WPD, the Property MS will send his/her notification and list to the officer's last or current supervisor.

3. Officers or Supervisors shall review the property lists and shall provide the Property MS with updated dispositions within fourteen (14) work days.

4. Upon return of the property lists from the officers, the Property MS shall take steps as soon as practical to update the disposition of the property.

D. The Case Investigator shall notify the Property MS whenever the status of property being held in the P&E changes from "Hold" to another disposition.

E. When property is eligible for "Release to Owner," the Property MS shall send a Property Release Letter to the last known address of the property owner notifying the property owner that his/her property is eligible for release, and/or shall call the property owner if a current phone number is available. Certified and/or registered mail may only be used with supervisor approval. Property owners will have thirty (30) days following notification to retrieve their property. Otherwise,

1. Property shall be held for a minimum of ninety (90) days.
2. Bicycles shall be held for a minimum of sixty (60) days.

F. The Property MS shall check to determine if arrested property owners are still incarcerated.

G. Found or recovered property will be stored for ninety (90) days (except for bicycles), unless an alternate deadline was approved for the owner or a thirty (30) day notification letter was sent. Property shall be disposed of by one of the following methods:

1. Sold by auction;
2. Converted for use by the WPD; or,
3. Destroyed in an appropriate manner.

H. Officers shall return confiscated Maryland Motor Vehicle Administration (MVA) items to the MVA, unless the item is to be returned to the documented owner.

I. Final disposition of found, evidentiary and recovered property shall be completed by the Property MS within six (6) months following the satisfaction of all legal requirements.

J. The Property MS shall promptly return victim/witness property taken as evidence (except for contraband, disputed property and weapons used in the course of the crime), where permitted by law or rules of evidence, when feasible. The Property MS shall consult with the investigating officer and/or the State's Attorney's Office prior to release of evidence.

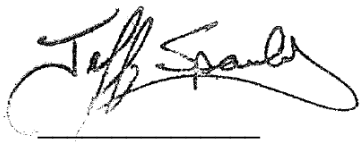
K. Contraband, such as CDS, firearms, explosives and other hazardous materials, shall be destroyed utilizing appropriate protocol. The Deputy Chief may approve conversion of certain CDS for Canine Training.

L. Weapons shall not be returned to the owner until all required background checks deem it legally permissible. The CIB Commander shall run required background checks and approve or disapprove the return of seized firearms. Certain firearms may be returned to someone other than the prohibited owner with prior approval from the owner. All legal requirements shall be followed regarding the transfer of regulated firearms. When weapons cannot be returned to the owner or his/her designee, they will either be converted to police use or destroyed.

VIII. CANCELLATION

This General Order cancels and replaces General Order J-1, Recovered Property / Evidence dated April 6, 1981.

Authorized By:



Jeffrey Spaulding
Chief of Police

Appendix A: WPD Property Release Form

WESTMINSTER POLICE DEPARTMENT

General Order: 11-02

Subject: **CONTROLLED DANGEROUS SUBSTANCES COLLECTION & PROCESSING**

Effective Date: May 15, 2018

This General Order contains the following numbered sections:

I. POLICY
II. DEFINITIONS
III. CHAIN OF CUSTODY
IV. COLLECTION OF CONTROLLED DANGEROUS SUBSTANCES
V. IDENTIFICATION AND FIELD TESTING OF CONTROLLED DANGEROUS SUBSTANCES
VI. WEIGHT AND DESCRIPTION OF CONTROLLED DANGEROUS SUBSTANCES
VII. MARKING AND LABELING EVIDENCE
VIII. PACKAGING EVIDENCE

I. POLICY

It is the policy of the Westminster Police Department (WPD) to ensure that the collection and processing of Controlled Dangerous Substances (CDS) and other physical evidence occurs lawfully and follows protocols outlined in General Orders listed below. CDS shall be properly identified, handled, preserved and analyzed to ensure readiness for potential presentation in court.

General Order 5-03, Criminal Investigation Protocols
General Order 5-05, Search and Seizure Warrants
General Order 5-12, Warrantless Search and Seizure
General Order 11-01, Property & Evidence

II. DEFINITIONS

CHAIN OF CUSTODY: a formal record of the possession of property and evidence

CONTROLLED DANGEROUS SUBSTANCE (CDS): any drug, substance or immediate precursor in Schedules I through V of CR 5-500 through 900 of the Maryland Code. This term shall not include distilled spirits, wine, malt beverages or tobacco.

EXPERTISE STATEMENT: information included at the conclusion of a *Statement of Probable Cause* for a CDS arrest, which contains the arresting officer's training and experience in the area of CDS identification and investigation

FIELD TEST: the preliminary identification of a drug by using a chemical reagent that shows a color reaction

III. CHAIN OF CUSTODY

A. The number of WPD Personnel who handle physical evidence should be kept to a minimum to better ensure that the evidence is not lost, damaged or stolen. Minimizing the number of officers in the chain of custody also simplifies witness testimony and prosecution.

B. Per General Order 11-01, Property & Evidence, personnel shall ensure that the complete chain of custody is documented for all physical evidence collected. Time periods when physical evidence is stored in a location outside of the Property & Evidence Room (P&E) shall be documented and explained in an incident report narrative. Personnel shall have either direct control over physical evidence or shall have physical evidence stored in an appropriate, secure location at all times prior to submission to the P&E to ensure integrity of the chain of custody.

C. PMI Evidence Tracker (PMI) Forms shall be completed to document the chain of custody of physical evidence once it is submitted into the P&E.

D. Officers shall document chain of custody on an MSP Request for Laboratory Examination Form (MSP Form 67A) for suspected CDS evidence that is sent to the laboratory for testing.

E. Officers shall ensure that the chain of custody listed on multiple documents, such as PMI Evidence Tracker Form, incident report and MSP Form 67A, are the same.

F. Procedures for collecting, marking, storing, processing and documenting the chain of custody of physical evidence have been designed to prepare for the potential presentation of evidence in court, and to ensure the integrity of the evidence and of the security of the WPD Property System.

IV. COLLECTION OF CONTROLLED DANGEROUS SUBSTANCES

A. Officers who encounter a controlled dangerous substance (CDS) that is contraband shall place the suspected CDS on property, regardless of the quantity seized.

B. CDS and other unknown substances are potentially hazardous to the handler. To minimize risk to the officer, certain precautions shall be observed when handling a CDS or any other unknown substance. These precautions include:

1. Wearing of nitrile gloves to prevent direct contact with the skin;

2. Wearing of nitrile gloves when utilizing a field test kit;

3. Keeping all substances away from the face and wearing an N95 Particulate Respirator Mask when appropriate;

4. Never sniffing or tasting the substance to identify it; and,

5. Carefully handling liquids to avoid spilling.

C. Officers shall not attempt to dismantle or remove any clandestine laboratory. Officers who encounter a suspected clandestine laboratory shall contact the on-call Criminal Investigations Bureau (CIB) Supervisor and wait for resources with appropriate equipment to render the clandestine laboratory safe.

D. Needles shall be carefully handled with nitrile gloves and placed in a sharps container as soon as possible.

E. Suspected CDS contraband shall be placed in appropriate bags or containers, and labeled as indicated below.

V. IDENTIFICATION AND FIELD TESTING OF CONTROLLED DANGEROUS SUBSTANCES

A. If an officer seizes an unidentified substance that he/she believes to be a CDS, the officer should utilize available means to identify the substance. This may include a field test kit, consulting other law enforcement members, including members of the Narcotics Section, a Physicians Desk Reference (PDR) or another on-line resource, an emergency room physician or a pharmacist.

B. The officer shall complete an incident report documenting the seizure and the efforts made to identify the substance. The substance shall be submitted to the P&E, and:

1. If the officer intends to pursue criminal charges, then he/she shall have the substance sent to the Maryland State Police (MSP) Laboratory for testing by marking the PMI Evidence Tracker Form, “Analyze,” or

2. If no criminal charges will be pursued, then the officer shall mark the PMI Evidence Tracker Form, “Destroy.”

3. When the officer has CDS that does not need to be tested at the laboratory or is to be held pending further investigation, the officer shall mark the PMI Evidence Tracker Form, “Hold.”

C. An officer may make a custodial arrest of a person based on the preliminary identification made by the officer of the CDS in the arrestee’s possession. The preliminary identification of the CDS shall be based upon the officer’s training and experience. A field test or laboratory result indicating the presence of a CDS is preferred to support the CDS charge. Officers shall utilize a field test kit, if appropriate, to corroborate their preliminary identification.

Training and experience in the area of CDS identification and investigations may substitute for a positive field test, if the training and experience can be articulated appropriately in an Expertise Statement in the charging document. **Due to the inherent dangers associated with exposure to certain current types of CDS, officers must be cautious when deciding whether or not to utilize a field test kit.**

D. Discretion shall be exercised regarding the decision to field test when there is only a trace amount of CDS or residue present. If the officer intends to place a criminal charge, one (1) option is to send the suspected CDS to the laboratory prior to placing the criminal charge. If the officer has additional criminal charges at the time of arrest and can articulate the suspected CDS identification via an Expertise Statement in the charging document based on his/her training and experience, the criminal charge may be placed prior to receiving the laboratory results.

E. Felony CDS charges shall be supported by a positive field test or laboratory result barring a sufficient Expertise Statement to support same. These results shall be documented in the Statement of Probable Cause and in the incident report narrative. When in doubt, the officer may always consult with the on-call CIB Supervisor or Assistant State’s Attorney.

VI. WEIGHT AND DESCRIPTION OF CONTROLLED DANGEROUS SUBSTANCES

A. Officers shall describe contraband CDS in detail in both the Statement of Probable Cause and in the incident report.

B. If the CDS is pills or tablets, the officer shall document the quantity seized.

C. If the CDS is not pills or tablets, the officer shall determine and document the gross weight. If this CDS is packaged separately, the officer shall document and describe the quantity and size of the packages.

D. Trace or residual amounts of CDS do not need to be weighed. The officer shall just describe the quantity as “trace or residual amount.”

E. Detailed documentation of the quantity, gross weight and packaging of contraband CDS, along with other factors articulated through training and experience, are crucial to support “Possession with Intent to Distribute” (PWID) CDS charges.

VII. MARKING AND LABELING EVIDENCE

A. Proper marking and labeling of evidence is a crucial step in leading to the successful identification and acceptance of that item of evidence during a court hearing or trial. As officers package physical evidence, including contraband CDS, they shall mark individual items appropriately to enable the seizing officer to be able to positively identify that item from the witness stand.

B. Marking and labeling evidence at the time of collection is also a crucial step in maintaining a good chain of custody. PMI Evidence Tracker software will auto-generate "Item Numbers" for property. However, a single PMI Evidence Tracker "Item Number" may contain multiple pieces of evidence. It may be appropriate for the officer to also mark and label these separate pieces of evidence, especially if this step will support charges such as PWID CDS.

C. Marking and labeling of evidence may be a single step. "Identifying Data" may be written on the actual container, bag or package, or it may be written on a tag attached to the container, bag or package. Labels shall include the incident number, the officer's name, the date collected and the item number.

D. The officer collecting the item of evidence (seizing officer) is the person responsible for marking or labeling that piece of evidence.

E. It may be appropriate for the officer to document or reference in the Statement of Probable Cause and/or the incident report the manner in which physical evidence was marked and labeled.

VIII. PACKAGING EVIDENCE

A. Seizing officers shall utilize a container suitable for the type of evidence being packaged. Some considerations include:

1. Considering the size, weight and shape of the item;
2. Avoiding cross-contamination of items of evidence; and,
3. Properly packaging perishable and nonperishable items of evidence separately.
4. Moist or soaked items may be transported to WPD Headquarters in plastic containers so as not to contaminate other items. Once at the station, these items should be air-dried. These items should never be stored in plastic while still wet. If the item is still wet, it should be stored in a paper bag or box. Drying procedures shall be completed before the evidence is submitted to the P&E.

B. CDS shall be packaged separately from other types of evidence.

1. Suspected CDS to be "Analyzed," shall be submitted and packaged in a heat sealed envelope (heat seals to be initialed by the seizing officer) along with a completed MSP Request for Laboratory Examination Form (MSP Form 67A).
2. All CDS and Drug Paraphernalia evidence shall be deposited into the P&E drop box or handed directly to the Property Management Specialist.
3. All CDS and Drug Paraphernalia submitted into the P&E must be documented electronically on PMI Evidence Tracker (PMI) Forms.

C. If an officer seizes a very large quantity of CDS that is to be laboratory tested, he/she shall follow MSP Laboratory sampling protocol for separating and packaging CDS samples to be sent to the laboratory. This process shall be documented in an incident report.

D. Bulk evidence items shall be packaged in bags or boxes that are size-appropriate, and shall be properly labeled and sealed with evidence tape. Officers shall initial and date evidence tape used to seal packages.

E. Other than the MSP Request for Laboratory Examination Form (MSP Form 67A) attached to the heat-sealed CDS bag, documents should no longer be attached to evidence packages. The MSP Laboratory prohibits the stapling of documents to the K-PAK bags.

F. Evidence items with a different chain of custody shall be submitted separately.

G. When taking custody of evidence, officers shall always verify the packaging labels with the actual evidence contained in the packaging. This is especially important for evidence of significant value, currency and CDS.

H. Handling and Packaging Suspected Heroin, Fentanyl and other dangerous types of CDS

1. Officers must wear two (2) layers of nitrile gloves. "Pat-Down" and other types of gloves should never be substituted for nitrile gloves, as they will not provide the same protection and will then be contaminated.

2. Bags shall not be opened, as this may expose the officer to airborne contaminants.

3. Officers shall not field test these suspected types of CDS, as this may expose the officer to dangerous contaminants.

3. Officers shall seal these items in plastic Ziploc bags as soon as possible.

4. Officers shall seal these items in heat-sealed K-PAK bags prior to submitting the evidence into the P&E, whether or not items are to be "Analyzed."

5. Officers shall not place these items in an Alternate Locker without sealing them first in a K-PAK bag.

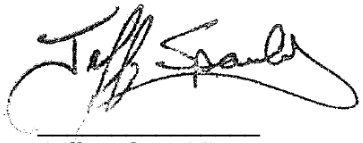
I. Packaging Suspected Marijuana

1. CDS Marijuana plants that are in a green (wet) state cannot be stored in the P&E, because of potential health hazards. The submitting officer must make arrangements to photograph, cut, dry and then package the plants. If assistance is needed, the Property MS or the Narcotics Section shall be contacted.

2. Pots that have held CDS Marijuana plants may be stored in the P&E, but the soil from the pots shall first be disposed of.

J. Hypodermic syringes shall be packaged, and shall only be submitted to the P&E, in biohazard sharps tubes.

Authorized By:



Jeffrey Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 11-03

Subject: **Digital Cameras and Images**

Effective Date: January 21, 2008

This General Order contains the following numbered sections:

I. POLICY
II. DEFINITIONS
III. PROCEDURES
IV. REQUESTING COPIES

I. POLICY

The Westminster Police Department (WPD) will utilize structured procedures to ensure the most secure and effective use and maintenance of digital camera technology to support investigative, operational, and administrative missions.

II. DEFINITIONS

MEDIA CARD: Data storage medium, camera cards or memory cards associated with digital cameras

JUMP DRIVE: Also referred to a “thumb drive” or “stick drive,” used to temporarily store or transfer digital data

DIGITAL EVIDENCE: Security, surveillance videos, audio recordings or other information that is in a digital format (computer ready) AND that is evidence in an incident reported to the WPD

III. PROCEDURES

A. All images taken or digital evidence obtained at a crime scene, at an accident scene or to further the investigation of any police-related matter, are considered evidence. All photos taken or digital evidence obtained are the property of the WPD. Members will not take crime scene, accident scene or any investigative images with personally-owned cameras (including cell-phone cameras) or jump drives. No photos or digital evidence will be taken, printed, downloaded or distributed for personal use, unless used in a departmentally-approved matter. (E.g. training, charity support, marketing, etc.)

B. No member will be authorized to store and/or duplicate any photographic or digital information that is classified as evidence on any Departmental or personal computer (system) without supervisory approval. Additionally, no digital photographs or digital evidence classified as evidence will be stored by and/or transmitted to other individuals without approval. No digital photographs classified as evidence or digital evidence will be posted on the Internet without the approval of the Chief of Police or his designee. The only exception will be the existing procedures and/or future electronic advancements that allow the Criminal Investigations Bureau (CIB) to transmit data to and from appropriate entities.

C. Members will utilize the camera or jump drive consistent with the guidelines set forth in this order and consistent with the training received on the proper operation and use of the camera.

D. Generally each departmental camera will be issued with at least one (1) media card, strap, carrying case and one (1) battery.

E. Jump drives will be issued to Field Services Bureau (FSB) Lieutenants to be used by members of their squads for evidentiary purposes.

F. Each member assigned a digital camera will be responsible for the care, maintenance, and security of the camera. The assigned member will ensure that the battery is properly charged at all times and the camera is in a state of operational readiness. All assigned photographic equipment will be stored in a protective camera case and will be removed from a vehicle as needed to avoid environmental damage caused by exposure to extreme heat or cold.

G. Lieutenants who are issued jump drives will be responsible for their proper storage and use.

H. If possible, members should photograph only one case per media card. If more than one case is captured on a media card, members will take a photograph of a piece of paper with the case number, date, crime and location before proceeding with the scene photography.

I. All digital images and/or digital evidence shall be captured at the largest file size and the finest quality setting available for the camera or recording device used. The images will be downloaded as soon as possible, following the completion of the assignment.

J. Before removing a media card from the camera, THE CAMERA MUST BE TURNED OFF, AS A LOSS OF DATA MAY OCCUR.

K. Sworn officers will forward the storage media card or jump drive to the CIB using the WPD Photograph Processing Record (envelope) via departmental mail as soon as possible following the completion of the assignment. After the images and/or digital evidence have been downloaded and the media card or jump drive is re-formatted, the media card / jump drive will be returned to the submitting officer in the same envelope. It is the responsibility of the officer to return the jump drive to his/her lieutenant. A Digital Image Form will be completed by the assigned CIB personnel downloading the images or digital evidence, and forwarded to the Records Section.

L. Criminal Investigations Bureau Responsibilities:

1. The CIB shall be responsible for the downloading and printing of all images captured using departmentally-issued cameras for investigative purposes, as well as downloading digital evidence captured on jump drives for investigative purposes.

2. Investigative images / digital evidence shall be saved to a stand-alone computer located in the CIB.

3. The stand-alone computer will be equipped with a back-up device that will back-up the hard drive every day at a designated time to prevent loss of data.

4. All assignments will be entered into the Digital Image Log Book, with the date, case number, case or assignment, detective/officer, and the number of images or digital evidence captured.

   a. If images are printed or digital evidence is copied, the detective will document the number of images printed or digital evidence downloaded. This information will then be logged immediately to the right of the items mentioned above.

   b. The detective downloading the images / digital evidence to the stand-alone computer will write his/her initials immediately to the right of the items mentioned above.

5. When crime scene images / digital evidence are downloaded into the computer, the detective downloading the images / digital evidence shall open the file folder for the current month and year, and then create a new sub-folder containing the case number of the incident. Only members of the CIB will have access to these files. The files will be password

protected to prevent unauthorized access.

6. All non-investigative images or digital media forwarded to or captured by Department personnel, will be downloaded into the main digital image computer and saved in folders designated for the assignment (e.g. Departmental Photos, Public Relations, etc.).

7. After the images have been downloaded into the computer, the detective shall complete a Digital Image File Form, with the date and case number in the designated spaces, and forward it to the Records Section so that it may be filed with the case folder.

8. After crime scene or crime related images / digital evidence has been successfully downloaded and placed in their new sub-folders, the media card / jump drive shall be re-formatted to totally erase all images.

9. No digital photographs / digital evidence downloaded from Department cameras or jump drives to the photo computer shall be altered, erased or in any way tampered with.

   Exception: In the event that images / digital evidence need to be enhanced in any way, the original image / digital evidence will be ***copied*** and opened with an enhancement program. The ***copied image /*** digital evidence will be enhanced, and any changes being made will be recorded, for future duplication purposes. The enhanced image / digital evidence will then be saved with the original, and be listed as enhanced (e.g., Photo#1 original, Photo#1 enhanced). A supplemental report detailing why an enhancement was conducted must be written.

10. Written procedures for downloading images, printing images, creating a contact sheet, archiving images, searching for a file, etc. will be kept with the computer.

11. Before the tenth (10th) of each month, all images / digital evidence captured and filed in the folder for the preceding month will be archived and saved on two (2) separate Archival CDs or DVDs. Copy number one (1) will be forwarded to the Records Section as a primary archival copy. Copy number two (2) will be kept in a file in the CIB as a secondary archival copy.

IV. REQUESTING COPIES

A. All requests for photographic images / digital evidence shall be coordinated through the Records Section for tracking purposes. The Records Section will provide the State's Attorney's Office with a CD of all images related to a specific requested case. The release of images / digital evidence to law enforcement agencies must be approved by the CIB Commander or Deputy Bureau Commander. The release of all images must be in accordance with WPD policy.

B. If the requesting party is a WPD member, the requesting officer or detective will send an email to the designated member of CIB to request copies of digital photos / digital evidence. The requesting party will fill out the date, case number, offense, and the section titled PRINTS with the date needed, copies needed, print numbers (if known) and size of prints or digital evidence requested. The completed prints or digital evidence will be returned to the requesting officer in the envelope submitted.

C. Requests for photos, digital images or digital evidence from the State's Attorney's Office may be made by submitting an e-mail to the Records Section. After approval of the request, the photos, digital images and/or digital evidence will be forwarded through inter-departmental mail.

D. All requests from defense attorneys, insurance companies, etc. will be made through the Records Section at the cost of the requesting party absent Command Staff approval to waive this fee.

AUTHORITY:

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Jeff Spaulding
Chief of Police

Appendix A: Digital Image File Form

WESTMINSTER POLICE DEPARTMENT

General Order: 11-04
Order# 2015-20

Subject: **BUILDING SECURITY AND VISITOR CONTROL**

Effective Date: January 1, 2016

This General Order contains the following numbered sections:

I. POLICY
II. DEFINITIONS
III. BASIC SECURITY
IV. KEY/KEY FOB CONTROL
V. PHOTO IDENTIFICATION & ACCESS CONTROL KEY FOBS
VI. AUTHORIZED ACCESS
VII. VISITOR CONTROL
VIII. ACCESS CONTROL
IX. HIGH SECURITY AREAS
X. SAFETY AND SECURITY MONITORING
XI. CANCELLATION

I. POLICY

The Westminster Police Department (WPD) will maintain secure facilities to safeguard members, information, and assets. The movement of members, service personnel, and visitors will be appropriately controlled and monitored.

II. DEFINITIONS

A. Allied Law Enforcement Personnel – To include all sworn members of all law enforcement agencies.

B. Controlled Visitation Areas – Those areas within WPD Headquarters where controlled and monitored access is permissible to visitors.

C. City Employees – To include all employees to whom valid WPD or City of Westminster identification cards have been issued.

D. General Public – To include all others entering WPD facilities.

E. WPD Members – To include all employees and volunteers, whether full or part-time, to whom valid WPD identification cards have been issued.

F. High Security Areas – Designated areas within WPD Headquarters where access is restricted to specifically authorized WPD members and where additional security measures are employed, as specified in Section IX of this General Order.

G. Service Personnel – To include outside contractors and City employees assigned to perform services within WPD Headquarters.

H. Visitors – Members of the general public.

III. BASIC SECURITY

A. Information regarding active cases, intelligence information, and information not legally accessible to the general public will not be left visible in any office or out on desks in general work areas accessible to visitors. Any member utilizing confidential or sensitive material in his/her

work area shall be responsible for securing their work area, files and computer prior to leaving that work area at the conclusion of their shift. Members shall be held accountable for taking all possible privacy and security precautions with confidential or sensitive files.

B. Evidence will never be left unattended in any work area that is not secure from entry by personnel who are not authorized to be in the immediate chain of custody.

C. WPD members remain responsible for the actions of visitors to whom they grant access to WPD Headquarters until such time as another WPD employee acknowledges acceptance of the visitor for escort purposes.

IV. KEY/KEY FOB CONTROL

A. The Commander of the Support Services Division or his/her designee shall be responsible for developing and maintaining an effective key/access control system key fob (hereafter referred to as "key fob") accountability system to provide an accurate accounting of the location and possessor of each WPD key/key fob.

B. A Police Headquarters master key shall be readily available in the event of an emergency. The master key will be maintained in a cypher locked key box located within the Communications Division. 24/7 access may be gained to the key box by contacting either Captain, the Deputy Chief or the Chief of Police.

C. Members issued facility keys are prohibited from duplicating the key(s) for any reason (the Property Management Specialist is exempt from this prohibition if performing official duties).

D. Members issued facility keys/key fobs are prohibited from allowing another individual to use or borrow their key/key fob, or enter a prohibited area, except with the permission of a supervisor in a special circumstance (e.g. natural disasters, etc.).

E. In the event that a facility key/key fob is lost or stolen, the member shall make immediate notification, via his/her chain of command, to the Commander of the Support Services Division (See section V. F. below).

V. PHOTO IDENTIFICATION & ACCESS CONTROL KEY FOBS

A. A photo identification card identifying individuals as police officers or retired police officers will be issued to active and retired officers of the WPD. Civilian employees, volunteers and interns will also be issued Departmental photo identification cards.

B. Access control system key fobs will be issued to all WPD employees and volunteers, as approved by the Commander of the Support Services Division.

C. All key fobs and identification cards remain the property of the WPD and must be returned to the WPD upon:

1. Termination of employment with the WPD (excluding retiree identification cards);

2. Termination of volunteer service with the WPD;

3. Termination of assignment to work within WPD Headquarters; or

4. Upon demand by either the Deputy Chief of Police, the Chief of Police, or their direct designee.

D. Key fobs and identification cards shall only be used for official business purposes. Key fobs and identification cards may only be used by the individual to whom they are issued. Allowing another individual to use an issued key fob or identification card may be grounds for disciplinary action.

E. The Property Management Specialist, under the auspices of the Commander of the Support Service Division, is responsible for issuing all keys/key fobs and maintaining all records regarding

the issuance of these items. They are also responsible for the maintenance and control of the electronic access control system.

F. WPD identification cards are issued by the Administrative Assistant in the Office of the Chief of Police.

G. Members experiencing the loss or theft of a WPD identification card, key or key fob will complete the following:

1. The loss of an identification, key or key fob must be reported to an on-duty supervisor as soon as it is discovered. The Property Management Specialist will coordinate the immediate deactivation of the key fob within the access control system.

2. For continuity and tracking purposes, the employee or person to whom a key, key fob or identification card has been issued must complete a detailed memo to the Commander of the Support Services Division detailing the loss or theft of the card.

3. Personnel who are promoted must return their previous identification card to the Commander of the Support Services Division **prior** to the issuance of a new card.

4. Stolen items will be reported to the law enforcement agency of competent jurisdiction. A copy of the police report will be provided to the Commander of the Support Service Division.

VI. AUTHORIZED ACCESS

A. The Carroll County Drug Task Force (CCDTF) offices are off limits to WPD members outside the direct chain of command for the CCDTF or the WPD Narcotics Section, unless the WPD member is escorted by a member of the CCDTF/Narcotics Section and is on official business. Members in uniform are prohibited from visiting the CCDTF offices, except as specifically approved by the CCDTF Supervisor or the WPD Criminal Investigations Bureau Commander.

B. Employees of both the City Office of Technology Services and City maintenance staff may generally be permitted unescorted access to the controlled areas of Police Headquarters. They are not permitted unescorted access within the Criminal Investigations Bureau, the Property/Evidence Section, the Temporary Detention Area or the Crisis Response Team Storage Unit.

C. City employees may access the controlled areas of Police Headquarters after checking in and being permitted access at the Front Desk.

D. City employees **do not** have to be escorted from the Front Desk to an office to meet with WPD personnel. However, upon entry into workspaces, a member of the appropriate office must be present to escort the City employee.

VII. VISITOR CONTROL

A. Unescorted allied law enforcement personnel must check in at the Front Desk before being directed to the offices in which they expect to transact business. All allied law enforcement personnel must either be in uniform or display on an outer garment a photo I.D. or issued breast badge that identifies them. Allied law enforcement personnel working jointly with WPD officers may use public areas and the debriefing work areas unescorted.

B. Outside contractors working within Police Headquarters must check in at the Front Desk and be escorted by a WPD employee or City maintenance personnel (as described in Section VI.C.).

C. Visitors entering Police Headquarters must check in at the Front Desk. They shall not be afforded access to the controlled area of the building unless escorted by a WPD member.

D. The Chief of Police may bar individuals from WPD Headquarters for cause. A list of such individuals will be maintained at the Front Desk.

VIII. ACCESS CONTROL

A. Door combinations, keys and key fobs will be provided to WPD members and certain volunteers as determined by the Commander of the Support Services Division.

B. Door combinations, key fobs and keys will not be given to any other individuals. All employees must report any circumstances that indicate a door combination or building security has been compromised. Reports should immediately be made through an on-duty supervisor to the Commander of the Support Services Division or their designee.

C. Door combinations will be changed and individual key fobs will be deactivated under the following circumstances:

1. Whenever an employee terminates employment or severs a volunteer relationship with the WPD under unfavorable circumstances.

2. Whenever an indication exists that a combination has been compromised.

IX. HIGH SECURITY AREAS

A. All doors allowing entrance to or exit from a high security area will remain closed and locked when not immediately in use or attended to by an authorized employee.

B. WPD members working outside usual business hours must obtain approval from a Bureau Commander (or above) to access high security areas. The following are considered high security areas.

1. Property/Evidence Section

2. Crisis Response Team Storage Unit (Crisis Response Team members are permitted unescorted access without preauthorization)

X. SAFETY AND SECURITY MONITORING

It is the responsibility of all sworn officers to respond to audible alarms in and around WPD Headquarters. The safety of our staff and visitors is our prime responsibility. The following protocols will be followed in the event of an alarm:

A. During fire alarms, members should evacuate workspaces in an orderly fashion until an “all clear” is broadcasted. Evacuation plans/maps are posted in strategic locations throughout Police Headquarters.

B. Cellblock panic alarms and cameras will be monitored in accordance with General Order 7-10, Section IX. C. Temporary Detention Area Procedures.

C. Police Facility Systems

1. Fire Detection – A comprehensive fire detection and reporting system has been installed in Police Headquarters.

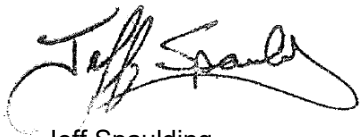
2. Personal Safety – Panic alarm switches have been installed in strategic locations throughout the cellblock and within the Sally Port (See Section B above).

3. Video Monitoring – A multi-camera system has been installed in Police Headquarters to monitor interior and exterior spaces. The system is provided to increase the safety of employees and non-employees and to help record access to the building, including the sally port doors and its interior hallways. The cameras will operate in pre-programmed sequences approved by the Commander of the Support Services Division. The system includes continuous video recording capabilities within the Communications Division.

XI. CANCELLATION

This General Order cancels and replaces General Order K-11, Police Facility, dated November 1, 1994.

AUTHORITY:



Jeff Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 11-05 Order # 2016-01

Subject: **FIREARMS RETURN PROCEDURES**

Effective Date: August 4, 2016

This General Order contains the following numbered sections:

I. POLICY
II. DISPOSITION OF FIREARMS
III. ELIGIBILITY PROCEDURES
IV. RELEASE PROCEDURES
V. DENIAL OF RELEASE PROCEDURES
VI. DOCUMENTATION

I. POLICY

The Westminster Police Department routinely receives requests for the return of firearms being held by the Department. This General Order sets forth the guidelines for processing such requests to ensure that firearms are returned to their proper owner in a timely manner or withheld in a manner consistent with Maryland and federal law.

II. DISPOSITION OF FIREARMS

A. Upon conclusion of a criminal case involving a seized firearm, the court may order forfeiture or release of the firearm in accordance with the law.

B. The following weapons will be seized as contraband and will not be returned to the owner:

1. Assault pistols, as described in CRIM. LAW § 4-301, found to be in the possession of someone other than the owner registered in Maryland Automated Firearms Services System (MAFSS) prior to August 1, 1994; and

2. Assault pistols seized pursuant to CRIM. LAW § 4-304.

C. For firearms seized under FAM. LAW, §4-511, at the conclusion of a proceeding on the alleged act of domestic violence, the owner of the firearm may retake possession of the firearm unless ordered to surrender the firearm under FAM. LAW, §4-506.

D. For firearms confiscated pursuant to CRIM. LAW §4-203, CRIM. PROC. § 13-201 *et seq,* CRIM. LAW §5-622 or PUB. SAFETY § 5-135, the Commander of the Criminal Investigations Bureau will determine a disposition of the firearm which may include:

1. Returning the firearm to the owner after a review of the case indicates:

(a) it is not needed as evidence;

(b) the owner did not use the firearm or knowingly permit the firearm to be used in violation of the law; and

(c) the owner is not prohibited from possessing firearms.

2. For firearms seized under PUB. SAFETY § 5-135, allowing the transfer or sale of a firearm through the secondary sales registration process to a non-prohibited person who the owner designates if:

   (a) there was no finding of guilt; and

   (b) the firearm was originally obtained through a lawful transaction or there was an offense after the purchase which prohibits the owner from possessing the firearm.

3. Retaining the firearm for use as evidence in a criminal case; or

4. Forfeiting the firearm.

III. ELIGIBILITY PROCEDURES

A. Any person requesting the return of a firearm will do so in writing utilizing a WPD "Application for Return of Firearms" (ARF) form (See Addendum A). Incomplete or inaccurate forms will not be accepted.

B. Upon receipt of the completed ARF by the Property Management Specialist, the Commander of the Criminal Investigations Bureau will be notified of the release request for the specified firearms.

   1. Approval for the release of the firearm(s) must be obtained in writing from the seizing officer/lead investigator for the case. Issues or problems relating to the release of firearms should be addressed through the Commander of the Criminal Investigations Bureau.

   2. A specific notation in the incident report relating to the seizure or a notation on the Property Submission Form (PSF) will suffice for written authorization.

C. After it has been determined the firearm(s) is eligible for release, the Maryland Gun Center (MGC) will be contacted at 1-855-677-6486. The ARF will be scanned and attached to an email addressed to the Maryland State Police Gun Center @ gun.center@maryland.gov. The following information/requests will appear in the body of the email to the MGC:

   1. A request for a determination of the applicant's eligibility to receive/possess firearms/ammunition.

   2. A request for an E-Trace of the firearm to determine ownership (if possible) and to determine if the firearm is the subject of any ongoing criminal investigations.

   3. All such emails will be copied to the Criminal Investigations Bureau (CIB) Commander.

D. After the response is received from the MGC, it will be reviewed by the submitting officer/investigator to determine if the applicant is legally eligible to receive/possess firearms and/or ammunition. The MGC response should also include information regarding the history of the firearm. If it is determined the firearm is eligible for release, the MGC response will be sent via email to the CIB Bureau Commander requesting approval for the release of the firearm.

E. The CIB Commander will review the ARF and the MGC information to determine if the release is approved. The CIB Commander will then email their decision to the Property Management Specialist.

F. The Property Management Specialist will retain all correspondence associated with the disposition of the firearm(s) until a final disposition has been made. This folder will also

store a scanned copy of the application for return of firearm and any other documents used to determine the release eligibility of the firearm and the eligibility of the requestor to possess firearms. Upon conclusion of the process all correspondence will be forwarded to the Records Section Supervisor for scanning and attachment to the case file.

IV. RELEASE PROCEDURES

A. After the CIB Commander has approved the request, the Property Management Specialist will contact the applicant and notify them of the approval. Plans will also be made as to how and when the firearm/ammunition may be retrieved.

B. When the applicant arrives to retrieve the firearm(s), valid photo identification will be required and will be photocopied and attached to the PSF for the firearm(s).

C. The Property Management Specialist will ensure that a wanted check is run on the applicant to determine that requestor is not wanted and that there are no active protective orders in place (which may have occurred since the MGC completed their checks). If there are no new warrants or protective orders, the firearm(s)/ammunition will be released to the applicant pursuant to standard property release procedures.

V. DENIAL OF RELEASE PROCEDURES:

A. If the MGC determines that the applicant is not eligible to possess a firearm/ammunition or the firearm is not eligible for release, the CIB Commander will notify the requestor of the denial via certified mail, return receipt requested (see Addendum B).

B. The Bureau Commander will forward a copy of the letter and MGC response to the Records Section Supervisor who will scan the information into the ICIS report system.

C. If it is determined the requestor is the legal owner of the firearm/ammunition but he/she is NOT eligible to possess it, the owner will be presented with the following options relating to the disposition of the firearm/ammunition:

1. The owner may authorize disposal of the firearm by the Police Department, **OR**

2. The owner may lawfully sell or transfer the firearm to an individual/business with a Federal Firearms License (FFL), **OR**

3. Allow the transfer or sale of a firearm through the secondary sales registration process to a non-prohibited person who the owner designates for firearms seized under PUB. SAFETY § 5-135

NOTE - Failure to comply with any of the above options after 90 days will result in the firearm/ammunition being declared abandoned property and destroyed pursuant to the Westminster City Code and WPD policy.

D. If the owner elects to sell/transfer the firearm to a second party pursuant to Subsection V.C.2 above, they will be provided detailed written instructions via a letter from the CIB Bureau Commander (see Addendum C). The letter will include the following instructions:

1. The owner must contact a federally licensed firearms dealer and make arrangements for that dealer to take possession of the firearm.

2. The legal owner of the firearm must provide written authorization for the firearm dealer to take possession of the firearm.

3. The firearm dealer will contact the Property Management Specialist and set up an appointment to retrieve the firearm(s). The firearm dealer will be required to

produce valid photo identification and a copy of their FFL. The identification and FFL will be copied and forwarded to the Records Section Supervisor for scanning and attachment to the case file. The firearm will be released to the dealer via the established property release procedures.

4. The owner will be advised that they have 60 days to lawfully transfer the firearm(s) to a second party. If the transfer has not been effected within 60 days, the firearm will be deemed abandoned and will be destroyed per Westminster City Code and Departmental guidelines.

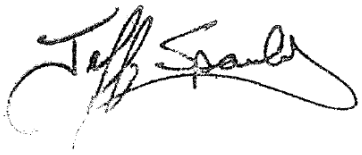
E. If it was determined the requestor is not the legal owner of the firearm, every effort will be made to locate the legal owner. If the legal owner cannot be identified or located, the firearm will be deemed abandoned and will be destroyed per Departmental guidelines.

VI. DOCUMENTATION

A. At the conclusion of this process the Property Management Specialist will ensure that all documentation relating to the firearm is forwarded to the Records Section Supervisor for scanning and attachment to the original case in the Departmental records management system.

Addendum A: Application for Return of Firearms
Addendum B: Letter to Ineligible Owner
Addendum C: Letter to Owner Regarding Transfer

AUTHORITY:



Jeffrey Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 11-06

Subject: **Cash Fund Accountability**

Effective Date: December 1, 2016

This General Order contains the following numbered sections:

I. POLICY
II. DEFINITIONS
III. ACCOUNTABILITY FOR CASH FUNDS
IV. CONFIDENTIAL FUND
V. PETTY CASH
VI. REVENUE

I. POLICY

It is the policy of the Westminster Police Department (WPD) to ensure that all cash funds, received or disbursed, are controlled, expended and accounted for according to established procedures.

II. DEFINITIONS

CONFIDENTIAL FUND: A cash fund used by personnel to facilitate criminal investigations

PETTY CASH: Cash maintained by the Department to reimburse or to provide personnel with minor funds for unanticipated or miscellaneous expenses incurred as a result of their work duties

REVENUE: Cash received by the Department for deposit only into appropriate accounts

III. ACCOUNTABILITY FOR CASH FUNDS

1. Bureau Commanders or higher have the authority to designate specific personnel within their bureaus to handle cash procedures and to place limitations on the amount of cash personnel are allowed to handle. No one will disburse / expend cash without prior approval of a supervisor. Any disbursements in excess of $500.00 cash must have the authorization of the Bureau Commander. All disbursements and or expenditures will be documented on a ledger, stating at a minimum: the date, the amount, the reason for disbursement / expenditure, who dispersed the cash and to whom the disbursement was made. Any discrepancies are to be reported immediately to the Bureau Commander.

2. The Deputy Chief will conduct an internal audit quarterly on all cash funds that Department personnel handle. An independent audit by the City's Finance Department will be completed per existing City procedures.

3. Personnel handling cash will ensure that the money is either secured in a locked location or attended at all times.

IV. CONFIDENTIAL FUND

1. As part of its operating budget, the Department will earmark money to be used for lawful and ethical purposes during the course of criminal investigations. The total amount of money to be budgeted will be determined during the budget preparation process.

2. The Criminal Investigations Bureau (CIB) Commander will be authorized to maintain up to $5,000 in the Confidential Fund to utilize for authorized criminal investigation purposes.

3. Procedures for accounting and control of the Confidential Fund will be outlined in Standard Operating Procedure (SOP) CIB – 08 Confidential Funds.

V. PETTY CASH

1. As part of its operating budget, the Department will earmark money to be used to reimburse or to provide personnel with small quantities of money for unanticipated or miscellaneous expenses incurred as a result of their work duties.

2. The Deputy Chief will be authorized to maintain up to $500 in Petty Cash to be utilized for the above purposes.

3. The Deputy Chief will follow the below procedures to manage Petty Cash:

   A. Maintain a spreadsheet documenting the balance of Petty Cash, as well as all expenses and reimbursements

   B. Maintain up to $500 in cash in a secure location for use as Petty Cash

   C. When a request is made for a legitimate use of Petty Cash or the Deputy Chief recognizes a legitimate need for the use of Petty Cash, he/she will:

      i. Complete a receipt, signed by both the Deputy Chief and the recipient, documenting the dispersal of Petty Cash. The receipt will include the approved expense and the amount used.

      ii. Attach to the Petty Cash receipt a receipt provided by the recipient or a memo documenting the expense.

      iii. Disburse the Petty Cash to the recipient.

      iv. Record the transaction in the Petty Cash spreadsheet.

   D. Communications Division personnel will be authorized to request up to $50 in cash to make change for members of the public making cash payments for fines or fees.

   E. When the Deputy Chief determines that the Petty Cash fund is in need of replenishment, he/she will:

      i. Submit the itemized receipts along with a request memorandum to the Finance Department via the Administrative Assistant, Office of the Chief.

      ii. When reimbursement funds are received from the Finance Department, record the reimbursement in the Petty Cash spreadsheet.

VI. REVENUE

1. No funds will be disbursed from revenue received. Deposits will be made to the City Finance Department per City procedures.

2. Any time personnel receive a donation for the Department, they will immediately forward the donation to the Administrative Assistant, Office of the Chief who will handle deposit of the donation per City procedures.

3. Donations that are earmarked for specific accounts will be immediately forwarded to the Administrative Assistant, Office of the Chief for deposit in those accounts per City procedures.

AUTHORITY:

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Jeffrey Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 12-01 Order# 2015-18

Subject: **PUBLIC INFORMATION AND MEDIA RELATIONS**

Effective Date: August 15, 2016

This General Order contains the following numbered sections:

I. POLICY
II. INFORMATION RELEASE
III. INTERNAL AFFAIRS MATTERS
IV. MEDIA ACCESS TO POLICE SCENES AND POLICE FACILITIES
V. ROLE & FUNCTION OF THE PUBLIC INFORMATION OFFICER (PIO)
VI. ROLE & FUNCTION OF THE WATCH/DIVISION COMMANDER
VII. ROLE & FUNCTION OF COMMUNICATIONS DIVISION PERSONNEL
VIII. ALLIED AGENCY MATTERS
IX. CANCELLATION

I. POLICY

The Westminster Police Department recognizes that citizens must be informed about public safety issues and the activities of the police. The WPD will make certain information on its policies, programs, and daily activities available to the media on a regular basis. Certain reports, files and other information maintained by the WPD are open to any reasonable and timely examination by the media provided that such examination does not disrupt normal activities, jeopardize investigations, or otherwise reveal information protected by law. The WPD will comply with all provisions of the Maryland Public Information Act.

The WPD will not release certain information which may compromise the safety of persons involved in a police incident, the right of defendants to a fair trial, and protection of citizens against unwarranted invasions of privacy. The WPD will not purposely supply misinformation or "disinformation" to the media. Information will be disseminated in such a manner as to ensure that first release information is equally available to all reporters.

II. INFORMATION RELEASE

A. Sworn officers and employees will only discuss incidents with media personnel, prepare media releases, or otherwise provide information to media personnel, in compliance with this General Order, and will make the Public Information Officer (PIO), Watch Commander or section supervisor, as appropriate, aware of all such contacts or informational releases.

B. Sworn officers and employees are prohibited from making statements or releasing further information to the media when a media release specifically states that the Department will not release any further information or when other limitations have been imposed by the Chief of Police or his designee.

C. The following information may be released to the media:

1. Most accident reports, incident reports, and arrest reports will be released to the media through the Records Section through the normal course of business. Certain exclusions prohibiting the release of specific types of information are listed in Section III and other areas of this General Order.

2. Investigative information which may be released includes the following:

   a. The type or nature of any incident.

   b. The location, date and time, any injuries or property damage sustained, and a description of how any incident occurred.

   c. The amount and type of property taken, including its approximate value, if known. The case investigator will notify the Departmental Spokesperson (if one has been designated), or in his absence, the Watch Commander or section supervisor, if these facts are not to be released.

   d. The name, age and address (hundred block) of a victim, except that the name and address of the victim of a rape, child abuse or sex offense shall not be released.

   e. The number of officers or other persons involved in an incident and the duration of the investigation.

   f. The name of the officer investigating an incident, and his work unit.

   g. Requests for aid in locating evidence, a suspect, or a complainant.

3. Arrest information which **may be** released includes the following:

   a. The name, age, description, residence, employment, marital status and similar background information of adult arrestees or of juvenile arrestees <u>charged as adults.</u>

   b. The substance or text of the charge as contained in a warrant, indictment, or other charging document.

   c. The identity of the arresting officers.

   d. The circumstances immediately surrounding an arrest including time and place, pursuit, resistance, any injuries sustained, possession or use of weapons by the arrestee or the police, and description of any property or other items seized.

   e. Amount of bond and/or place of detention if known.

D. Information which **may not** be released:

1. The names of undercover officers.

2. The home addresses or telephone numbers of Departmental personnel except by written consent of the individual concerned.

3. The specific contents of any incident report where a juvenile is a suspect. Disclosure of such matters is specifically prohibited by law unless a <u>court order</u> directs otherwise.

4. Investigative information including the following:

   a. The identity of the victim of a child abuse, rape or any sex crime, or related information which, if divulged, might lead to the victim's identification.

b. The identity of any juvenile who is a suspect or defendant in an incident over which the juvenile court has jurisdiction. The Department will acknowledge that a juvenile arrest has been made, including the sex, age, general area of residence of the arrestee and the substance of the charge.

c. The contents of any suicide note.

d. Results of investigative procedures (line-ups, polygraphs, fingerprinting, etc.). The fact that such procedures have been or will be performed may be acknowledged.

e. The identity of a victim or witness if such disclosure would significantly prejudice an investigation or constitute an unwarranted invasion of personal privacy.

f. Information regarding the specific identity or location of a suspect unless an arrest warrant exists.

NOTE: Particular attention must be paid to comments about unchecked leads, unverified information, or specific details known only to someone involved in the crime.

5. The name of any persons seriously injured or killed in an incident investigated by the Department will be withheld until positive identification is made and next of kin notified. No information relating to a specific cause of death will be released until a determination has been made by the Office of the State Medical Examiner.

6. Confidential intelligence information without the expressed permission of a supervisor having authority over the incident or investigation in question.

7. Information that would interfere with law enforcement procedures including pending investigations.

8. Information that would reveal the identity of an individual who has furnished information to the Department under confidential circumstance (i.e. informants, concerned citizens, etc.).

9. Information that would disclose investigative techniques and procedures, thereby impairing the future effectiveness of the Department.

10. Information that would serve to endanger the life or physical safety of any person.

11. The pretrial disclosure of the following information may jeopardize a defendant's right to a fair trial and will not be released:

a. Observations about an arrestee's character.

b. Statements, admissions, confessions, or alibis attributable to an arrestee.

c. The refusal or failure of an arrestee to make a statement or to participate or allow investigative procedures such as polygraph examinations, etc.

d. Statements concerning the credibility, character, or testimony of a victim or prospective witnesses.

e. Any opinion as to an arrestee's guilt, or the possibility of a plea of guilty to the offense charged.

f. Statements concerning evidence or arguments in the case, whether or not it is anticipated that such evidence or argument will be used at trial.

g. Mug shots or other photographs of arrestees will not be released until after conviction, unless a valid law enforcement function is served.

III. INTERNAL AFFAIRS MATTERS

A. Internal investigations are personnel matters. The Department and its personnel are prohibited by law from releasing information to the media about such matters unless the involved member or employee waives the privilege of confidentiality.

B. An employee or member may request waiver of the confidentiality of his case by forwarding a memorandum to the Chief of Police.

C. An employee or member who releases information about his own case to the media or any other entity will be deemed by the Department to have waived confidentiality. Such disclosure may constitute a violation of the Confidentiality Agreement that the officer may have signed as part of the internal investigation process.

D. An employee or member who elects an open Court or administrative hearing, or who appeals an administrative decision to the Circuit Court will be deemed by the Department to have waived confidentiality.

E. The WPD may comment to the media in those cases where confidentiality has been waived. In such cases, comments will only be made after receiving explicit consent of the Chief.

IV. MEDIA ACCESS TO POLICE SCENES AND POLICE FACILITIES

A. Departmental personnel will recognize valid identification from all local, national, and international news organizations and accord appropriate privileges to individuals holding such identification.

B. Whenever information must be denied to a media representative, the reason for the denial shall be fully explained.

C. Employees will extend every reasonable courtesy to accredited media personnel at police incident scenes to include:

1. Media personnel will not be restricted from a scene beyond what is necessary for crime scene preservation.

2. Media personnel may be permitted closer access (generally providing an opportunity to view the scene) than that which is granted the general public, but only with the approval of the on-scene commander.

3. Media access will be restricted until the on-scene commander determines the area is safe. The commander may permit press vehicles and equipment to be located closer than the general public so long as those arrangements do not interfere with the police mission at hand.

D. At the scene of major crimes, such as hostage and barricade situations, the officer in charge shall designate a preliminary media assembly area as early as possible and as close to the scene as safety and operational requirements allow.

E. Media personnel will be allowed to photograph, film, and videotape members, suspects, witnesses, or victims under any circumstances where a member of the public would be permitted to view the same. On private property, photography, filming or videotaping requires the permission of the owner or owner's representative.

F. Members of the Department will neither encourage nor prevent the photographing of defendants in public places. However, in no case will posing of defendants for photographers be allowed.

G. Persons in custody will not be permitted to be interviewed by the media, nor will members be interviewed while an arrestee or prisoner is present.

H. Members will not instruct or warn victims or witnesses not to talk to media personnel, although members may caution victims or witnesses about disclosing specific evidentiary information.

I. Media personnel will be afforded reasonable cooperation when visiting Police Headquarters. They will not be afforded unescorted access to workspaces within the building without the expressed permission of the Chief of Police.

J. Sworn officers or employees of the Department who experience difficulties with media personnel will report the facts to the Chief of Police as soon as practical.

V. DEPARTMENTAL SPOKESPERSON

The Chief of Police may designate a member to serve as the Department's spokesperson relative to a specific event or newsworthy circumstance. This spokesperson may be tasked with a variety of public information duties to include the following:

A. Preparing and distributing media releases.

B. Assisting media personnel covering a specific incident or event.

C. Arranging for and assisting at news conferences or briefings.

D. Coordinating and authorizing the release of information about victims, witnesses, and suspects.

VI. ROLE & FUNCTION OF THE WATCH/DIVISION COMMANDER

A. The Watch Commander or Division Commander will keep the Office of the Chief informed of developments in major cases and anticipated major events such as raids and/or multiple arrests.

B. The Watch Commander or Division Commander will ensure that the Command Staff is immediately notified and as soon as practical, of the following incidents:

1. Any felony resulting in death or serious injuries.

2. Any shooting incident involving a member of the Department.

3. Any incident involving serious injury to a member of the Department, or serious

injury to another person which may have been caused by a member.

4. Any incident requiring an unusual police commitment (i.e. special teams, a large number of officers, aerial search etc.…).

5. Any incident which is receiving unusual media attention (media personnel at a scene, repeated inquiries, etc.).

6. Any incident likely to arouse an unusual level of public attention.

7. Any incident where a member requests assistance with the media.

C. As soon as practical, the Watch Commander/Division Commander will ensure that a Media Briefing Sheet (Appendix A) is prepared whenever one of the below incidents occurs. The Watch Commander will ensure that the Media Briefing Sheet is received by the Communications Division and disseminated to the Command Staff via email.

1. Any motor vehicle collision involving a school bus with children on board or any motor vehicle collision involving death or serious injury.

2. Any commercial robbery.

4. Any incident involving a foot or vehicle pursuit and/or bailout where a significant amount of time or law enforcement personnel/resources are involved.

5. Any incident which involves the closure of a major roadway for a period of time exceeding one hour.

D. Should the Watch Commander/Division Commander be unable to provide sufficient information to answer media inquiries, he/she will contact their respective Bureau Commander immediately for guidance and assistance.

VII. ROLE & FUNCTION OF COMMUNICATIONS DIVISION PERSONNEL

A. Media personnel frequently contact the Department by telephone to learn of any newsworthy occurrences. All such calls will be referred to the Communications Division. Division personnel will provide information as appropriate from prepared media releases or Media Briefing Sheets.

B. Media representatives who contact the Communications Division shall be provided with the nature, time and location (hundred block) of any ongoing incident as well as a general description of the police response. (I.e. roadways closed, detectives on the scene, etc.).

C. Should Communications personnel be unable to provide sufficient information to answer media inquiries, the media representative will immediately be referred to the Watch Commander/Division Commander or supervisor of the unit investigating the incident.

VIII. ALLIED AGENCY MATTERS

A. The Department is sometimes jointly involved with other agencies in newsworthy incidents where the Department does not have primary jurisdiction. In those cases the primary public information function will not be provided by the Department. Although the Departmental Spokesperson (if designated) may assist, all media requests will be referred to the agency having primary responsibility (i.e. MSP Homicide Unit, CCAIC, State Fire Marshal etc.…).

B. Fire scenes are generally under the jurisdiction of the Carroll County Volunteer Emergency Services Association. Members will not allow media access to these scenes until authority

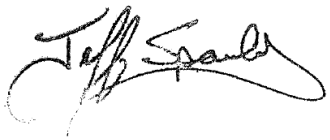
is granted by the CCVESA scene commander.

C. Federal law prohibits the photographing of classified defense material, including selected military aircraft, documents, and hardware. In the event of an incident involving military aircraft in the City of Westminster, military authorities may ask that members enforce these federal laws. Supervisors will comply with all reasonable requests by the military in such matters.

IX. CANCELLATION

This General Order cancels and replaces General Order K-9, Press Releases, dated November 1, 1992.

AUTHORITY:



Jeff Spaulding
Chief of Police

Appendix A: Media Briefing Sheet

Appendix B: Media Release

WESTMINSTER POLICE DEPARTMENT

General Order: 12-02

Subject: **Auxiliary Unit**

Effective Date: December 1, 2016

This General Order contains the following numbered sections:

I. POLICY
II. QUALIFICATIONS AND REQUIRMENTS
III. RANK / STRUCTURE
IV. AUTHORITY
V. USE OF FORCE
VI. RULES OF CONDUCT
VII. UNIFORMS
VIII. TRAINING
IX. DUTIES
X. VEHICLE OPERATION
XI. REQUESTS FOR USE OF AUXILIARY UNIT MEMBERS / CALL-OUTS
XII. LENGTH OF SERVICE

I. POLICY

It is the policy of the Westminster Police Department (WPD) to enlist voluntary services from citizens of Carroll County to enhance our capabilities, performance and efficiency. Volunteers will perform non-enforcement duties as members of an Auxiliary Unit. Volunteer programs are an effective way to bridge the gap between the police and the citizens we serve. It is one method to enhance our police – community partnership through a successful community policing program. The WPD Auxiliary Unit will function in a manner to fulfill these objectives through effective recruitment, selection, training and utilization.

II. QUALIFICATIONS AND REQUIRMENTS

1, Must be a United States Citizen or possess a Permanent Resident Card;

2. Minimum age of eighteen (18) years old;

3. Possess a high school diploma or General Education Development (GED) Certificate;

4. Possess a valid Class “C” Maryland Driver’s License or equivalent;

5. Have a telephone and reliable transportation;

6. Provide a minimum of eight (8) hours of service each month;

7. Possess outstanding moral character subject to a criminal and motor vehicle background investigation;

8. Successfully complete the WPD Auxiliary Unit entrance-level training program; and,

9. Successfully complete a medical / drug screen and physical.

10. The Chief will have the final authority in appointing and removing members of the Auxiliary Unit.

III. RANK / STRUCTURE

1. Upon initial appointment to the WPD Auxiliary Unit, the new member will remain at the rank of Auxiliary Officer (Off.) for a period of one (1) year.

2. Following successful completion of their first year in good standing, and contingent upon completion of all required training, Auxiliary Members will be promoted to the rank of Private First Class (PFC).

3. Depending on the current size of the Auxiliary Unit, two (2) members of the Unit may be promoted to the rank of Sergeant (Sgt.).

4. The Auxiliary Unit will have one (1) member who is promoted to the rank of Lieutenant (Lt). The Lieutenant will be the commanding member of the WPD Auxiliary Unit.

IV. AUTHORITY

1. WPD Auxiliary Unit members will generally not have any of the enforcement authority or powers of arrest as do sworn members. The Chief may designate certain civil or municipal authority at his discretion per existing City Ordinance and Code.

2. In the event that any Auxiliary Unit member finds himself or herself in a situation involving physical or verbal confrontation, he/she will immediately take steps to avoid confrontation and to maintain personal safety, and will make contact with Communications or directly with a sworn member to respond to his/her location for assistance.

V. USE OF FORCE

1. By law, Auxiliary Unit members are not afforded the same qualified immunity protections granted to sworn police officers during the performance of their official duties. Additionally, Auxiliary Unit members do not have the authority to use force to enforce laws. They are subject to the same rules and liability as other private citizens.

2. Therefore, Auxiliary Unit members <u>will not use any level of force to enforce laws or ordinances</u>. Approved duty equipment will be issued for the sole purpose of self-defense or in defense of another member, as permitted by law.

VI. RULES OF CONDUCT

1. Members of the WPD Auxiliary Unit are subject to the same applicable laws, ordinances, policies, procedures and rules of conduct as other members of the Department, except those specifically exempted by this general order, or as defined by function and by the Auxiliary Unit Standard Operating Procedures (SOP).

2. Auxiliary Unit members will utilize paramilitary chain of command structure. They will be directed and assigned externally by sworn members within the Support Services Division (SSD) and will also have an internal rank structure and chain of command within the Unit.

VII. UNIFORMS

1. To avoid public confusion between Auxiliary Unit members and sworn members of the WPD, and to promote the personal safety of Unit members, Auxiliary Unit members will be issued uniform shirts distinctively different from the uniform of sworn WPD members in both color and badge.

2. Additionally, Auxiliary Unit members will wear a uniform “rocker” adjacent to their agency patch that indicates “Auxiliary Unit.”

3. When Auxiliary Unit members are working assignments in a non-uniform capacity, they will wear WPD-issued identification cards that identify them as “Auxiliary Unit” members. These identification cards will be worn on external clothing visible to others.

VIII. TRAINING

1. All Auxiliary Unit members will receive training in those duties that they will be required to perform.

2. Auxiliary Unit members will receive a minimum of thirty-two (32) hours of specialized training prior to their deployment in any field operations. Auxiliary Unit training will be developed and coordinated by the SSD Commander.

3. Auxiliary Unit members will complete a minimum of eight (8) hours of annual in-service as directed by the SSD Commander.

IX. DUTIES

1. Auxiliary Unit members may be assigned a variety of duties, which will be outlined in the Auxiliary Unit Standard Operating Procedure (SOP).

2. Generally, Auxiliary Unit members will:

   A. Assist with community outreach events and activities;

   B. Assist with special events in the City of Westminster;

   C. Perform a variety of operational and administrative tasks in support of WPD operations; and,

   D. Conduct vehicle and foot patrols in an "observation-only" capacity.

3. Participation in any of these assignments will be voluntary and the choice of each individual Auxiliary Unit member.

X. VEHICLE OPERATION

1. Members of the Auxiliary Unit may operate non-emergency or "unmarked" WPD vehicles for assignments after completing the City's safe vehicle operations course or equivalent.

2. The Chief may designate fleet vehicles to be marked and equipped specifically as Auxiliary Unit vehicles for use of members in the performance of their official duties.

3. Members of the Auxiliary Unit may operate emergency or "marked" WPD vehicles for assignments or tasks, such as shuttling of vehicles, personnel or equipment, but are prohibited from activating the emergency equipment during such operations. Use of marked police vehicles will occur only following approval by a sworn member with the rank of sergeant or higher.

XI. REQUESTS FOR USE OF AUXILIARY UNIT MEMBERS / CALL-OUTS

1. Any sworn supervisor who has a bona fide need for Auxiliary Unit assistance will contact or cause to be contacted the Auxiliary Unit Commander or his/her designee to request assistance. The requesting supervisor will advise:

   A. The number and type of Auxiliary Unit personnel needed;

   B. When, where and to whom the Auxiliary Unit members are to report;

   C. The estimated duration of the assignment; and,

   D. Any other details relevant and significant to the request for service.

2. The Auxiliary Unit Commander or his/her designee will report back to the requesting supervisor, advising the availability, capabilities and estimated time of arrival (ETA) of responding members.

3. Upon completion of the deployment, the Auxiliary Unit Commander or his/her designee will subsequently report the Auxiliary Unit activation and any other relevant details to the Community Education & Outreach Sergeant in a format to be determined by the SSD.

XII. LENGTH OF SERVICE

Auxiliary Unit members may terminate their volunteer service with the WPD at any time. The WPD may terminate personnel from service on the Auxiliary Unit at any time at the discretion of the Chief.

AUTHORITY:

_____
Jeffrey Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 13-01

Subject: **COURT ATTENDANCE PROCEDURES**

Effective Date: January 1, 2016

This General Order contains the following numbered sections:

I. POLICY
II. DEFINITIONS
III. COURT ATTENDANCE REGULATIONS
IV. ABSENCE FROM COURT
V. COURT PAPERWORK REQUESTS AND EVIDENCE SIGN-OUT
VI. CHECKING THE STATUS OF COURT CASES AND BEING PLACED ON-CALL
VII. OFF-DUTY COURT APPEARANCES
VIII. SERVICE OF OFFICER SUBPOENAS
IX. PERSONAL COURT CASES
X. COURT SCHEDULING
XI. COURT CONTINUANCES
XII. PROMISES / ARRANGEMENTS
XIII. CANCELLATION

I. POLICY

Westminster Police Department (WPD) employees will meet their court obligations, both on-duty and off-duty, and will answer all formal notices to appear in court for work-related cases. Members will be fully prepared for court and will conduct themselves in a professional manner during all court appearances. They will testify truthfully and accurately without favor or partiality. The WPD will follow specific procedures regarding the receipt and issuance of subpoenas to ensure consistent court attendance.

II. DEFINITIONS

COURT LIAISON SUPERVISOR (CLS): A Watch Commander assigned to the Field Services Bureau (FSB) designated with the responsibility of coordinating with the court system to schedule, on a bi-annual basis, sworn personnel for District Court dockets

SUBPOENA OR NOTICE: Any properly constituted paperwork which notifies an officer or employee to appear in court, an administrative hearing, or a judicial or quasi-judicial proceeding in matters arising as a result of his/her job duties with the WPD

III. COURT ATTENDANCE REGULATIONS

A. WPD Personnel will be punctual for all court appearances. They will be prepared for a potential trial by having and reviewing all relevant paperwork and evidence, as practical. They will stay in court until they are no longer needed and/or until they are released from court by an authorized member of the State's Attorney's Office (SAO) for those cases that are being prosecuted by the SAO or by the defense when summonsed by the defense.

1. Members are expected to be in the courtroom when the judge takes the bench for payable offenses such as traffic citations, civil infractions, or municipal infractions. It is the employee's responsibility to be in the courtroom when the case is called.

2. For both District Court and Circuit Court criminal cases and must appear traffic cases, employees will contact the prosecuting attorney or victim witness coordinator prior to the start of the docket for direction. It is the employee's responsibility to be in the courtroom when the case is called.

3. If officers will be late due to a call for service, they will notify Communications and request a call to the Court Clerk. They will advise the reason for delay and an estimated time of arrival.

4. Personnel who fail to appear for court without a valid reason may be subject to discipline or performance action.

B. Employees will wear the uniform of the day, business attire, or other approved uniforms as outlined in G.O. 15-03, Uniform and Grooming Standards.

C. Non-uniformed sworn personnel will provide identification upon entry into a courthouse when armed.

D. Cell phones and other electronic devices will be turned off or placed on silent mode prior to entering the courtroom.

E. When required to appear in two (2) courtrooms simultaneously, personnel will notify appropriate court officers and seek resolution.

IV. ABSENCE FROM COURT

A. If ill or unable to appear for court due to an emergency, members will call either the District Court Clerk 410-871-3500 or an appropriate member of the SAO prior to their scheduled court appearance, and provide notification and specific information about their cases scheduled for that docket. If unable to reach these contacts, employees will call the on-duty Patrol Supervisor and make notification. Regardless, they will ensure that they speak to a person versus just leaving a message.

B. Employees assigned to training who receive a court subpoena for the same date will attend court unless they have been excused or placed "on-call" by an authorized SAO member, the defense attorney if summonsed by the defense, or the case is postponed.

C. Personnel will notify the Support Services Division (SSD) Commander as soon as practical (ASAP) following receipt of a subpoena in conflict with a training date. The SSD Commander will determine if affected employees can leave the scheduled training to attend court, or if the training will need to be rescheduled or canceled.

V. COURT PAPERWORK REQUESTS AND EVIDENCE SIGN-OUT

A. Employees will notify Communications Division Staff at least one (1) business day in advance of the court date that they will require paperwork for court. They will complete and provide Communications Division Staff with a *Request for Reports for Court*, which will include the defendants' names, case numbers or citation numbers, and the case types.

B. Employees will notify the Property Management Specialist at least one (1) business day in advance of the court date that they will require evidence for court. They will complete and provide the Property Management Specialist with a *Request for Reports for Court Form*.

C. On court dates, employees will sign out all paperwork and property needed for their case; return all paperwork and property at the conclusion of court; and, complete all required logs.

D. Officers who release any property following a court appearance will ensure that proper procedures and policy are followed regarding chain of custody and release of property.

VI. CHECKING THE STATUS OF COURT CASES AND BEING PLACED ON-CALL

A. The Carroll County State's Attorney's Office (SAO) has provided two (2) ways to determine court case status for the next scheduled court date dockets. Officers may call 410-386-2360 after 5:00 pm the day prior to the court docket to listen to a recording of the status of the next day's court cases. Officers may also check the SAO website, www.carrollcountystatesattorney.org, for this same information, which will be updated by 5:00 pm for the next day's dockets.

B. Employees will check the status of their court cases following one (1) of the above methods to determine if they will be needed for court on the next date. Employees will not request or receive compensation for court attendance for any cases that they were properly notified of excusal.

C. The SAO will, on a case by case basis, allow officers to be placed "on-call" for specific court cases with the understanding that the officers will remain available to immediately respond to court if their attendance is required. Employees requesting to be placed "on-call" for a court case will first secure permission from an authorized SAO member or the defense attorney if summonsed by the defense. They will provide the SAO member with a contact phone number and will remain available to respond in the event they are needed to appear in court.

Note: When off-duty officers are placed "on-call," they will not be compensated for the "on-call" period of time, but will be compensated for their attendance if they are subsequently required to appear in court.

VII. OFF-DUTY COURT APPEARANCES

A. Sworn members required to appear while off-duty will receive compensation at the member's overtime rate. Sworn members attending court on their off-duty time will receive a minimum of three (3) hours of overtime regardless of the amount of time actually spent in court. Members will record the actual time spent in court when completing a *Request for Leave or Overtime Form*.

B. Officers attending afternoon court prior to an evening shift will receive overtime pay until the start time of their tour of duty at which time they will resume their regular hourly wage.

C. Officers will complete *Request for Leave or Overtime Forms* and submit them to the on-duty supervisor with a copy of the subpoena attached.

VIII. SERVICE OF OFFICER SUBPOENAS

A. The Communications Division and the CLS are responsible for the administrative record keeping of all subpoenas and other court notices received by the WPD.

B. All incoming subpoenas and court notices / summonses will be date stamped by the Communications Division personnel upon delivery to the WPD.

C. A Court Summons Log Book will be maintained in the front section of Communications. As subpoenas and other court notices are received by the WPD, the Communications Division Staff will:

1. Log each subpoena/notice in the Court Summons Log Book on the date for the Court appearance This log entry will include:

   (a) Name of the personnel entering the information in the log book
   (b) Date the subpoena / summons was received by the police department
   (c) Officer's name
   (d) Defendant's name
   (e) District/Circuit Court Case Number
   (f) Court docket Time
   (g) Column for the officer's signature acknowledging receipt of the subpoena
   (h) Column for the date the officer signed for the subpoena

2. Send an email to wpdallgroup@westgov.com listing by name all personnel that have new or outstanding subpoenas / summonses to be picked up in the Communications Division.

D Officers and personnel responding to Communications to sign for their subpoena / summons will complete the following:

1. Locate their subpoena / summons in the alphabetical file;

2. Check the court date and locate the appropriate Court Date in the Court Summons Log;
3. Find the appropriate entry in the Court Summons Log and sign for their subpoena / summons in the appropriate column; and,
4. Enter the date they picked up their subpoena / summons in the appropriate column.

E. The CLS is responsible for ensuring that subpoenas and other notices are distributed to employees in a timely fashion. The CLS will:

1. Review the Court Summons Log Book (at least weekly) and follow-up on any subpoenas that haven't been signed for in a timely fashion to ensure that they will be served prior to the court date. This will include timely follow-up contact with employees and/or their supervisors to ensure service.

2. Take note of any subpoenas received for officers who are out on extended leave or otherwise unavailable to attend court, and ensure that the appropriate Court Officers (District Court Clerk or State's Attorney's Office) are notified in a timely manner. This notification will be documented in the Court Summons Log Book, to include the name of the person notified and the result of the notification.

F. All employees will check their email each tour of duty. Upon receipt of an email notification to pick up a subpoena(s), the employee will pick up the subpoena(s) from the Court Summons Log Book in Communications, and will sign and date the log entry to indicate receipt.

G. Watch Commanders / Supervisors will contact and notify their subordinate, who are on leave, training, or other extended absences, of pending court dates.

H. Should anyone attempt to personally serve a subpoena upon an employee, that member should direct the process server to the Communications Division Staff. Regardless, Communications Division Staff should receive each subpoena / notice, so that the record keeping process will be followed. Employees will not accept service for other employees.

I. Should an employee receive a subpoena that would require disclosure of sensitive information, that member will immediately notify the Office of the Chief via chain of command.

IX. PERSONAL COURT CASES

A. Personnel summoned for criminal or civil court proceedings that are not related to the performance of their official duties will not be compensated, and will utilize any necessary leave required to attend the session. Employees will notify their supervisor immediately upon receipt of any such summons.

B. Service of this type of subpoena will not be accepted by anyone other than the person who is named thereon and the service will be made in the same manner as that used for the general public.

X. COURT SCHEDULING

A. The CLS will coordinate and submit District Court dates for all FSB personnel when notified to do so by the District Court. Guidelines will be provided by the District Court to assist in this scheduling.

B. The CLS will attempt to schedule the officers' court dates while they are on-duty. They will consider manpower when scheduling officers from the same squad.

C. Watch Commanders will coordinate with the CLS regarding scheduled vacations, trainings, and other leave to avoid conflicts with requested court dates.

XI. COURT CONTINUANCES

A. Officers will submit requests for court continuances to their lieutenant. A sworn member the rank of lieutenant or higher will submit a court continuance request letter to the SAO with copies sent to both the

District Court and the Circuit Court Clerks' Offices. The form letter for this purpose may be located on the shared drive (K:)SHARED/POLICE/SHARED/FORMS.

B. If subpoenas are received after officers have been approved for leave, officers must still appear for court unless the case is continued or they are officially excused. Officers will be compensated at the off-duty overtime rate.

C. Supervisors cannot excuse officers from court attendance once they have been served with a summons, regardless of the lateness of notification.

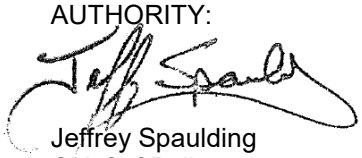
XII. PROMISES / ARRANGEMENTS

Personnel will not become involved in any promise or arrangement between a defendant and victim with the intention of affecting the result of the trial without the direct involvement of the SAO. Personnel will not attempt to obtain the dismissal of a case or any leniency for the defendant unless done with the knowledge and approval of the SAO.

XIII. CANCELLATION

This General Order cancels and replaces General Order K-1 entitled, Court Attendance and Demeanor, – Revised November 1, 1992

AUTHORITY:



Jeffrey Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 14-01

Subject: **DEPARTMENTAL REPORTING PROCEDURES**

Effective Date: November 1, 2016

This General Order contains the following numbered sections:

I. POLICY
II. REPORTING PROCEDURES
III. NO REPORT SYSTEM
IV. TELEPHONE REPORTING
V. TRANSFER OF INVESTIGATIVE RESPONSIBILITY
VI. REPORT REVIEW
VII. RECORDS SECTION PROCEDURES
VIII. FORMS CONTROL
IX. CANCELLATIONS

I. POLICY

Departmental reports are the primary recording method for documenting information and activity. The content of written reports and other forms is critical to the successful management of information. Reports and other forms shall be completed and submitted in a timely manner. All available and pertinent information shall be documented accurately and completely in an organized fashion.

II. REPORTING PROCEDURES

A. Personnel authorized to write reports shall make records of all relevant actions, whether in response to a request for service or for self-initiated actions. Documentation may include information recorded in the Computer-Aided Dispatch (CAD) system, written reports, or departmental forms.

B. A written report will be completed for all collisions, offenses, arrests, searches of persons and/or vehicles, frisks, all incidents at licensed liquor establishments, and activities which are not listed in Section IV of this Order and Section IV. F. of General Order 2-1, entitled "Collision Investigation."

C. Complete, accurate and timely documentation is essential to ensuring that the facts of any incident are captured and that our actions are fully articulated and explained. **Each officer who is involved in any incident that requires a report will document his/her actions in a supplemental report. Actions include any relevant observations made by the officer.**

D. Reports will be neat, legible, accurate, complete, timely and consistent with this general order.

E. All reports and records maintained to document police activity will contain at a minimum the following information:

1. Date and time of the initial reporting;

2. Full name, date of birth, race, sex, address, and work and home telephone numbers of the complainant(s), victim(s), witness(s), suspect(s), or party/parties of interest unless refused or unattainable;

3. Date and time of the incident;

4. Nature of the incident; and,

5. Any action taken.

F. Every incident report will include a separate report number issued from the CAD system via the Communications Division. Supplemental reports will be written under the original report number.

G. Employees will normally complete required incident reports prior to the end of the employee's shift. Exceptions may be granted on a case-by-case basis by the shift supervisor. **Exceptions will be completed prior to the conclusion of the officer's consecutive tours of duty.** If an exception is granted for a "Part 1" offense, the Watch Commander will provide a summary of the incident in the "End of Shift" (EOS) Report, and will indicate that the report will be forthcoming as soon as practical.

H. The primary investigator will include a case status recommendation at the end of every report.

I. Employees will complete their reports in "signed" status in the Records Management System (RMS) as soon as practical to allow supervisory review and approval. Detectives may leave reports in "draft" status as appropriate during ongoing investigations per Criminal Investigations Bureau (CIB) protocol until the report is ready for submission at which time it will be completed in "signed" status.

J. Officers must submit supplemental reports for incidents under active investigation **every ten (10) calendar days** or earlier if directed by a supervisor. The officer's supervisor will monitor active investigations and supplemental reports due in the Case Management module of the RMS.

K. Retaining any original reports, statements, documents or attachments in personal or investigative files is prohibited, with the following exceptions:

1. Completed Internal Affairs investigation paperwork will be filed and secured by the CIB/IAD Commander in a manner consistent with General Order 15-02, Internal Investigation Process. Documentation related to active cases must be stored in a secure and confidential manner by the case investigator.

2. Narcotics Section investigative paperwork which is considered "confidential" will be filed and secured within the CIB with the approval of the CIB Commander. Reports relating to incidents that are "on view" will be entered in the RMS, and will be completed by the end of the investigator's next scheduled work day.

3. With the approval of the Bureau Commander, sensitive investigations may be completed within the RMS and imported in a "locked" status.

III. NO REPORT SYSTEM

A. The purpose of the No Report (NR) System is to eliminate written reports when such documentation would serve **no useful purpose** to the police mission.

B. The following incidents may receive an **NR** classification**:**

1. Alarms that are accidental, faulty (building secure), weather related, or due to a power outage or negligence. Information is required (name and date of birth) on the person interviewed at the scene, or if the night reference responds. Once the dispatcher adds the information, the call can be coded to the CAD narrative for the call. The appropriate codes are:

a. Accidental / Negligence

b. Faulty (building secure)

c. Weather related

d. Power outage

2. 911 hang-ups, unfounded or accidental (intentional abuse excluded)

3. Abandoned vehicles: When a code violation exists, the on-duty Watch Commander will forward the MVA information to the Code Enforcement Officer for follow-up. An incident report is not required; however the follow-up should be noted in the CAD narrative.

   If the abandoned vehicle is on a public street or public parking lot, a warning shall be placed on the vehicle for "Using Street for Storage." The officer will follow-up after forty-eight (48) hours at which point a citation should then be issued. A Tow Report is required if the vehicle is towed and stored by the Westminster Police Department (WPD).

4. Recovered property of minimal/no value.

   a. This applies to recovered property of minimal/no value which has no evidentiary value and for which (1) the owner is not known, or for which (2) there are no identifying marks or other information to assist to the identification of the owner. Typical examples include items of clothing, minor amounts of CDS and/or paraphernalia, obvious costume jewelry etc.

   b. Officers will request a case number for "Property Recovered". They will also direct the Dispatcher to include a brief description of the property in the CAD narrative along with a notation that the property was placed in the Property Room (I.E. "tan sweater placed in the Property Room"). The call will then be cleared as NR / "Services Rendered".

   c. The officer will package the property appropriately and mark it with the case number. The officer will then complete a Property Submission Form and submit the property to the Property Room marked for destruction.

5. Motorist assist / disabled vehicle;

6. Notifications (Death Notifications excluded);

7. Escorts;

8. Traffic control detail;

9. Traffic/Road hazards (when vehicles are not towed);

10. Fire Department assists (except where emergency medical care is provided by the reporting member or when forced entry is necessary);

11. Medical emergency assists (DOA's, suicides, industrial accidents, and incidents where the reporting member provides emergency medical care are excluded);

12. Domestic assists (defined as assisting a person or group of persons gather belongings, relay information, etc.);

13. Certain motor vehicle collisions in accordance with G.O. 2-01, Collision Investigation (Collisions with no personal injury and no vehicle tows / Officer must give the dispatcher the vehicle registration information of the vehicles involved before clearing the collision

scene);

14. Police information calls - when documentation would have no legitimate value ("Police Information" calls are just what they sound like. The reporting person has information he/she thought to be relevant for police. The officer determined that the information did not require documentation. **Other calls for service, "NR" or not, should not be cleared "Police Information." They should be cleared with the appropriate description for the call type. If calls classified as "Police Information" receive an "NR" disposition, the officer handling the call will provide the Dispatcher with a brief explanation of the circumstances to be documented in the CAD record for the call.**);

15. Suspicious subject/vehicle calls when an officer made contact and verified the activity as legitimate;

16. Police assist calls (when documentation would have no legitimate value);

17. Other non-criminal incidents when the complainant is unknown or does not request contact by the responding officer and the officer is unable to verify the existence of criminal activity or problems.

C. An officer or a supervisor may require a written report to be completed on any incident, regardless of its eligibility for an NR classification.

D. Officers assigning an NR disposition to a dispatched call will notify the Dispatch Center immediately after clearing the scene of the incident and indicate one of the following disposition codes to be included in the CAD narrative:

Service Calls:

- GOA - Gone on arrival;
- UTL - Unable to locate;
- NPA - No police action;
- Services rendered;
- Unfounded; or
- Handled by other agency.

Alarm Calls:

- Accidental / Negligence;
- Faulty (building secure);
- Weather related; or
- Power outage.

NOTE: The name and date of birth of a representative, if any is contacted, shall be given to Dispatch and recorded in the CAD narrative for the call.

E. It is important that the information recorded in the CAD system be accurate. An officer may reclassify a dispatched call if the facts at the scene indicate that another classification is more appropriate. Calls shall be reclassified as follows:

1. The officer will notify the dispatcher of the correct classification.

2. A report will be written (Report to Follow – RTF), or the incident cleared NR, according to the classification.

F. **Reports will not be downgraded and cleared NR or reclassified to avoid the completion**

of any required report.

G. As a general rule, officers will complete the required written report for every **insight** (self-initiated) event for which a case number has been requested; however, incidents listed in Section III. B. and other minor, non-criminal incidents where no significant information is gained do not require a report. Services previously requested by a person or party where an incident report number is required, may be cleared NR by the officer upon completion of the service.

EXAMPLES:

1. *WRITTEN REPORT REQUIRED*

   a. *An officer initiates a traffic stop for an equipment violation, discovers that the operator is inebriated, and makes an arrest for Driving Under Influence. A report number is assigned for "DUI" and a report is written.*

   b. *An officer on routine patrol discovers an unattended vehicle disabled in the middle of a roadway* ***and has the vehicle towed*** *because it is a traffic hazard. A report number is assigned for a "traffic hazard" and a report is written.*

   c. *An officer on foot patrol discovers an unsecured door at a shopping center and conducts a building search. A report number is assigned for an "open door" and a report is written.*

2. *WRITTEN REPORT NOT REQUIRED*

   a. *Five officers are assigned to a traffic post at McDaniel College for one hour. If a number was not previously assigned for the service, the officer in charge of the traffic post will request a report number for a "Traffic Assist" and NR the call with a disposition code of "services rendered."*

   b. *An officer is assigned to a school crossing because a crossing guard is on sick leave. If a number was not previously assigned for the service, the officer will request a report number for a "School Crossing" and NR the call with a disposition code of "services rendered."*

   c. *A State trooper investigating a collision requests assistance for traffic control. The assisting officer will request a report number for "Police Assist" and NR the call with the disposition code of "services rendered."*

   d. *An officer on routine patrol happens upon a disabled motorist and gives the motorist a ride to a service station. The officer will request a report number for "motorist assist" and NR the call with the disposition code "services rendered".*

H. **ONLY THOSE INCIDENTS WHICH ARE ENUMERATED IN SUB-SECTION III.B. MAY BE GIVEN A NO REPORT CLASSIFICATION (NR).**

IV. TELEPHONE REPORTING

Telephone reporting may be used as an alternative to dispatching a patrol officer to the scene of an incident. The below procedures are intended for sworn police personnel only. Civilian police personnel are not authorized to take a report via telephone.

A. The following criteria will be used to determine if an offense/incident will be handled through the telephone reporting procedures. All of the below listed criteria must be met in order to obtain information for a report via telephone.

   1. The offense/incident being reported must be included among those designated as eligible for telephone reporting (see Section B below).

   2. The offense/incident must neither be in progress nor have just occurred (within the last thirty minutes for any criminal incident).

3. The suspect must be unknown (except for Unauthorized Use reports).

4. There must be an absence of solvability factors (i.e. witnesses, physical evidence, and tag number of suspect's vehicle or any other information which may assist in a suspect being identified).

5. The incident must not deal with **hate-bias crimes or incidents.**

B. Offense/Incident Categories Eligible for Telephone Reporting:

1. **Animal Complaints**: May be taken by telephone reporting procedures, outside the normal business hours of Animal Control, only when the owner and location of the animal are known, UNLESS:

   a. The incident involves injuries caused by the animal; OR,

   b. The animal is loose on or near a roadway and poses a hazard; OR,

   c. The animal is believed to be rabid or is exhibiting symptoms of being rabid.

2. **Breaking and Entering:** of residential sheds, unless the shed is attached to the residence.

3. **Calls from complainants outside of the jurisdiction of the Westminster Police Department:** when the incident occurred within the boundaries of the jurisdiction of the Westminster Police Department and it is not feasible to dispatch a police officer to the caller's location. The exception will be incidents requiring crime scene processing.

   NOTE: In the case where an immediate investigation is needed, the officer taking the report will, as soon as possible, notify the on-duty patrol supervisor.

4. **Destruction of Property:** unless:

   a. The estimated damage is $300 or greater; OR,

   b. The incident occurred within the past thirty (30) minutes; OR,

   c. There are multiple victims (more than 2).

5. **Lost Property.**

6. **Police Information:** (If unsure as to the seriousness of the incident, the officer taking the report should contact a supervisor for disposition.)

7. **Supplemental Reports.**

8. **Suspicious subjects, vehicles, noises or condition:** unless the incident occurred within the last two (2) hours.

9. **Tampering With Vehicle**.

10. **Telephone Misuse:** with or without suspect information, unless:

    a. The incident involves bomb threats; OR,

    b. There is a clear threat of physical danger; OR,

    c. There are multiple (repeated) cases requiring an in-depth investigation.

11. **Theft**: unless:

a. The theft exceeds $1,000; OR,

b. The incident involves a Vehicle Theft, Internal Theft, "Flim-Flam", Fraud, Theft by Deception or Shoplifting.

12. **Unauthorized Use of Vehicles**.

13. **Lost/Stolen Tags:** only if:

a. Both tags or a single issue tag is lost/stolen;

b. When a vehicle is issued two tags and only one tag is lost or stolen, a report will not be taken until:

(1) The remaining tag is returned to MVA and a copy of the turn-in receipt is given to the officer taking the report; OR,

(2) The remaining tag is turned in to the Westminster Police Department.

NOTE: When the MVA receipt or remaining tag is given to the officer, the officer will initiate and complete a report, including a stolen tag computer entry.

14. **Theft from Vehicles:** unless there are multiple victims (more than 2).

C. The Communications Division will screen calls for telephone reporting applicability when a telephone reporting officer is available. Calls meeting the criteria will be forwarded to an available officer.

D. The call taker will advise the complainant that an officer will return the call within two (2) hours. Call takers will obtain home and work phone numbers, if appropriate.

E. Completed reports will be “signed” in the RMS system and forwarded to the officer’s squad supervisor for approval.

F. Follow-up reports requiring immediate follow-up will be forwarded promptly to the on-duty patrol supervisor.

G. Reports requiring routine follow-up will be captured in the Case Management Module of the RMS.

H. The on-duty patrol supervisor will determine if an officer is to respond to a call that fits the telephone reporting criteria and the complainant is requesting an officer.

I. The telephone reporting procedures may be expanded to include other incidents during times of unusual operational demands. Such expansion may be authorized by the shift supervisor.

J. The telephone reporting procedures may be temporarily suspended by a Captain or above if a pattern of incidents or other factors indicate that it is appropriate to do so.

K. If an officer receives a call for telephone reporting and a patrol officer should be dispatched to either handle the entire call or to process the scene, the officer will contact the on-duty patrol supervisor to assign of the call.

V. TRANSFER OF INVESTIGATIVE RESPONSIBILITY

It is sometimes necessary and appropriate for investigations originating within the Field Services

Bureau (FSB) to be reassigned to Detectives of the CIB for further investigation. It is important that the originating officer be informed of the transfer of investigative responsibility in a timely fashion. Notification will be made via email as soon as practical by the CIB Commander (or designee) to the original investigating officer, his/her supervisor and the FSB Commander. Once this notification is made, the original investigating officer will take no further action relating to the investigation without the prior authorization from the assigned CIB investigator.

VI. REPORT REVIEW

A. Supervisors are responsible for the quality control of all reports, forms and documents completed by subordinate personnel.

B. As soon as practical, supervisors will review reports to ensure their completeness and accuracy. Per RMS protocol, supervisors will "approve" and "import" electronic reports following review and approval. Paper documents will be forwarded to the Records Section for scanning/filing.

Supervisors will correct any improper classifications and disposition codes, and will follow up with subordinates to ensure that all other corrections are made in a timely fashion. Supervisors will also ensure that reports have been written by each officer required to do so for the incident.

C. Supervisors reviewing reports will check for neatness, legibility, accuracy, completeness, timeliness, consistency and thoroughness of investigative and/or police action.

D. Reviewing supervisors will ensure a case status is included in the appropriate field of the offense report and in the narrative at the end of a supplemental report.

E. Supervisors will, in a timely manner, have all deficiencies and errors corrected before reports, forms or documents are forwarded to other levels of command or other sections of the Department.

F. The reviewing supervisor will indicate approval of the document in the appropriate area of the electronic report. Supervisory approval indicates accountability for the written content, accuracy, completeness and timeliness of the document.

G. Supervisors will "reject" incomplete, illegible or otherwise unacceptable reports. The corrected report will be returned to the rejecting supervisor as soon as practical for approval and importation into the RMS.

H. Supervisors will ensure that any follow-up investigations are assigned, conducted and documented within the specified time requirements. Supervisors will utilize the Case Management Module within the RMS to track open investigations and any "supplements due" for each member of their assigned work group.

I. Patrol Supervisors will ensure that officers in their work group maintain a current and accurate Daily Activity Report in electronic or paper format. Supervisors may use RMS, Delta and other resources to verify data. Officers will update the report prior to securing from duty on each day the officer works.

VII. RECORDS SECTION PROCEDURES

A. The Telecommunications Supervisor (TS) is the Records Custodian for the WPD. The TS has primary responsibility for the proper control, maintenance, retrieval and distribution of police documents, reports and information. The TS is also responsible for processing criminal/civil documents that are delivered to the Department for service.

B. Communication Division employees may release requested Incident Reports during normal business hours following approval from the Records Custodian. If a report request is made during non-business hours, and the report is needed immediately, the Watch Commander may release the report, subject to Department policy, and in compliance with state and federal law.

C. Employees will not access information, reports or files without an official reason or "need to know." Any unauthorized or improper access of police reports, files or information will be considered as a breach of discipline. Supervisors or commanders may access information for the purposes of case review, investigation or quality control.

D. Employees will not release any reports, photographs, documents, other files or any information contained in reports or files in a manner inconsistent with this policy or law. A completed Request for Report Form or a Subpoena is required to release documents to anyone other than an authorized representative of a law enforcement agency or the State's Attorney's Office.

VIII. FORMS CONTROL

Any employee who develops a new form will submit it via the chain of command to the Deputy Chief for approval.

IX. CANCELLATIONS

This General Order cancels and replaces General Order D-7, Departmental Reporting System dated September 1, 2004.

AUTHORITY:

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Jeffrey Spaulding
Chief of Police

Appendix A: Request for Report Form

WESTMINSTER POLICE DEPARTMENT

General Order: 14-02

Subject: **MOBILE DATA COMPUTER PROGRAM**

Effective Date: February 1, 2008

This General Order contains the following numbered sections:

I. POLICY
II. RESPONSIBILITIES
III. PROCEDURES

I. POLICY

It is the policy of the Westminster Police Department (WPD) to utilize Mobile Data Computers (MDC) to assist Officers in the performance of their assigned duties. MDCs shall be utilized in a manner that provides for maximum officer safety and for safekeeping of the MDC.

II. RESPONSIBILITIES

A. The Deputy Chief will coordinate the issuance, maintenance and repair of MDCs with the Office of Technology Services (IT). The Deputy Chief is also responsible for communication and interaction between federal, state and local agencies that support the MDC Program.

B. The Support Services Division (SSD) Commander will coordinate MDC-related training, and, in conjunction with IT, will conduct random administrative security checks of the MDC system to ensure that all necessary security procedures are being followed.

C. MDC users shall report via e-mail to TechnologyHelpdesk@westgov.com, by the end of their shift, all MDC-related issues or problems for review and resolution with a copy sent to the Deputy Chief.

D. MDC users are responsible for maintaining all certifications, which allow access to CJIS, Police Mobile and other databases retrievable by an MDC.

E. The Communications Division Supervisor will notify the SSD Commander as well as the member's supervisor of any user who has a lapse in CJIS certification.

F. MDC users shall attend all scheduled MDC-related training when notified. Should a conflict exist between scheduled training and another assignment, the MDC user shall inform his/her supervisor of the conflict. The supervisor will ensure that the SSD Commander is contacted and that the conflict is resolved.

III. PROCEDURES

A. MDC usage is restricted to those members who have been properly trained and certified to operate the CJIS and Police Mobile systems.

B. FSB Officers shall sign in to Police Mobile at the start of their assigned shift or overtime assignment, and shall remain signed on for the duration of the assignment.

C. If an Officer will be out of his/her assigned vehicle for an extended period of time, he/she shall advise Communications via police radio to have his/her location recorded in the CAD.

D. Members' passwords to access the Police Mobile system and CJIS shall not be shared or made known to any other individual. Members who have reason to believe that their password has been compromised shall immediately notify the SSD Commander and will change their password utilizing the procedures outlined during MDC training. Attempts by any member to utilize an MDC or gain access to Police Mobile or CJIS with another member's password are strictly prohibited.

E. All members utilizing an MDC to access CJIS shall have a current certification to access the system. Members who do not have current CJIS certification will not attempt to use the CJIS functions.

F. Damage to an MDC or any component part of an MDC to include the processor, keyboard, monitor, modem, antennae, cables or mount shall be reported immediately to the member's supervisor and to the Deputy Chief.

G. Officers are prohibited from altering, manipulating or deactivating any functionality available on their assigned MDC. If any adjustments or changes are necessary, the user will coordinate these changes with the SSD Commander and IT.

H. MDC users shall only utilize the MDC for official business purposes, consistent with Departmental training and regulations as established by CJIS and Police Mobile, as well as City and Departmental guidelines relating to the use of communications equipment.

I. The temporary or permanent installation or usage of software, hardware, peripheral devices, screen savers or the attachment of any object in or on an MDC or one of its component parts is prohibited, without the prior written approval of IT.

J. The safe operation of a police vehicle shall always be the driver's primary responsibility. **The use of the MDC shall always be secondary to the safe operation of the vehicle**. Drivers shall carefully consider the need to safely stop the vehicle before using the MDC, if such use is going to divert the officer's attention from the safe operation of the vehicle.

1. In motion, MDC usage is only authorized **when it will not impair the driver's ability to safely operate the vehicle**, and shall generally be limited to:

   a. Running a time-sensitive inquiry (i.e. driver's license, registration, wanted checks)

   b. Limited keystrokes, acknowledging a message, when a delay would be unreasonable.

Collisions involving the use of the MDC in violation of this policy will be handled through the Department's administrative and disciplinary processes.

K. Members will only hand-wash or use **approved automatic car wash facilities** to wash MDC-equipped vehicles. The brushes at some car wash facilities will damage the roof-mounted antenna. Members will **not unscrew the roof or glass mounted antenna,** as it will damage the internal contacts of the antenna.

L. Security responsibilities for portable laptop computers:

1. All MDCs not personally assigned to a member will be stored in a locked cabinet in the Officer's Room or in the Criminal Investigation Bureau (CIB) when not in use. Supervisors and managers will be provided with keys permitting access to the MDC storage cabinet. Spare MDCs will be signed out and signed back in utilizing the MDC Log Book. The supervisor issuing or receiving the MDC will sign and date the MDC Log Book. Any damage to the MDC will be noted in the Log Book by the supervisor issuing or receiving the MDC.

2. The MDC must be locked in the vehicle mount or trunk of the police vehicle when an officer

will be away from the vehicle for more than **one hour**, unless the member is on a call for service, at a police facility or in court.

3. When an MDC-equipped vehicle is delivered for maintenance, the MDC must be removed from the vehicle prior to leaving the vehicle at the service facility. Officers shall store MDCs in a secure location when not in use.

4. For officer safety, the MDC should always be secured in the vehicle mount, if so equipped, and in line with the center console so as to not interfere with the operation of the passenger side air bag.

5. Officers found in violation of this policy may be subject to the disciplinary process.

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AUTHORITY:

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Jeffrey Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 15-01

Subject: **CODE OF CONDUCT**

Effective Date: January 21, 2009

This General Order contains the following numbered sections:

I. **POLICY**
II. **PURPOSE**
III. **FUNDAMENTAL EXPECTATIONS**
IV. **RULES OF CONDUCT**
V. **EXPECTATIONS OF SUPERVISORS AND COMMANDERS**

I. POLICY

The policy of the Westminster Police Department (WPD) is to ensure that all personnel maintain the highest standards of integrity and professional police conduct in their relationships with citizens and co-workers. The rules of conduct contained in this order are designed to serve as a professional standard for conduct as well as to protect certain basic individual rights of members and employees. These rules are founded on the proposition that police have been given a special trust by the people and have an equally special obligation to account for the exercise of that trust.

II. PURPOSE

This Order sets forth specific rules which govern the conduct of all Departmental personnel.

III. FUNDAMENTAL EXPECTATIONS

There are certain fundamental expectations of members of the Department. These expectations include:

A. Selflessness and Dedication

The giving of one's self to the community has been the foundation of law enforcement for generations. Selflessness exists in the dedication, actions and demeanor of personnel in servicing those in need and in devoting themselves to the agency's mission. Selflessness should not create within any employee an attitude that family and individual development are secondary to professional service. Such an attitude is detrimental to the employee, the Department, and community. The Department expects all personnel to maintain a reasonable balance between dedication to the agency's mission and their personal and family life.

B. Loyalty

The Department recognizes that there are many kinds of loyalty in the law enforcement profession. Throughout their careers, employees are faced with difficult decisions which test these loyalties. The Department expects each employee to be loyal to the principles of the law enforcement profession, the mission of the Department, and the oath of office. Prior to assuming a sworn status, officers shall take and subsequently abide by the Oath of Office.

C. Attention to Duty

An employee's professional responsibility is fulfilled by faithfully and diligently performing assigned tasks and meeting all the expectations of their job description. Anything less violates the trust placed in all personnel by the community and qualifies as unprofessional conduct. Personnel are expected to perform assigned tasks throughout their full tour of duty.

D. The Proper Use of Discretion

The proper use of discretion is an important part of responsible law enforcement in today's society. Each member of the WPD is responsible for the appropriate use of that discretion after carefully considering the guidance given by the written policies, rules and regulations of the agency and the applicable laws which all officers are sworn to uphold.

1. The appropriate use of discretion must be based on the facts known to the member at the time of the incident, the member's knowledge of the circumstances of the situation, training and experience and what is in the best interests of the Department, the community, and the parties involved.

2. Personnel are advised, as time and conditions permit, to consider supervisory consultation regarding the use of discretion at times when such actions would be furthering the interests of all concerned.

E. Demeanor and Bearing

The actions, appearance, and attitude presented by personnel determines, to a large degree, the respect bestowed on the Department and the profession. All personnel will present themselves in a professional manner designed to promote and maintain public respect.

F. Information Management

Successful communication is the responsibility of all personnel and is the foundation for a cooperative, efficient work environment and effective decision-making. Regardless of rank or position, all personnel have a right to timely, complete, and honest communication. The Department requires all supervisory personnel to make every effort to provide information to personnel on all matters of relevance to them. The Department also requires that all personnel seek out information which is needed to resolve concerns or to improve their work environment, performance, the accomplishment of Departmental goals, or interaction with others.

Members shall treat the official business of the Department as confidential. Information obtained in an official capacity shall only be disseminated to those who have an official need to know. When authorized access is not available, members shall not misuse their authority to obtain information.

IV. RULES OF CONDUCT

Departmental rules are designed to address situations where no deviation or flexibility is permitted. Therefore, personnel must familiarize themselves with and adhere to the following rules:

A. **Conformance to Policy**

Personnel shall not commit any act or fail to perform any act which constitutes a violation of any Departmental policy, without good cause or exigent circumstances. In addition, all personnel shall cooperate fully with any internal or criminal investigation, consistent with the law and the Law Enforcement Officers' Bill of Rights.

B. **Conduct Unbecoming/Rudeness**

As the most visible representatives of government, all personnel must display unblemished professional conduct. To that end, they are duty bound to avoid excessive, unwarranted, or unjustified behavior that would reflect poorly on themselves, the Department, or the City government, regardless of rank or duty status. Personnel will refrain from using harsh, violent, profane or derogatory language unless it is deemed essential to a specific assignment. All personnel shall be courteous and respectful in dealing with the public, using "Sir" or "Ma'am" as appropriate.

C. **Conformance to Laws**

Personnel shall obey all local, state and federal laws and the laws of any foreign country which they visit. Any employee or member who is charged with a criminal violation, whether by arrest, other charging document or significant motor vehicle violation as described in Section 26-202 of the Maryland Transportation Article, will notify their supervisor within twenty-four (24) hours. If the first notification is verbal, written notification will be made to their supervisor on their first day back to work. Any member who becomes the subject of a criminal investigation shall also notify the member's supervisor as soon as practical, but not to exceed twenty-four hours.

1. Any misdemeanor or felony conviction shall be prima facie evidence of violation of this section, except when an officer is convicted by a court for the proper performance of his duties, while being exonerated by Departmental investigation. Departmental action shall not be contingent upon placement of criminal charges or a conviction.

2. A member shall immediately report the suspension, revocation, cancellation, refusal or expiration of a member's driver's license. The confirmation of that fact may constitute prima facie evidence of violation of this policy.

3. Members with personal knowledge of any member who violates local, state, federal or another country's laws or statutes shall notify their supervisors immediately.

D. **Command Notification**

It is the duty of all members to ensure that appropriate notification is made in the event that an incident or situation occurs that either creates, or has the potential of creating, a heightened community interest or poses potential liability to the WPD or the City. Members shall make immediate notification to their direct supervisor, who shall ensure the timely notification to the Chief of Police, via their Chain of Command. As appropriate, additional guidelines and procedures are provided in applicable WPD directives.

E. **Punctuality**

Personnel shall report for duty at the time and place required by assignment or orders. Court subpoenas, writs and other subpoenas resulting from official actions constitute an order to report for duty under this section. All scheduled training functions and approved uniformed off-duty security details are to be considered a duty assignment and are therefore subject to the rules of this section. Members shall not leave prior to the scheduled end of an assignment without proper approval.

F. **Performance on Duty**

On-duty personnel shall not engage in activities or personal business which causes them to neglect or be inattentive to their official duties. Personnel shall not leave their duty assignment without the approval of their supervisor. This does not preclude officers from leaving their beat to respond to emergency calls or provide backup if none is available when necessary. The Communications Division should be notified as soon as practical when an officer leaves the officer's assignment. Personnel shall remain alert at all times while on duty. Sleeping while on-duty is prohibited. If unable to remain alert, they shall report that information to their immediate supervisor who shall take appropriate action.

G. **Injury or Illness Report**

Personnel shall not feign illness or injury, or falsely report an illness or injury, or otherwise attempt to deceive the Department about their health. All personnel shall immediately report to their

supervisor, in writing, any health condition or of the consumption of any prescription or non-prescription medication which might adversely affect their ability to perform their duties.

H. **Performance Level**

Upon completion of approved training, personnel shall remain competent to perform their duties and to assume the responsibilities of their assignments and shall perform their duties in accordance with Departmental standards. Lack of knowledge, an unwillingness or inability to perform assigned tasks, failure to conform to established requirements of their position, rank, or grade, or failure to take appropriate action where required constitute unsatisfactory performance.

I. **Alcoholic Beverages**

No member shall purchase or consume alcoholic beverages while on duty. Off-duty personnel shall not purchase or consume alcoholic beverages while in uniform. No alcoholic beverages, other than properly stored evidence or recovered property, will be kept in any Departmental facility or vehicle. This does not include bona fide training assignments; Narcotics Section props involving alcohol, which may remain in their vehicles; or departmentally sanctioned events in which transport is authorized.

J. **Insubordination**

Members will obey any lawful order given by a supervisor or other person designated to be in command. If a member is given an order that conflicts with an existing order that the member is obeying, the member will notify the superior giving the order of the conflict. If the second order is repeated, it will stand.

K. **Conduct With Departmental Personnel**

Employees and members of the Department will treat each other with the respect and courtesy due every individual in a professional work atmosphere. No member or employee will address another in profane, threatening or abusive language. When referring to another member or employee in public, that person's rank, title or position shall be used. Members shall not be referred to in conversation in any type of derogatory or negative manner. Personnel shall not maliciously threaten, verbally or physically assault, strike or sexually harass any employee or member of the Department. Personnel who aid, abet or incite any altercation between other personnel shall be held responsible along with those actually involved.

L. **Gratuities**

No compensation, reward, gift or other consideration shall be solicited or accepted by any officer without special permission of the Chief of Police. This prohibition includes, but is not limited to: money, tangible or intangible property, loan or promise of loan or any service. This does not preclude accepting unsolicited items which are given to or available to the general public and not just to police officers. This prohibition does not cover charitable fund raising activities which have been approved by the Chief of Police, such as Maryland Special Olympics or "Shop with a Cop" or bona fide activities of the Fraternal Order of Police when not officially representing the Department.

M. **Abuse of Position**

Personnel shall not use their official position, Departmental identification cards or badges for personal or financial gain, or to obtain privileges not otherwise available to them or for the benefit of others. Personnel shall not lend their identification cards or badges to anyone, nor shall they allow them to be reproduced without approval. Personnel may not authorize the use of their names, photographs or official titles which identify them as Departmental employees, in connection with testimonials or advertisements, without the prior written approval of the Chief of Police. Personnel shall not attempt

to influence other Departmental personnel, for their benefit or that of any other person, to secure a promotion or transfer, or to avoid penalties for improper actions.

N. **Identification**

Members shall carry their badges and identification cards on their person whenever they are armed. When on duty or acting in an official capacity, members will give their name, identification number, or display their photo identification to anyone who requests it. This does not include officers in covert assignments or those in assignments which would be jeopardized by divulging such information.

O. **Requests for Assistance**

Any report, complaint or request for assistance will be handled courteously, professionally and in accordance with Departmental procedures. Members will promptly come to the aid of any Officer or Departmental Personnel who, when carrying out official duties, is in need of assistance.

P. **Discrimination and Harassment**

Personnel shall not discriminate against, nor harass, any citizen or coworker for any reason including race, color, national origin, religion, or sex as prohibited by local, State and Federal law. Personnel shall not take nor contribute to any reprisal against any individual or group of individuals who have opposed discriminatory practices, or have participated or assisted in an investigation or proceeding brought under Department policy, or County, State or Federal law.

Q. **Associates**

Personnel shall not associate, consort with, or be seen in the presence of persons whom they know, or should know, are convicted felons or habitual misdemeanants, under criminal investigation, indictment or have a reputation in the Department or the community for criminal behavior. This does not include contact in an official capacity or when unavoidable because of family relationships.

R. **Visiting Certain Establishments**

Personnel shall not visit, enter or frequent any establishment, residence or location where local, State or Federal laws are regularly violated, except in the performance of their official duties.

S. **Public Statements and Appearances**

Personnel shall not publicly criticize or ridicule the Department, its policies or other employees when such action undermines the effectiveness of the Department, interferes with the maintenance of discipline, or is disruptive to the efficient administration of government. This shall not be used to inhibit the employees' right to free speech. Personnel may address public gatherings, appear on radio or television, or publish articles as long as they do not present themselves as representing the Department in such matters, without prior written approval from the Deputy Chief of Police or the Chief of Police.

T. **Labor Activity**

Personnel have the right to join labor organizations. Personnel may not engage in any strike or work stoppage. This includes the concerted failure to report for duty, willful absence from one's position, unauthorized leave, sickness which is unsubstantiated by a physician's note when required, the stoppage of work or the abstinence, in whole or in part, from the full, faithful and proper performance of the duties of employment.

U. **Contact Information**

Members shall provide their most up-to-date contact information to the Department including a phone number where the member can immediately be reached. Any change of address or phone number shall be reported within 24-hours. This information will be treated as confidential and shall not be released outside the Department.

V. **Dissemination of Information**

Personnel shall treat the official business of the Department as confidential. Information will only be disseminated to those who have an official need to know.

W. **Intervention in Cases**

Personnel shall not interfere with cases being handled by sworn members of the Department or any other government agency unless:

1. Ordered to intervene by a supervisor; or

2. The intervening individual believes beyond a reasonable doubt that an injustice would result from failure to take immediate action; or

3. Such intervention is required as a result of supervisory or command responsibilities.

X. **Truthfulness**

Personnel shall truthfully answer all questions specifically directed and related to the scope of their employment and of the operations of the Department. Members are prohibited from intentionally making any verbal or written false statements (unless in conjunction with an allowable police practice or as legally permissible in the course of one's duties). Personnel shall not knowingly enter or cause to be entered, any inaccurate, false or improper information nor omit any information that is pertinent to the subject on any Departmental document, computer or recording device. Members shall not knowingly withhold information relevant to an incident, investigation or situation.

Y. **Use of Tobacco**

When in uniform, personnel shall not use tobacco if they are in formation or engaged in traffic control. Personnel will obey City and State regulations prohibiting smoking in City buildings and in certain public places. When in contact with a citizen, uniformed personnel will exercise good judgment regarding the use of tobacco.

Z. **Internet Activities**

Any online activity that may reflect poorly on the Department is strictly prohibited. Members are to be cautious when identifying themselves as members of the Department on the internet (i.e., appearing in uniform, displaying patch or badge, displaying Department vehicle). Members are prohibited from displaying any activities on-line that would otherwise constitute a violation of the Code of Conduct.

AA. **Whistle Blower Protections**

A member may not be discharged, disciplined, demoted, denied promotion, transferred, reassigned or otherwise discriminated against, or be threatened with that treatment, because the member has:

1. Lawfully exercised constitutional rights, or

2. Disclosed information that evidences gross mismanagement, a gross waste of governmental resources, a substantial or specific danger to public health or safety, or a violation of law committed by another law enforcement officer.

BB. **Hand Salutes**

When in uniform, members will render a hand salute:

1. To all uniformed commissioned officers when encountered outdoors, regardless of the wearing of hats. All salutes are to be returned appropriately.

2. Salutes are not rendered indoors unless hats are worn as part of a ceremony. Then salutes will be rendered on the passing of colors and on the playing/singing of the National Anthem.

3. When indoors, without a hat, personnel are to stand at attention and place their right hand over their heart on the presentation of the colors and the playing/singing of the National Anthem or recitation of the Pledge of Allegiance.

4. When in a formation and ordered to do so by the officer in charge of the formation.

5. Whenever a hearse carrying the body of a fallen police officer passes in cortege.

V. EXPECTATIONS OF SUPERVISORS AND COMMANDERS

Not every situation can be addressed in writing. The absence of written direction and guidance is not an excuse for inaction. Supervisors and Commanders must be able to address situations for which no written direction has been prepared by applying policies, procedures, and training which are relevant to the issue at hand. Accomplishment of the Department's mission is paramount, but an integral part of command responsibility is safeguarding and providing for the welfare of Departmental personnel.

A. Supervisors and Commanders are expected to demonstrate model behavior which exemplifies the performance expectations of all members.

B. The primary responsibility of command is leadership. All personnel charged with command, from acting supervisor through Chief of Police, are charged with continuously and consistently leading personnel and effectively managing resources.

C. Supervisors and Commanders are responsible and accountable for the performance of all subordinate personnel under their command or observation. Supervisors and Commanders who become aware of a deficiency are required to take appropriate action and make appropriate notification, should the subordinate be outside of their routine Chain of Command.

D. Supervisors and Commanders shall also be expected to consistently demonstrate initiative; effective and timely decision-making; and the ability to correctly interpret and reinforce written directives and applicable training.

E. Supervisors and Commanders shall alert the Chief of Police in the event that they identify reoccurring issues or situations that are not adequately covered by a written directive or training.

F. Supervisors and Commanders shall expect to face heightened scrutiny and consequences for lapses in compliance with policy, training, and/or meeting performance expectations or their failure to hold subordinates accountable for the same.

Authority:

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Jeffrey Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 15-02

Subject: **INTERNAL INVESTIGATION PROCESS**

Effective Date: January 1, 2016

This General Order contains the following numbered sections:

I. POLICY
II. DEFINITIONS
III. RECEIPT OF COMPLAINTS AND INQUIRIES
IV. CONFIDENTIALITY OF COMPLAINTS AND INTERNAL INVESTIGATIONS
V. SWORN OFFICERS ON PROBATION AND CIVILIAN EMPLOYEES
VI. EMERGENCY SUSPENSIONS
VII. INTERNAL INVESTIGATION PROCEDURES
VIII. COMPLETED INTERNAL INVESTIGATIONS
IX. RECOMMENDATIONS FOR DISCIPLINE OR PERFORMANCE ACTION
X. DISCIPLINE
XI. DISCIPLINARY HEARING BOARDS
XII. INTERNAL INVESTIGATION FILES AND RELATED DOCUMENTS
XIII. EARLY INTERVENTION SYSTEM

I. POLICY

It is the policy of the Westminster Police Department (WPD) to ensure that the Department maintains the highest level of integrity and that it properly receives and investigates both externally-generated and internally generated complaints in a thorough, fair, impartial, and expeditious manner. Likewise, the WPD acknowledges its obligation to protect employees from false allegations of wrongdoing as they perform their duties. To ensure these results, the Department will follow proper procedures and will investigate all complaints in an impartial manner.

The Department shall conduct all investigations and disciplinary procedures involving sworn officers in compliance with the Maryland's Law Enforcement Officers' Bill of Rights (LEOBR).

II. DEFINITIONS

A. **Administratively Closed –** An internal investigation that is closed after the Department determines that it is unnecessary to proceed further with the investigation or disciplinary process, or a determination is made that the conduct being investigated occurred due to a policy failure, a lack of policy, or some other similar circumstance.

B. **Complaint –** An allegation of misconduct, inappropriate performance, or violations of any law, policy, procedure, or directive that is made against any member of the Department.

C. **Counseling –** A written or verbal communication between a supervisor and a subordinate that involves performance-related issues. This is a non-disciplinary, corrective performance action.

D. **Discipline** – Any formal sanction or resolution to a complaint **sustained** against an employee, which may consist of any negative sanction, from **written reprimand** up to and including dismissal.

E. **Early Intervention System (EIS) –** A systematic review of complaints and uses of force, with the following goals: facilitate a supervisory interaction with the employee to examine these events; identify any potential problematic behaviors; and, implement any necessary strategy to mitigate future problematic occurrences. This process is designed to protect

both the employee and the Department. Many EIS encounters will end with the supervisor recommending, "No further action needed, as no problem was identified."

F. **Emergency Suspension** – Suspension from duty with pay, imposed by the Chief of Police or his designee, upon a determination that this action is in the best interest of the public or the Department or, suspension from duty without pay, imposed by the Chief or his designee, when a member has been charged with a felony.

G. **Exonerated** – Upon completion of an internal investigation, a conclusion that the conduct that is the subject of the complaint did occur, but was justified, legal and proper.

H. **Inquiry** – The informal handling of a citizen's questions regarding law, police tactics, policies and procedures.

I. **Internal Affairs Investigator** – The Criminal Investigations Bureau (CIB) Commander will serves as the Internal Affairs (IA) Investigator. Significant and/or lengthy internal investigations will be assigned to the IA Investigator at the discretion of the Chief or Deputy Chief

J. **Letter of Reprimand** – A letter documenting a violation of policy and the corrective action taken. The letter of reprimand will be placed in the employee's personnel file.

K. **Not Sustained** – Upon completion of an internal investigation, it is concluded that there is not sufficient evidence to support the allegation(s).

L. **Performance Action** – A determination by the supervisor receiving a complaint that the matter that is the subject of the complaint will be best resolved through informal counseling, training, or supervisory direction that is provided to the employee without the completion of an internal investigation, or upon completion of an internal investigation, the decision is made to handle the matter in a non-punitive manner. The matter should be reflected in the employee's next Performance Evaluation Report (PER).

M. **Resolved at Intake** – A determination by the supervisor receiving the complaint that the matter that is the subject of the complaint is not a violation of policy. (Examples: Action of employee, as reported, was lawful and proper, Reporting person wants to argue a matter that will be adjudicated in court, e.g. – a motor vehicle violation, etc.).

N. **Respondent** – A WPD employee who is the subject of an internal investigation.

O. **Summary Punishment** – Punishment imposed and accepted by the officer after an investigation, when the facts constituting the offense are not in dispute. Summary punishment may not exceed a three (3) day suspension without pay or a fine of $150.00

P. **Sustained** – Upon completion of an internal investigation, a conclusion that the allegation is supported by sufficient evidence, or there is sufficient evidence to show misconduct separate from the original complaint.

Q. **Unfounded** – Upon completion of an internal investigation, a conclusion that the alleged acts did not occur.

III. RECEIPT OF COMPLAINTS AND INQUIRES

A. The WPD shall post the complaint process in the WPD lobby and on the City of Westminster website in compliance with the "Uniform Citizen Complaint Process" mandated by the Maryland Police and Correctional Training Commissions (MPCTC).

B. It is imperative that the community has confidence in the Department's ability to handle complaints in a professional and impartial manner, and that the Department is transparent, accessible, and responsive to those we serve. This general order includes Complaint Tracking Forms (CTF) and Internal Investigation Numbers (II#). It is important to understand the difference between a CTF and an internal investigation.

C. The Department will track all "complaints," both those received from an external source and those generated internally, via a CTF. The fact that a CTF is completed for each complaint does not mean that an internal investigation will be conducted for every complaint. The CTF will document how the Department handled the complaint. The Department may handle a "complaint" via the following options:

1. Resolved at Intake,

2. Performance Action, or

3. Internal Investigation.

4. "Inquiries" will not require the completion of a CTF.

D. When any member of the WPD is contacted by a citizen who has a concern, wants to make a complaint or makes a request to speak with a supervisor, that employee will:

1. Contact an on-duty supervisor, who holds the rank of sergeant or higher, to respond to the location of the complainant to address the complaint, or

2. If the supervisor is unavailable or otherwise not able to make immediate contact with the complainant, obtain complete contact information from the complainant and request the supervisor to make contact with the complainant as soon as possible. The complainant shall be informed that a supervisor will contact him/her as soon as possible.

3. Complaints received by telephone, email or letter shall be handled in a similar manner.

4. When the supervisor who contacts the complainant is not the respondent's supervisor, he/she shall complete the CTF without categorizing the complaint and shall email the CTF to the respondent's supervisor, copying the Bureau Commanders.

5. The Internal Affairs (IA) Investigator or his/her designee shall handle complaints submitted through the City of Westminster website.

E. After discussing the issue with the reporting person, the supervisor will attempt to determine which of the following two (2) categories applies:

1. **Inquiry** – An informal question regarding law, police tactics, policies and procedures, or

2. **Complaint** – An allegation of misconduct, inappropriate performance, or violations of any law, WPD policy, procedure, or directive that is made against any member of the Department. This includes all minor conduct and performance issues, both actual and perceived.

F. The supervisor should be able to determine if the issue is only an **inquiry** if,

1. After explaining to the reporting person the law in question, why an officer did something a certain way, or, why a certain WPD policy or procedure exists, the reporting person expresses an understanding and

2. The supervisor is confident that the law was followed, the officer or employee was acting in a proper manner, and the WPD policy or procedure was lawful and proper.

3. There does not need to be any documentation or follow-up action for an **inquiry**, unless the supervisor deems it advisable.

G. If the supervisor determines that the issue is a **complaint**, the following procedures will be

followed:

1. The supervisor will listen to the reporting person's complaint and will collect any documentation or other evidence from the reporting person. The supervisor will obtain complete contact information from the complainant. If immediate investigative steps need to be taken, the supervisor will ensure that this process is initiated.

2. The supervisor will determine which of the following methods will best address the complaint, and will follow the selected category's procedures:

   a. **Resolved at Intake (Level I)** - The supervisor receiving the complaint has determined that the matter complained about is not a violation of policy. (Examples: Action of employee, as reported, was lawful and proper; Reporting person wants to argue a matter that will be adjudicated in court, e.g. – a motor vehicle violation etc.) The supervisor will:

      i. Attempt to answer the concerns of the reporting person in a tactful manner with a patient explanation, and advise the complainant that the matter will be resolved and documented at intake.

      ii. Complete a *Complaint Tracking Form* (CTF) (Addendum A) electronically.

      iii. Email a Word version of the CTF to: (1) the employee's Bureau Commander and (2) the IA Investigator. The IA Investigator will file CTFs in a secure location separate from IAD, personnel and performance files.

   b. **Performance Action (Level II)** – The supervisor receiving the complaint has determined that the matter complained about will be best resolved through informal counseling, training or supervisor direction that is provided to the employee without an internal investigation. The supervisor will:

      i. Advise the complainant that the matter will be documented and handled by the supervisor.

      ii. Complete a *Complaint Tracking Form (CTF)* electronically.

      iii. Email a Word version of the CTF to: (1) the employee's Bureau Commander and (2) the IA Investigator. The IA Investigator will file CTFs in a secure location separate from IA, personnel and performance files.

      iv. Handle the complaint at the supervisory level through a performance action, which may include counseling, training or supervisory direction, or forward the complaint to the employee's supervisor to be handled through a performance action.

   c. **Internal Investigation (Level III)** – Forward the complaint electronically via CTF directly to the Deputy Chief to determine who will handle the internal investigation. The Deputy Chief shall brief the Chief regarding internal investigations. Internal investigations (Level III Complaints) will receive an Internal Investigation Number (II#).

      i. Advise the complainant that the matter will be documented and forwarded for investigation, and that the complainant will be contacted.

ii. Complete a *Complaint Tracking Form (CTF)* electronically.

iii. Email a Word version of the CTF to: (1) the employee's Bureau Commander and (2) the IA Investigator and (3) the Deputy Chief. The IA Investigator will file CTFs in a secure location separate from IAD, personnel and performance files.

iv. All complaints involving serious allegations, such as criminal acts, untruthfulness, etc. will be handled through internal investigation.

v. The IA Investigator shall contact the complainant at the conclusion of the internal investigation to inform the complainant of the disposition and to answer any questions from the complainant.

H. Upon receipt of a CTF, the IA Investigator will:

1. Assign a CTF number to the CTF

2. Review the CTF for completeness and appropriateness of the resolution employed

3. Scan the CTF into a PDF and file electronically

4. Enter the CTF number electronically into a chronological log

I. Citizens will be kept informed regarding the status of their complaint through the investigative process.

1. The citizen who made the complaint will receive an initial response from the officer's supervisor within 72 hours.

2. In the event of an internal investigation, the complainant will receive bi-weekly updates on the status of their complaint by the officer's supervisor.

3. The officer's supervisor or designee will contact the complainant within 72 hours of a disposition being made on the complaint, to include any disciplinary action.

4. The Deputy Chief shall send an official letter to the complainant within 72 hours upon the final disposition of the complaint process, providing him/her with the disposition of the investigation and whether the Officer received any disciplinary action.

J. Illegal Discrimination, Sexual Harassment, and Hostile Work Environment complaints will be handled through internal investigation.

1. WPD employees will refer to the City of Westminster Employee Handbook to access the City's policy on "Illegal Discrimination and Sexual Harassment."

2. Supervisors will review this policy with their subordinates at roll call during the month of January each year.

3. Employees will report all suspected harassment or discrimination to their supervisor.

4. Based on the circumstances of the complaint, a WPD employee <u>may</u> report this type of complaint directly to the City Manager of Human Resources.

IV. <u>CONFIDENTIALITY OF COMPLAINTS AND INTERNAL INVESTIGATIONS</u>

All internal investigations and allegations against employees are considered confidential personnel

matters. No content of any complaint or internal investigation may be reproduced, disclosed, or otherwise released to anyone without the permission of the Chief of Police. Internal investigators, and other persons in the review process, will not allow access to, or discuss information relating to, the complaint or internal investigation with other employees or anyone outside the WPD, other than those who have a lawful right to know and a bona fide need to know about a particular case.

V. SWORN OFFICERS ON PROBATION AND CIVILIAN EMPLOYEES

Procedures for investigation of complaints against probationary sworn or civilian employees will be the same as sworn officers except: Civilian employees will not be afforded any rights under the LEOBR. As permitted by law, sworn officers on probation will not be afforded any rights under the LEOBR, except in cases of alleged excessive force.

VI. EMERGENCY SUSPENSIONS

A. The highest-ranking on-duty sworn supervisor or commander is authorized to suspend, on an emergency basis, any employee of the WPD with pay, when acts alleged or committed by the employee are of such nature that, in the judgment of the suspending officer, the interest and welfare of the public, the Department, and/or the individual may be best served by such action.

B. The supervisor or command member imposing the **emergency suspension** will make immediate notification to the Chief of Police via chain of command. He/she will also complete a CTF and a memorandum, during that same tour of duty, briefly outlining the circumstances that resulted in the emergency suspension.

C. An officer charged with the commission of a felony will be placed on emergency suspension from duty, without pay, by the Chief of Police or at his direction.

D. An officer placed on emergency suspension will be entitled to a prompt non-evidentiary suspension hearing before a single hearing officer.

1. The suspended officer will be notified in writing of the suspension and will be informed that he/she is entitled to a prompt hearing. The officer must make a written request for a hearing to the Chief. The Chief will ensure that a hearing is scheduled as soon as possible and that the officer is notified in writing of the date and time of the hearing.

2. After the conclusion of the hearing, the Chief will notify the officer in writing of his decision.

E. When an emergency suspension is imposed, the officer will immediately surrender his/her badge, all duty firearm(s), his/her Departmental and Maryland Police Corrections Training Commission (MPCTC) identification cards, and any other issued equipment deemed appropriate by his/her commander.

VII. INTERNAL INVESTIGATION PROCEDURES

A. Administrative charges may not be brought against a law enforcement officer unless filed within one (1) year after the act that gives rise to the charges comes to the attention of the appropriate law enforcement official. The one (1) year limitation does not apply to charges related to criminal activity or excessive force.

B. A complaint against a law enforcement officer alleging brutality in the execution of his/her duties may not be investigated unless the complaint be duly sworn to by the aggrieved person under penalty of perjury (no requirement of notarized statement), a member of the aggrieved person's immediate family, or by any person with firsthand knowledge obtained as a result of the presence at and observation of the alleged incident, by the parent or guardian in the case of a minor child, or by someone who has a video recording of the incident that, to the individual's knowledge, is unaltered.

1. A complainant who alleges an improper use of force will be asked to complete the WPD "*Affidavit of Improper Use of Force by Police Officer" Form* (Addendum B), and have it notarized.

2. An investigation that could lead to disciplinary action may not be undertaken unless the complaint is filed within three hundred sixty six (366) days of the alleged brutality. This does not apply to complaints filed by the Department

C. An employee may be required to be photographed when the actions are material to the particular investigation.

D. Notwithstanding the terms of the General Order 15-06, "Substance Abuse Policy," chemical tests that are directly relevant to the investigation may be ordered.

E. The WPD may require a member to submit to a polygraph examination when it specifically relates to the subject matter of an investigation. The results are not admissible in a legal proceeding unless agreed upon by the member and the Department.

F. An employee may be required to submit to other tests and examinations pursuant to LEOBR.

G. An officer may be required to disclose financial records and other information if the information is necessary to investigate a possible conflict of interest with respect to the performance of the officer's official duties, committed a crime, or State or Federal law requires such disclosure.

H. Any internal investigation of a law enforcement officer will be conducted according to the Law Enforcement Officers' Bill of Rights (LEOBR).

I. Prior to any interrogation, the officer will receive a Notice of Interview/Interrogation & Letter of Understanding (Addendum C), which will advise the officer that he/she is the subject of an internal investigation; the nature of the allegations against the officer; the name of the investigator who is in charge of the investigation and who will conduct the interview; the date, time, and location of the interrogation; and, the officer's right to counsel during the interrogation.

J. Also, prior to any interrogation, the *Law Enforcement Officers' Bill of Rights – Explanation Form (Addendum D)* will be read to the accused officer by the interrogating officer. The Department shall record all interrogations and include the recordings as part of the internal investigation file.

K. The Department shall complete internal investigations within sixty-(60) calendar days, unless the investigator receives approval for an extension from the Chief of Police.

VIII. COMPLETED INTERNAL INVESTIGATIONS

A. At the conclusion of each internal investigation, a written finding of fact for each allegation of misconduct will be prepared. This will include a recommendation for each allegation with one of the following five (5) possible resolutions: **administratively closed**, **exonerated**, **not sustained**, **sustained**, or **unfounded**.

B. The investigator will forward the internal investigation up the chain of command to the Deputy Chief of Police.

C. The internal investigation will be reviewed at each rank in this chain of command through Deputy Chief. The reviewing officers will either concur or not concur with each recommendation of finding. If the reviewing officer does not concur with a recommendation of finding, he/she will indicate what his/her recommendation of finding is, and will write a

brief explanation supporting the recommendation, or send back for further investigation.

D. The Deputy Chief will determine the finding for each allegation. If it is determined that a policy failure has occurred, the Chief may instruct a review/revision of the policy.

E. "Sustained" findings with a recommendation of "discipline" will be sent via chain of command to the Chief of Police for approval/review. The Chief shall send written notice to the Respondent with the final disposition.

F. Any findings with a recommendation that does not include "discipline" will be processed by the Deputy Chief. The Deputy Chief shall send written notice to the Respondent with the final deposition.

IX. RECOMMENDATIONS FOR DISCIPLINE OR PERFORMANCE ACTION

A. Internal investigations are fact-finding only. Recommendations for discipline or performance action, while submitted at the same time as the investigation, are not considered a part of the investigative report. Therefore, recommendations for discipline or performance action will be submitted using the *WPD Discipline/Performance Action Recommendation Form (Addendum E)*, as a separate document from the investigative report.

B. The same officers in the chain of command who review the internal investigation will also make recommendations for any disciplinary action or for any performance action, or a combination of both.

C. Reviewing officers will consider the following factors when making a recommendation for discipline or performance action:

1. The nature and seriousness of the offense, including whether the offense was intentional or inadvertent; was committed maliciously or for gain; or, was frequently repeated;

2. The employee's past disciplinary record and the existence of this same offense in his/her disciplinary history;

3. The employee's job performance history and length of service;

4. Consistency of the recommendation with those imposed on other employees for similar offenses;

5. The notoriety of the offense or its impact upon the reputation of the agency;

6. The potential for the employee's rehabilitation;

7. Any mitigating circumstances; and,

8. The adequacy and effectiveness of performance actions to deter such conduct in the future.

X. DISCIPLINE

A. Disciplinary action for a sustained violation of policy will typically fall into one or more of the following categories: a written reprimand, loss of leave, suspension from duty without pay, a fine, a demotion in rank or grade, or termination or dismissal from employment.

However, the Chief may offer and/or impose any sanction or action not listed above, if it is believed to be in the best interest of the Department, subject to all applicable laws and policies.

B. Summary punishment may be imposed for minor violations of Departmental policy when the facts that constitute the minor violations (1) are not in dispute, (2) the officer waives his/her right to a hearing and (3) the officer accepts the punishment imposed by the Chief.

1. Summary punishment is utilized only when both the accused member and the Chief agree to its imposition.

2. A **Letter of Reprimand** is the least measure of punishment that can be imposed through summary punishment. Summary punishment may also include non-punitive measures such as verbal/written counseling, training or supervisory direction.

3. Summary punishment may not exceed a three (3) day suspension without pay or a fine of $150.00.

4. The imposition of summary punishment requires that the officer receive a *Departmental Finding of Fact Form*, an *Offer to Impose Summary Punishment Form*, and signs a waiver on the *Right to a Hearing Form*.

5. If the officer accepts the summary punishment, the completed forms and the entire investigative file will be forwarded to the Chief of Police for implementation.

6. If the officer disputes the facts in an offer of summary punishment:

   a. A *Departmental Charging Document* will be prepared and served on the officer, along with a new *Right to a Hearing Form*.

   b. The officer may, in writing, waive his right to a hearing board. The Chief of Police, upon review of the investigative file, will issue a *Final Order*.

   c. If the officer does not waive his right to a hearing board, the Chief of Police will appoint a three (3) member hearing board.

7. If the officer accepts the facts, but rejects the punishment offered, the Chief of Police will convene a one (1) person hearing board.

C. If the investigation of an officer results in the recommendation of action considered as a punitive measure (except for convicted felons or officers accepting summary punishment), the Department will serve upon the officer a Departmental Charging Document, along with a *Right to a Hearing Form*.

1. The officer may, in writing, waive his right to a hearing board and accept the proposed punishment. The Chief of Police, upon review of the investigative file, will issue a *Final Order*.

2. If the officer does not waive his right to a hearing board, the Chief of Police will appoint a three (3) member hearing board and will give notice to the officer of the time and place of the hearing.

XI. DISCIPLINARY HEARING BOARDS

A. Hearing Board:

1. The hearing board will be authorized by the Chief of Police to hold a hearing on a complaint against an officer. An official record of the hearing will be kept, including testimony and exhibits. The members of the board will be appointed by the Chief and chosen from law enforcement officers within the Department, or from law enforcement officers of another law enforcement agency with the approval of the Chief or the other agency; and have had no part in the investigation or interrogation of the law enforcement officer.

2. The hearing board chair will be a commissioned officer. In the case of a three-member board, at least one member of the hearing board shall be the same rank as the law enforcement officer against whom the complaint is filed.

3. The chairperson will administer oaths or affirmations, and may examine any individual under oath. The chairperson will contact the other board members prior to the hearing; inform them of the name of the accused officer and the charge(s); ensure they are familiar with their responsibilities as hearing board members and instruct them that all information obtained through their assignment on the board will be held strictly confidential.

   a. The chairperson presides over the hearing, and decides any issues of procedure and admissibility of evidence.

   b. The chairperson will, at the request of either the Department or the accused, issue summonses to compel the attendance and testimony of witnesses and the production of books, papers, records, and documents, as may be relevant or necessary.

B. Counsel: Counsel may represent the accused officer. The Department will have an attorney to prosecute the case, and may provide a second attorney or member to advise the board on questions or issues posed by the trial board members or the accused member's attorney.

C. Hearing:

1. Pursuant to House Bill 1016 (2016 Legislative Session), all hearing boards will be open to the public unless the Chief finds that the hearing must be closed for good cause (I.E. to protect identity of undercover officer, child witness, confidential informant, etc.).

2. Presentation of evidence:

   a. Brief opening statements will be made, first by the Department and then by the defense.

   b. The Department will present its case. The defense may cross-examine each witness. The board may then question each witness.

   c. The defense will present its case. The Department may cross-examine each witness. The board may then question each witness.

   d. Rebuttal evidence by the Department may be presented.

   e. Summation will be presented, by the Department and then by the defense, with concluding summation by the Department.

D. Decision

1. A finding of guilt must be based on preponderance of the evidence. The board must find that the evidence, as a whole, shows that fact or causation sought to be proved is more probable than not.

2. The decisions and recommendations of the hearing board will be governed by majority vote of its members. Minority opinions may be written at the option of any dissenting member of the board.

3. Any decision, order, or action taken as a result of the hearing will be in writing and will be accompanied by findings of fact. The findings will consist of a concise statement upon each issue in the case. A not guilty finding terminates the action.

4. If a finding of guilt is made, the hearing board will reconvene the hearing, receive evidence, and consider the factors set forth in Section X.C of this policy before making its recommendations to the Chief. The hearing board may recommend punishment, as it deems appropriate under the circumstances, including but not limited to demotion, dismissal, transfer, loss of pay, reassignment, or other similar action that would be considered a punitive measure.

5. A copy of the decision or order, and accompanying findings and conclusions, along with written recommendations for action, will be delivered or mailed promptly to the law enforcement officer or to his attorney or representative of record and to the Chief.

6. The written recommendations as to punishment are not binding upon the Chief.

7. Within thirty-(30) days of receipt of the hearing board's recommendations, the Chief will review the findings, conclusions, and recommendations of the hearing board, and then he will issue his final order. The Chief's final order and decision is binding, and may be appealed. Before the Chief may increase the recommended penalty of the hearing board, he must personally review the entire record of the hearing board proceedings; will permit the law enforcement officer to be heard; and, will state the reason for increasing the recommended penalty.

XII. INTERNAL INVESTIGATION FILES AND RELATED DOCUMENTS

A. Internal Investigation Files and Documents:

1. LEOBR states, "A law enforcement agency may not insert any adverse material into any file of the officer, except the file of the internal investigation or the intelligence division, unless the officer has the opportunity to review, sign, receive a copy of, and comment in writing upon the adverse material, unless the officer waives these rights."

2. All Complaint Tracking Forms (CTFs) and internal investigation files will be maintained in separate and secure files. The CTFs and internal investigations remain confidential and will not become a part of an officer's personnel file, except in cases of a **sustained** finding.

3. The WPD will retain all of its investigative files for such a period as the Department may be subject to a civil suit.

4. All internal investigation files are confidential, and may not be released to anyone without the permission of the Chief of Police and/or pursuant to a court order.

B. Performance Action Documents: Documents related to any performance action will be maintained until the completion of the employee's next Performance Evaluation Report (PER).

C. Expungements

1. An officer, upon request, may have any record of a formal complaint made against him/her expunged from any file if:

a. The law enforcement agency investigating the complaint has exonerated the officer of all charges in the complaint, or determined that the charges were not-sustained or unfounded, or an administrative hearing board acquits, dismisses, or makes a finding of not guilty; and,

b. Three (3) years have passed since the findings by the law enforcement agency or administrative hearing board.

2. Sustained and administratively closed internal investigation files will be retained as determined by the Chief of Police.

XIII. EARLY INTERVENTION SYSTEM

A. The Department will use an Early Intervention System (EIS) to:

1. Cause a systematic review of complaints and uses of force, and

2. Provide a way to identify patterns of behavior, so that the Department can address training needs or stress factors at an early stage and potentially improve employee performance.

B. **Activation of the EIS for an officer does not indicate a problem**, but it serves as a tool to identify a potential underlying problem that is affecting the employee's performance. Most EIS activations result in a supervisor response of "no action needed."

C. During the months of January and July of each year, the IA Investigator will review **complaints** and **Use of Force Reports** for the previous six (6) months.

D. The IA Investigator will send an EIS Notification email to the Watch/Division Commander of any officer who meets one of the below criteria, which will include the dates and types of incidents meeting the EIS criteria:

1. The officer has received two (2) complaints in that six (6) month period, regardless of the findings, where the complaint was handled by either **performance action** or **internal investigation,** or

2. The officer has any combination of a total of three (3) complaints and Use of Force Reports in that six (6) month period.

3. The Department will only complete a Departmental Collison Investigation (DCI) for collisions where the officer was determined to be "at-fault." Only "at-fault" Departmental collisions will be considered during the EIS process.

E. The supervisor receiving the EIS Notification email will:

1. Review the criteria listed;

2. Review the officer's most recent Performance Evaluation Report (PER);

3. Conduct a personal assessment of the officer, which will consider attitude, demeanor, appearance, conduct, and a performance of duty.

4. Meet with the officer to discuss the EIS activation and any potential underlying issues that may be affecting performance, to include a training deficiency, a personal issue or a current job condition;

5. As appropriate, initiate any of the following actions:

   a. No additional action;

   b. Informal counseling and informal monitoring by officer's supervisor;

   c. Formal monitoring with a follow-up report; and/or,

   d. Mandatory remedial or additional training designed to improve the officer's skills.

6. If an officer indicated during the interview that he/she might require the assistance of the Employee Assistance Program (EAP), or if the supervisor believes EAP may benefit the officer, the supervisor will assist the officer in making contact with the program. Participation in the EAP is generally voluntary, unless specifically mandated by the Department.

7. The supervisor will complete a memorandum documenting the results of the EIS meeting and any follow up actions (to include "no recommended action"), and submit the memorandum and supporting documents provided by the IA Investigator to the Chief of Police through the chain of command.

8. EIS-related paperwork will be considered confidential personnel information, and will be filed in a confidential file separate from any IA, personnel or performance files.

AUTHORITY:

Thomas Ledwell
Chief of Police

Addendum A: Complaint Tracking Form (CTF)

Addendum B: Excessive Force Affidavit

Addendum C: Notice of Interrogation

Addendum D: LEOBR Rights Form

Addendum E: Discipline / Performance Action Recommendation Form

WESTMINSTER POLICE DEPARTMENT

General Order: 15-03

Subject: **UNIFORM AND GROOMING STANDARDS**

Effective Date: January 1, 2016

This General Order contains the following numbered sections:

I. POLICY
II. UNIFORM OF THE DAY
III. UNIFORM WEAR AND INSIGNIA
IV. ISSUED EQUIPMENT AND UNIFORM
V. GROOMING STANDARDS
VI. NON-UNIFORM ATTIRE AND CIVILIAN COMMUNICATIONS PERSONNEL
VII. CASUAL DAY/UNUSUAL OCCURRENCES ATTIRE
VIII. COURT APPEARANCES
IX. CLASSROOM ATTIRE
X. CANCELLATIONS

I. POLICY

The policy of the Westminster Police Department is to provide all personnel with the equipment and uniform components necessary to perform their duties. All members are required to maintain a clean, neat, well-groomed appearance. Personnel are responsible for the proper care and maintenance of all issued equipment and uniforms. Supervisors are responsible for inspecting personnel to ensure that they are properly groomed and their equipment is kept in good working condition.

II. UNIFORM OF THE DAY

Uniform of the day is the class of uniform, with appropriate accoutrements, as prescribed by the Chief of Police. When unseasonable weather conditions exist, the Deputy Chief may make classification adjustments. Uniforms shall be worn in their entirety. No unauthorized adornments shall be displayed on any uniform.

A. CLASS A – DRESS UNIFORM

Blouse, collar ornaments, badge, nameplate, commendations, long sleeve shirt, necktie with tie bar, issued navy blue dress trousers, and black oxford or dress shoes only. Only a holster, magazine pouch, and handcuff case shall be worn. No cell phones or pagers shall be visible when wearing the Class A Uniform.

B. CLASS B – UNIFORM (WINTER)

The Class B uniform shall be worn from Eastern Standard Time (EST) until Daylight Savings Time (DST).

1. Long-sleeved shirt, issued 5.11 or dress trousers. Shirts shall be worn with the sleeves extended and all buttons fastened.
2. Badge, nameplate, appropriate rank insignia, tie with tie clasp or issued dickey with WPD logo are optional
3. All black shoes or boots
4. Winter coat (optional)
5. Lightweight patrol jacket (optional)
6. Navy blue sweater (optional – not provided by Department)
7. Issued ski-type hat or headband with WPD logo (optional)

C. CLASS C – UNIFORM (SUMMER)

The Class C uniform shall be worn from Daylight Savings Time (DST) until Eastern Standard Time in October. Shirts shall be worn with all buttons fastened except the top button.

1. Short-sleeved shirt, issued 5.11 or dress trousers
2. Badge, nameplate, appropriate rank insignia
3. All black shoes or boots
4. Lightweight patrol jacket (optional)

D. CLASS D – UNIFORM

The Class D uniform may be worn for those components identified in the latest, approved version of Appendix A of this General Order.

III. UNIFORM WEAR AND INSIGNIA

A. Awards and Commendations

1. All Departmental awards and commendations should be worn on the Class A - Dress Uniform. Departmental awards and commendations may be worn at the officers' discretion on the Class B and C uniforms. Awards or commendation ribbons shall be centered above the right breast pocket with the bottom of the award touching the top of the nameplate.

2. Multiple awards or commendations shall be worn in rows of no more than four (4) per row. Multiple rows shall be worn so that the bottom of the row touches the top of the row beneath it. Commendation bar holders may be worn with the approval of the Support Services Bureau (SSB) Commander.

3. No special awards may be worn on any uniform without the written approval of the Chief of Police. This would include awards received from other jurisdictions, agencies, or community/civic organizations.

B. Badges

1. Badges shall be worn in the holder provided on the outer garment of the uniform of the day (if a holder is provided).

2. Detectives and off-duty members in civilian clothing must prominently display their badge anytime that their firearm is carried openly or displayed.

C. Lapel Ornaments

Lapel ornaments shall be worn on the Class A dress uniform. Lapel ornaments shall be centered on the collar just above the lapels, ½" from the edge of the collar.

D. Specialty Pins

Specialty insignia approved by the Chief of Police may be worn on the Class A, B, and C uniforms and on the Class D uniform, when appropriate. They shall not be worn on sweaters. Approved specialty pins include, but are not limited to K-9, DRE, FTO, CCCRT, CIT and Honor Guard.

E. Footwear

The Department reimburses all police officers for footwear ($100 per year based upon need). The following types of footwear are acceptable:

1. Shoes worn with the Class A uniform shall be a low-cut black Oxford or dress shoe with a smooth finish and rounded toe. The shoe shall be highly polished at all times. Boots and tennis shoes are prohibited.

2. Shoes worn with other class uniforms can either be the Oxford type shoe or any soft soled tie shoe with smooth leather uppers that are completely black in color and similar in

appearance to Oxford dress shoes.

3. Boots shall be black in color, with predominantly leather uppers; round toe and plain tip style. Boots shall be a military type boot or design in appearance, capable of being polished with no buckles, snaps or Velcro. Side zipper type boots are permissible when they otherwise conform to the above design requirements. Boots shall maintain a uniform black appearance and remain highly polished at all times. During inclement weather, plain black pull-on rubber boots may be worn.

F. Gloves

1. Gloves may be worn in cold weather provided they are solid black in color. Protective black gloves may also be worn when responding to incidents that have a high potential to expose the officer to blood borne pathogens or contact with sharp objects. They must not interfere with firearm control or defensive tactics.

2. A black leather or nylon case may be worn on the rear of the gun belt to carry disposable gloves.

3. White gloves may be worn for ceremonial occasions or for other special occasions, such as traffic direction, per a commander's instruction.

4. Mittens and fingerless gloves are prohibited. *Bike Officers may wear gloves appropriate to their assignment as approved by the Bike Program Coordinator.*

G. Gun belt

1. Only the issued gun belt may be worn by all uniformed officers regularly engaged in enforcement activities. Officers who previously purchased Velcro belts, that met the dimensions and style of the issued gun belt, prior to the date of this General Order, may continue to wear such gun belts.

2. The gun belt shall be worn over the waist belt and shall fit snugly, completely covering the waist belt.

3. A Department issued alternate gun belt may be worn, if warranted by a medical condition and approved by the Deputy Chief of Police.

4. The gun belt shall be maintained to ensure a uniform black appearance. Basket weave leather is prohibited.

5. The thicker portion of the gun belt shall be worn on the weapon side.

H. Handcuffs

1. Uniformed officers shall carry handcuffs in a carrier on their gun belt in a location which is readily accessible. The handcuff carrier shall be maintained to ensure a uniform black appearance. All handcuffs/carriers carried must be approved by the SSB Commander (if not issued by the Department).

2. A second pair of handcuffs may be worn. Both the handcuffs and the carrier must be approved by SSB Commander (if not issued by the Department).

3. On duty officers (not in uniform), in an operational assignment, should carry issued handcuffs on their person, or have them immediately accessible. Undercover officers are exempt from this requirement.

I. Handgun

On-duty officers shall carry the issued service weapon in the issued holster (see section L). The weapon shall be carried loaded and at least one additional magazine shall be worn on the non-weapon side of the gun belt.

J. Hat

1. The uniform hat shall be worn as part of the Class A dress uniform. The hat shall have a badge centered on it. The word "Police" shall appear on the hat badge underneath the City of Westminster seal for those officers who hold the rank of Police Officer and Police Officer First Class. The respective ranks shall appear on the hat badge beneath the City Seal for those officers holding the rank of Corporal, Sergeant, Lieutenant, Captain, Major and Chief. The Chief, Major and Captains shall have a gold strap over an embroidered black visor. Lieutenants shall have a gold strap over a plain black visor. Sergeants should have a blue strap over a plain black visor. All others shall have a black strap over a plain black visor.

2. Wearing of the uniform hat shall be optional for Class B & C uniforms except when directed by a supervisor.

3. The hat shall be worn squarely on the head with the front brim approximately "two fingers" above the top of the nose. The hat shall be worn so that the top is level and not tipped back or tipped to the side.

4. Uniformed members may, when exposed to outside elements, wear the issued ski-type hat embroidered with WPD or the issued WPD headband.

5. Personnel previously issued a fur-lined winter hat may continue to wear this hat. No other headwear of any type shall be permitted. This hat may not be worn indoors.

6. Baseball caps are prohibited, unless specifically authorized for a named component as identified in the latest version of Appendix A, attached to this General Order.

K. Holster

1. On-duty, uniformed officers regularly engaged in enforcement activities shall wear the issued holster on the weapon side of the gun belt. Other uniformed officers shall wear the issued administrative holster on the weapon side of the waist belt.

2. Non-uniformed officers shall wear the issued holster or a holster that has been approved by the Departmental Armorer.

L. Westminster Police Patch

The issued patch shall be worn on the left sleeve of the issued blouse, nylon coat, lightweight jacket, sweaters, long sleeve shirt and short sleeve shirt. Permission to wear the patch elsewhere must be obtained through the Chief of Police or his designee.

M. Name Plate

The nameplate shall be attached to the holder (where provided). If a holder is not provided on the garment, the nameplate shall be centered above the right breast pocket with the bottom edge of the nameplate even with the top edge of the pocket. Nameplates are <u>not</u> required on outwear such as heavy coats, light jackets, sweaters and rain jacket (as there is no appropriate location to attach them to the garment).

N. Necktie and Tie Bar

1. ONLY the issued tie shall be worn with the uniform. Neckties and tie bars shall only be worn with long sleeve shirts.

2. An issued tie bar or tie tack (Westminster City Seal or WPD badge pin) shall be attached to the tie and shirt. The tie bar/tack shall be parallel to the bottom edge of the shirt pocket

flaps.

O. Issued police dickeys, embroidered with WPD, are acceptable for sworn members below the rank of Captain. Senior commanders may only wear a dickey when performing in the field in an operational assignment. The Parking Enforcement Officer may also wear a dickey.

P. ASP Baton and Scabbard

Officers shall carry the ASP baton and scabbard on the gun belt in a manner consistent with training received. The issued ASP baton shall not be altered in any manner.

Q. Portable Radio and Case

The portable radio shall be carried in the issued case on the non-weapon side of the gun belt. The radio may also be carried with the issued clip or in an alternate radio case/holder if approved by the SSB Commander.

R. Rank Insignia

The following insignia shall be worn on all shirts, jackets and other outerwear of all uniformed officers of appropriate rank.

1. Commissioned Officers shall wear their rank insignia on the epaulet of all blouses, coats and patrol jackets. The rank insignia shall also be affixed to the collars of the shirts parallel to the bottom edge of the collar with ½" from the bottom of the collar to the bottom edge of the rank insignia.

   a. Chief of Police - Holding the rank of Colonel. Gold eagles affixed to epaulets of blouses, coats and winter outerwear. Gold eagles affixed to shirt collars in the manner described above. Four ½" gold braids shall be sewn on each sleeve of the dress blouse, with 3/8" separation between braids. The braids shall begin 2½" from the bottom of the sleeves.

   b. Major - Gold oak leaf cluster on each epaulet of the blouses, coats and winter outerwear. Gold oak leaf cluster shall be affixed to the shirt collars as described above. Three ½" gold braids shall be sewn on each sleeve of the dress blouse, with 3/8" separation between the braids. The braids shall begin 2½" from the bottom of the sleeves.

   c. Captain - Twin gold bar collar pins on each epaulet of the blouse, coat, patrol jacket and winter outerwear. Twin gold bar collar pins shall be affixed to the shirt collars as described above. Twin ½" gold braids shall be sewn on each sleeve of the dress blouse with 3/8" separation between the braids. The braids shall begin 2½" from the bottom of the sleeves.

   d. Lieutenant - Single gold bar collar pins on each epaulet of the blouse, coat, patrol jacket and winter outerwear. Single gold bar collar pins shall be affixed to the shirt collars as described above. A single ½" gold braid shall be sewn on each sleeve of the dress blouse. The braids shall begin 2½" from the bottom of the sleeves.

1. Noncommissioned officers shall wear chevrons collar brass to signify their rank. Chevrons will also be worn on the sleeves of their dress blouse and uniform shirts. The chevrons shall be centered on the sleeves ½" below the Departmental patch.

a.	Sergeant	Triple Chevrons
b.	Corporal	Double Chevrons
c.	Police Officer First Class	Single Chevron

S. Socks

1. Socks shall be solid black or navy blue in color.

2. Socks worn with boots may be other colors provided they are not visible at the top of the boot when seated.

T. Soft Body Armor

1. All uniformed, operational personnel regularly engaged in enforcement activities shall wear the issued body armor underneath the uniform shirt or shall wear the approved outer vest cover with the issued body armor while on-duty.

   a. Officers actively involved in covert operations in which body armor wear would present a danger of identification, such as Narcotics details, may be exempt from body armor requirements to be determined on a case-by-case basis with supervisory approval.

   b. Officers who work extra-duty assignments in uniform such as Uniformed Police Security Details are required to wear Department-issued body armor.

2. All other sworn personnel are encouraged to wear the body armor while on duty or in uniform, regardless of their assignment.

3. The wearing of protective vests is mandatory for all personnel engaged in pre-planned, high-risk situations regardless of the temperature. This shall include, but not be limited to: all CCCRT call-outs and details, pre-planned warrant executions, drug raids, civil disturbances and any other situation so designated by a supervisor or commander.

4. Vests shall be readily available at all times to all on-duty, sworn personnel, including those serving in an administrative capacity.

5. Officers with medical conditions that prevent them from wearing soft body armor must provide a medical note to the Chief of Police for waiver consideration.

6. The SSB shall maintain a vest replacement schedule for standard vests, and coordinate sizing and replacement issues with the appropriate vendor.

7. Officers must promptly report any changes that affect proper fit, wear, or function of their issued vest to the Commander of the SSB. They shall also report expired vests, so that replacements may be issued in a timely manner.

U. Sunglasses

Conservative or military style sunglasses may be worn when needed. Mirrored sunglasses and white or brightly colored frames are prohibited.

V. Sweaters

1. A navy blue military-style sweater may be worn when the member is wearing a long sleeve shirt. These sweaters must be approved in advance by the Commander of the SSB and be purchased at the employee's expense.

2. The sweater may be worn as outerwear when the Class B uniform is appropriate. The sweater shall have the WPD patch attached to the left shoulder. The patch shall be 1/4 inch from the top seam and centered on the sleeve. The badge shall be worn on the left breast and affixed to the holder. No other accoutrements shall be affixed to the sweater.

W. T-Shirts

1. T-shirts shall be navy blue, black, white or grey in color, if visible, when wearing the summer or winter uniform.

2. No writing or logos shall be visible on the t-shirt.

3. No portion of the T-shirt shall appear hanging below the sleeves of the uniform shirt.

X. Other insignia

Members wishing to wear other types of insignias or commendations received from other jurisdictions must obtain prior written approval from the Chief of Police.

IV. ISSUED EQUIPMENT AND UNIFORM

The following equipment and uniforms shall be standard issue for Sworn Personnel. Uniforms issued to non-sworn personnel can be found in Appendix A, according to Departmental component:

Uniform	Equipment
Dress Blouse	Service Weapon and 3 magazines
Uniform Hat	Gun Belt w/ buckle
Rain Cover for Uniform Hat	Patrol Holster (administrative holster if in an administrative assigned)
Winter Coat	Handcuffs and case
Lightweight Patrol Jacket	Ammunition
Long Sleeved Shirts	Magazine Pouch
Short Sleeved Shirts	ASP baton and scabbard
Trousers (5.11 and dress)	O.C. spray and holder
WPD dickey	Flashlight with Charger
Shoes or Boots	Portable Radio with case/clip and charger
Ski-type winter hat with WPD logo or WPD headband	Gas Mask
Tie and Tie Bar	Ballistic Kevlar Helmet with face shield
Rain Jacket	Security key fob
Traffic Vest	PPE Kit
Rank Insignias	Camera w/ memory cards
Badge	Rubber Gloves
Nameplate	Departmental ID card
WPD polo shirt	School Rescuer Card

V. GROOMING STANDARDS

A. Uniformed Male Members (excludes civilian Communications personnel)

1. Hair shall be neat, clean, properly trimmed and well groomed at all times while members are on-duty. The coloring, style, or cut shall not detract from or degrade the intent of the uniform or position.

2. The sides and back of the hair shall be neatly trimmed and tapered and when combed will not extend over the bottom of the ear opening or extend in the back below the top edge of the shirt collar. The hair on the sides and back of the head shall not protrude from the bottom edge of the uniform hat in such a manner that the hair appears to bulge outward.

3. Sideburns shall be neatly trimmed, with straight lines and no flair at the base. The base of the sideburns shall not extend below the bottom of the earlobe.

4. Uniformed members shall be clean-shaven, except for neatly trimmed moustaches. The ends of the moustache shall not exceed the corners of the mouth. Beards are not permitted for uniformed members. Medical exemptions may be requested from the Chief of Police.

5. Hairpieces or wigs, if worn on duty, shall present a natural appearance, shall not interfere with the proper performance of duty and shall not present a safety hazard. If worn while in uniform, the hairpiece or wig shall comply with the provisions of this section.

6. Necklaces, medals, etc. may be worn as long as they are not visible. Visible medical bracelets are permitted. Earrings and other visible piercing shall not be worn while on duty, outside of covert operations.

B. Uniformed Female Members (excludes civilian Communications personnel)

1. Hair shall be neat, clean, properly trimmed and well groomed at all times while members are on-duty. The coloring, style, or cut shall not detract from or degrade the intent of the uniform or position.

2. Hair style may not interfere with the wearing of the uniform hat.

3. Hair may touch the shirt collar, but shall not fall below the collar's lowest edge to the rear.

4. No hair shall show under the front brim of the uniform hat. If the hair is of a length that it will fall below the bottom of the shoulders, the hair may not remain loose, but must be secured in some fashion. The hair may be worn in a single ponytail, a single braid or placed in a bun or similar hairstyle (no pigtails).

5. Objects worn in the hair shall be for the sole purpose of holding the hair in place and shall be similar in color to the individual's hair color or be solid blue or black. No object should interfere with wearing of the uniform hat.

   a. Combs, pins or any other item that can be used as a weapon against the officers are prohibited.

   b. Hairnets are prohibited.

6. Hairpieces or wigs, if worn on duty, shall present a natural appearance, shall not interfere with the proper performance of duty and shall not present a safety hazard. If worn while in uniform, the hairpiece or wig shall comply with the provisions of this section.

7. Cosmetic use by female personnel, both sworn and civilian, is permitted if applied conservatively. Lipstick and nail polish use by sworn female personnel are acceptable as long as colors are conservative and complement the uniform. Extreme shades of lipstick or nail polish will not be worn.

8. Necklaces, medals, etc. may be worn as long as they are not visible. Visible medical bracelets are permitted.

9. Stud type earrings are permitted, one per earlobe, while on duty. Loop or dangle style earrings are prohibited.

10. Other visible piercing shall not be worn while on duty, outside of covert operations.

C. Civilian non-uniformed personnel and civilian Communications personnel shall maintain proper grooming and appearance.

1. Hair/hairpieces shall be neat, clean and groomed in such a fashion as not to interfere with the employee's duties.

2. Beards and moustaches shall be neat, trimmed and shall not interfere with the employee's duties.

D. All members

1. Tattoos/ body art/ brands

The purpose of the following tattoo policy is to promote the uniformity of appearance, for the purpose of identification of members to the public, to maintain neutrality and the perception of neutrality amongst members of the public, to prevent discrimination or the perception of discrimination amongst members of the public, to foster discipline and to encourage public confidence in members of the Police Department.

a. No visible tattoos will be displayed on the face, head, neck, or hands.

b. Tattoos will not be visibly displayed on any part of the body if they are obscene, offensive, sexually suggestive, profane or discriminatory towards persons on the basis of their race, color, national origin or ancestry, religion or creed, age, sex, or disability.

c. Waivers may be requested in writing, for visible, pre-existing tattoos/body art/brands or special circumstances from the Chief of Police.

2. Mutilation

Intentional body mutilation, piercing, branding or intentional scarring that would be visible while in uniform or civilian clothing is prohibited. Some examples are:

A split or forked tongue, foreign objects inserted under the skin to create a design or pattern, enlarged or stretched out holes in the ears (other than a standard piercing) intentional scarring that appears on the neck, face, scalp or arms. Waivers may be requested in writing from the Chief of Police for prior existing body mutilation, piercing, branding or intentional scarring.

3. Dental Ornamentation

The use of gold, platinum or other veneers or caps for purposes of ornamentation is prohibited. Teeth, whether natural, capped or veneer, shall not be ornamented with designs, jewels, initials, etc. Waivers may be requested for prior existing dental ornamentation from the Chief of Police.

VI. NON-UNIFORM ATTIRE AND CIVILIAN COMMUNICATIONS PERSONNEL

A. To achieve and maintain the highest standard of professional excellence is a primary objective of the Department. One of the qualities that mark a professional organization is the exemplary appearance of all of its personnel. The entire Department is often judged by the appearance of a single employee; therefore, the dress and grooming of all members must establish and maintain the credibility and professional standards of the Department. The following options are therefore available to non-uniformed civilian employees:

1. All personnel shall conform to the professional business attire standards routinely required of office personnel in private business firms, unless otherwise directed by their supervisor. All personnel must dress in a neat, clean, businesslike appearance. OR

2. Department sanctioned polo shirts with the WPD logo may be purchased through the Quartermaster and worn as an alternative to professional business attire, when approved by the employee's supervisor. Polo shirts shall be worn with slacks or khaki-styled pants and shall be tucked in at all times.

B. On occasion, there may be specific meetings or events when the alternate polo shirt is not appropriate attire. Supervisors will make this determination in advance of such an event.

C. Contemporary hair and grooming styles are allowed as long as a neat appearance is maintained and the apparel does not constitute a safety hazard to the employee or to others. The Deputy Chief

of Police may allow alternative hairstyles, goatee and/or beards for members in plainclothes assignments, consistent with their duties.

D. All personnel are reminded that the Chief of Police reserves the right to determine appropriate attire for police employees. In the event an employee is uncertain about policy compliance, other attire should be worn until specific permission is obtained.

E. Attention to personal hygiene is a requisite when in an on-duty status.

F. Clothing should be of appropriate length and fit to facilitate movement and to portray a professional image. Skirts should be no shorter than 4" from the top of the knee. Pants must be ankle length.

G. Undergarments shall be worn so they are not visible through, or outside of the member's clothing.

H. Shoes shall be clean, polished, in good repair, appropriate for the outfit and appropriate in style and heel height. Casual, non-sneaker-type shoes are acceptable.

I. Supervisors may exempt a member from meeting professional business attire requirements for the purpose of completing a specific task or assignment, which would require a personal appearance in variance with the provisions of this policy.

J. Jewelry which detracts from the professional appearance or which could be offensive or disturbing to others shall not be worn.

K. Sunglasses shall not be worn in any fashion while working in an office environment

L. Hats are not to be worn within the workplace.

M. Generally, torn, dirty, stained, wrinkled, or excessively tight or worn clothing of any type is considered inappropriate for the workplace. Clothing should be clean, ironed if the fabric so indicates, and have a size appropriate for the individual.

N. Unacceptable attire:

1. Shorts, Capri pants, sweat pants, jeans and slacks styled like jeans, any type of "cut-off" or un-hemmed slacks or skirts

2. Sweatshirts, tank tops, t-shirts

3. Tennis/athletic shoes of any color (unless required by a documented medical condition), flip-flops and other "beach"-styled footwear

4. Low or revealing necklines, see-through material, halters, midriffs, tube tops, leisure wear, sleepwear and pajama-style clothes

VII. CASUAL DAY/UNUSUALOCCURRENCES ATTIRE

A. Clothing that is more comfortable and relaxed is acceptable on casual days as designated by the City or the Chief of Police. It is expected that all clothing worn on Casual Days shall meet the standards and restrictions as previously stated regarding lengths and proper fit.

B. When a City holiday falls on a Friday, Casual Day will be permitted on Thursday.

C. When the City declares liberal leave for inclement weather, civilian employees who report to work, may wear Casual Day attire.

D. Jeans and denim shirts, skirts or jumpers, and sweatshirts shall be acceptable. Capri pants shall be allowed. Sandals and tennis shoes shall be allowed. Shorts and bib overalls are prohibited.

E. Pants, shirts, sweaters, sweatshirts, jackets, hats or caps with an inappropriate message, image, or slogan shall not be worn at anytime.

F. Shorts, bib overalls, tee shirts, backless and halter tops and “flip flop” sandals are not permitted.

G. In general, only civilian staff working within the Police Headquarters building are permitted to participate in “casual days”. Civilian staff who are required to leave Headquarters to conduct their normal duties (I.E. parking enforcement, transportation of evidence etc…) must wear their uniform of the day when conducting these duties. Employees requesting an exception to these guidelines should consult their Bureau Commander for guidance.

H. A notice will be placed in the lobby window at Police Headquarters advising visitors of the Department’s participation in a “casual day”.

VIII. COURT APPEARANCES

A. When appearing in uniform, members shall be in the appropriate Class A, B or C uniform. Class D Uniforms or any modified uniform shall not be worn with the exception of **on-duty** members of K-9, and Bicycle Patrol. Dickeys may be worn in Court.

B. Members not appearing in uniform shall appear in appropriate business attire as follows:

1. Males shall wear a dress shirt with tie and dress slacks/trousers.

2. Females shall wear a professional appearing pantsuit, dress, dress skirt or slacks and a dress blouse and jacket.

C. When appearing in Court, officers not wearing a uniform will wear their WPD badge in plain view on their outer garment.

D. Casual clothing shall not be worn during court appearances when representing the Department.

E. Members appearing in court regarding matters not associated with their official duties shall not appear in uniform or display police department identification.

F. Non-uniformed officers shall keep their weapon concealed from public view, except at a crime scene or other assignment where their police identification is visible and they are readily identifiable as police officers.

IX. CLASSROOM ATTIRE

A. Personnel attending training classes shall wear the uniform of the day or the departmentally issued WPD polo shirt and trousers (not jeans). Training attire may be modified by the Training Section or other training entity when training needs indicate that other attire is more appropriate given the nature of the training, the training venue or the anticipated environmental conditions. Regardless of the specified training attire permitted, the attire must be appropriate and tasteful. Jeans, shorts, t-shirts, and muscle shirts are generally not appropriate training attire.

B. Personnel attending physical training or defensive tactics classes may wear jeans, t- shirts, or athletic-style clothing or other clothing as designated by the SSB Commander. However, a duty uniform, weapon, and vest are to be immediately accessible.

X. CANCELLATIONS

This General Order cancels and replaces:

General Order B-2, Authorized Grades/Rank Structure, dated April 6, 1981
General Order G-1, Police Uniform and Equipment, dated December 13, 2007
General Order G-3, Grooming Regulations, dated September 23, 1993

AUTHORITY:

Thomas Ledwell
Chief of Police

APPENDIX A

Bicycle Officers

The bicycle uniform may only be worn when subject to deploying the bicycle (i.e. when patrol vehicle is equipped with bicycle).

a. Long or short sleeved bicycle uniform shirt (as appropriate)
b. Bike officer combination pants/shorts
c. Bicycle patrol uniform jacket
d. Helmet
e. Departmental baseball cap with WPD logo
f. Black athletic shoes
g. Black duty belt with all required patrol equipment
h. Safety glasses
i. Half or full finger bicycle gloves

Communications Division

a. Green polo embroidered with “Communications Division” (long and short sleeved)
b. Khaki slacks
c. Plain black shoes or sneakers
d. Blue or black socks
e. Black belt
f. Grey fleece with “Communications Division”

Criminal Investigations Bureau (CIB)

a. CIB may wear the issued exterior vest carrier when appropriate.
b. CIB investigators will wear business attire: shirt and tie with appropriate footwear as their standard work attire. The same applies to call-out situations unless altered by command.
c. Operational prerogatives may dictate exception to the standard dress attire. Circumstances such as surveillance details, trash runs and search warrant execution fall into this category. In these instances, collared shirts, trousers and appropriate footwear are permitted with prior supervisory approval.
d. Narcotics investigations are exempt from the CIB dress standard. Appropriate street clothing is permitted consistent with their assignment and weather conditions.
e. The warrant/fugitive investigator is permitted to wear soft clothing consistent with attire allowed for CIB investigators under operational exceptions.

WPD Instructors

For classroom instruction and Departmental In-Service WPD instructor shall wear the Uniform of the Day. At the commander’s discretion, based upon the weather and the nature of the training to be provided, the following may

be worn during periods of active instruction:

a. Navy blue 5.11 (BDU) trousers
b. Issued instructor polo shirt with WPD and Instructor logos
c. WPD Instructor tee shirts may be worn instead of the gray polo shirt at the discretion of the lead instructor
d. Firearms personnel shall wear red polos when assigned to the range
e. Navy blue baseball style cap, with Departmental patch centered

Honor Guard

a. Class A uniform jacket – dark blue
b. Navy blue uniform pants (not 5.11 BDU trousers)
c. Long sleeve uniform shirt
d. High gloss Oxford shoes
e. Navy blue or black socks
f. Uniform tie with issued tie tack/bar
g. 8 pt uniform hat
h. High gloss gun belt with Sam Brown shoulder strap, leather holster, 1 leather magazine pouch, and 1 leather handcuff case
i. White gloves (is indicated by detail)

K-9 Section

The class D uniform of the day shall be an OD green utility uniform. The uniform consists of:

a. Black leather jacket or winter coat, badge, Police K-9 patch on back of coat
b. OD green long sleeve or short sleeve uniform shirt; WPD patch and reverse flag (subdued)
c. OD green Battle Dress Utility (BDU) trousers
d. Navy blue baseball style cap w/ patch
e. Issued boots
f. Issued holster and gun belt
g. Black/camouflage two-piece rain wear

Property Management Specialist

a. Navy blue polo embroidered with “Property Management Specialist”
b. Khaki trousers
c. Black plain toe shoes
d. Black fleece with “Property Management Specialist”
e. Navy blue utility jacket

Downtown Outreach Unit

Members assigned to the Downtown Outreach Unit shall wear the uniform of the day unless a scheduled assignment indicates the need for a modified uniform.

Auxiliary members

Auxiliary members shall be issued a uniform approved by the Chief of Police, which is readily distinguishable from the uniform of sworn police officers. This uniform shall include:

a. Baseball cap with Auxiliary patch
b. Light blue uniform shirt (long and short sleeve)
c. Dark blue uniform pants
d. Tie/tie bar or Dickey (worn with long sleeve shirt)
e. Name plate
f. Auxiliary badge
g. Uniform coat
h. Rank insignia (as appropriate)

i. Rain coat
j. Black plain toe shoes (not issued)
k. Black socks (not issued)
l. White tee shirt (not issued)
m. Black or navy blue gloves in cold weather (not issued)

WESTMINSTER POLICE DEPARTMENT

General Order: 15-04

Subject: **POLITICAL ACTIVITY**

Effective Date: April 20, 2017

This General Order contains the following numbered sections:

I. POLICY
II. RESTRICTIONS ON POLITICAL ACTIVITY
III. CANCELLATION

I. POLICY

The Westminster Police Department (WPD) fully supports the rights of its members to engage in political activities on their own time, including their right to support and vote for whomever they choose. However, in an effort to protect the integrity and efficiency of the WPD and to avoid the possible appearance of impropriety in any election process, it is important that all personnel adhere to the guidelines specified in the City of Westminster Employee Handbook, General Order 15-01, Code of Conduct and all applicable federal, state and local regulations.

II. RESTRICTIONS ON POLITICAL ACTIVITY

A. Employees may participate in political activities, including political campaigns, and may express their political opinions as long as they do not do so in a public forum while on duty; while in uniform; while operating a Department vehicle; or while they are acting in any capacity as a representative of the WPD.

B. Employees may not use their official capacities to influence, interfere with or affect the results of an election, or to otherwise attain partisan goals.

C. Employees may not use their WPD employment status; their official titles, ranks or association with the Department; or, any information, records, symbols, uniforms or equipment of the Department in any manner that would imply or suggest the Department's endorsement of, support of or alliance with a political candidate or partisan objective.

D. Employees may not directly or indirectly coerce, attempt to coerce or command another employee to pay, lend or contribute anything of value to any agency, committee, organization, party or person for political purposes.

E. Employees assigned to duties financed in whole or in part by any loans or grants made by the United States or any federal agency may not be a candidate for elective public office in any partisan primary, general or special election (Hatch Act, Title 5 - U.S. Code).

F. Employees may not knowingly become a member of, or be connected with, any organization that advocates the overthrow of the government by unconstitutional and/or violent means.

G. Employees are permitted to use assigned WPD vehicles and to be in uniform while on duty, in order to vote in an election, as long as all other provisions of this general order are adhered to.

III. CANCELLATION

This General Order cancels and replaces General Order K-2, Political Activity dated April 6, 1981.

AUTHORITY:

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Jeffrey Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 15-06

Subject: **SUBSTANCE ABUSE POLICY**

Effective Date: October 1, 2016

This General Order contains the following sections

I. POLICY
II. DEFINITIONS
III. POLICY APPLICATION
IV. DRUG AND ALCOHOL SCREENING
V. POLICY ADMINISTRATION
VI. TESTING PROCEDURES
VII. TESTING RESULTS

I. POLICY

The Westminster Police Department (WPD) seeks to ensure that public safety is not endangered as a result of substance abuse by WPD members. The WPD also seeks to ensure the safety of each of its members as they perform assigned duties and responsibilities. Recognizing that members who abuse substances, on or off-duty, tend to be less productive, less reliable and pose a greater threat to public and member safety, the WPD is committed to maintaining a work environment that is untainted by substance abuse.

II. DEFINITIONS

In this Substance Abuse Policy, the following definitions apply, except as otherwise expressly provided or as necessary implication requires:

A. ABUSE

1. Use of an illegal substance as defined in Section II. D. below.

2. Use of prescription drugs in a manner other than that prescribed by a licensed physician, or in a manner inconsistent with its medically prescribed or intended use, or under circumstances where use is not permitted.

3. Use of non-prescription drugs in a manner other than that suggested by the manufacturer, or prescribed by a physician, which impairs job performance.

4. Use of alcohol while performing one's duties, or use of alcohol which impairs job performance.

5. Use or possession of alcohol contrary to the laws of the State of Maryland.

6. The intentional use of any substance, legal or illegal, which impairs job performance.

B. **ALCOHOL** - the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

C. **CONFIRMATORY TEST** - means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the initial test and which uses a different technique and chemical principle.

D. DRUGS

1. All illegal substances (narcotic and non-narcotic) which are subject to control under the Maryland Uniform Controlled Dangerous Substances Act (Schedule I-V) and those non-controlled substances, inclusive, for which enforcement remedies are available pursuant to the Annotated Code of Maryland, Criminal Law Article, Title 5, sections 5-402 through 5-406; and

2. Any substance other than alcohol, which may impair one's mental faculties, mood and/or physical performance.

E. **INITIAL SCREENING TEST** - a screening test to eliminate “negative” urine specimens from further consideration.

F. **NEGATIVE DILUTE SPECIMEN** - a urine specimen that has a creatinine level of less than 20g/dl and a specific gravity of 1.003 or less. While in rare cases a negative dilute specimen may be caused by a medical condition, it is more likely the result of an individual (1) having diluted the urine with water or another substance or (2) having consumed too many liquids prior to collection of the specimen.

G. **RANDOM TESTING** - the manner of selecting individuals for drug testing from the total staff population within a department subject to testing, so that each member of the staff population subject to testing has an equal chance of being selected for testing on each occasion on which random testing is undertaken. For purposes of this policy, a computerized random selection process beyond the control of employees of the City of Westminster, Maryland, will be utilized.

H. **REASONABLE SUSPICION** - the existence of facts and the rational inferences which may be drawn from such facts or an objective base of knowledge sufficient to induce an ordinary, prudent and cautious person under the same circumstances to believe that a person may be selling, purchasing, transferring, possessing, using, or abusing alcohol or drugs in any way that is illegal or a violation of this policy.

I. **SUBSTANCE** - alcohol or drugs.

J. **UNDER THE INFLUENCE OF DRUGS OR ALCOHOL** – a member is deemed to be under the influence of drugs or alcohol for the purpose of this policy when, as a result of ingesting any amount of drug or alcohol, their mental or physical faculties are so impaired as to reduce their ability to think or act with ordinary care or engaged in abuse of drugs or alcohol as set forth in Section II.A.

III. POLICY APPLICATION

A. All members will adhere to the following requirements. No member shall:

1. Manufacture, distribute, dispense, possess, or use a controlled substance.

2. Report to work or be at work or on-duty while under the influence of drugs or alcohol.

3. While undertaking official business, purchase, transfer, use, or possess drugs as defined in Section II. D. or abuse alcohol or prescription drugs in any manner that is contrary to the laws of the State of Maryland.

4. Consume alcohol while in uniform, displaying the insignia of the WPD, or while operating a City-owned vehicle.

5. Use alcohol while in an on-call status to the extent that the member’s job performance would be impaired if the member were required to report to duty.

B. No WPD member may abuse a substance as defined in this Substance Abuse Policy.

C. WPD members who are convicted of off-the-job drug or criminal alcohol offenses will be in violation of this policy.

D. A WPD member must report any criminal drug or alcohol-related arrest to his immediate supervisor within twenty-four (24) hours of that arrest.

E. Members may use alcohol while on-duty when involved in approved covert operations, but only when supervisory approval for such use is obtained in advance. Moderation will be maintained at all times in these circumstances.

IV. DRUG AND ALCOHOL SCREENING

A. All persons seeking to be promoted shall be subject to a drug screening, which shall be provided at no cost to the employee.

B. A drug screen will be a basic part of any pre-employment or regularly scheduled physical/medical examination. Such tests and/or drug screens will be provided at no cost to the member.

C. All members (including civilian employees identified in sub-section D. below) will be subject to random drug testing, at no cost to the member.

D. In an effort to ensure the credibility of all drug handling responsibilities, civilian employees assigned to the Property Management Section and Police Cadets will be subject to random drug testing at no cost to the affected member.

E. Where a reasonable suspicion of substance abuse exists, any member so suspected will be required to undergo drug and/or alcohol testing, under direct observation and at no cost to the member.

V. POLICY ADMINISTRATION

A. The Chief of Police and the Manager of the City Department of Human Resources are responsible for the adherence to and the implementation, enforcement, and monitoring of this policy.

B. City of Westminster Department of Human Resources will be responsible for the following:

1. Sending notification of random screening examinations to the Chief of Police or designee.

2. Coordination of drug screening, upon the request of the WPD, when a reasonable suspicion of substance abuse exists.

3. Development of contractual agreements with a collection center and a substance screening laboratory for the purpose of implementing this policy.

4. Coordination of the substance screening record keeping process.

5. Informing the Chief of Police of test results.

C. WPD members shall:

1. Upon receipt of appropriate notification, report for urinalysis or breathe test at such time and place set forth in the notification.

2. Present their Departmental identification to personnel at the collection center designated by the City.

3. Complete all forms and provide all medical information related to the screening examination requested by personnel at the collection center designated by the City.

4. Immediately report to their supervisors any accidental exposure to any drug as defined within this General Order.

5. Immediately seek medical treatment when exposed to any drug as defined within this General Order.

6. Immediately write administrative reports to their supervisors when accidentally exposed to any drug as defined within this General Order.

7. Notify their supervisors, in writing, when taking prescription or non-prescription medications which may affect performance and behavior, and identify the type of medication being taken as well as the effects which the medication may have on performance and behavior.

VI. TESTING PROCEDURES

A. Drugs - The Department, through the Department of Human Resources, will utilize independent collection facilities and laboratories for all urinalysis testing to determine drug abuse under this policy. The City will utilize only those laboratories which are certified or approved under Section 17-214.1, Health General, Annotated Code of Maryland and collection facilities and laboratories which follow guidelines promulgated by the U.S. Department of Health and Human Services and N.I.D.A.

B. Alcohol – Where a reasonable suspicion of alcohol abuse exists, a supervisor may direct a member to take a breath test (Intoximeter or other state certified test procedure). WPD tests will be administered by a member who is at least one rank above the member being tested. The Maryland State Police or other outside law enforcement agency may be utilized for this purpose, without regard to the rank of the officer assigned to the duty.

C. Substances subject to testing:

1. Random, promotional and any regularly scheduled medical examination drug testing programs will test for marijuana, cocaine, opiates, phencyclidine, barbiturates, benzodiazepines and amphetamines.

2. When testing is conducted upon "reasonable suspicion," the WPD may test for any substance including alcohol for which there is “reasonable suspicion”.

D. Testing Methodologies:

1. Drugs:

a. The initial tests will use immunoassay techniques outlined in the guidelines promulgated by the U.S. Department of Health and Human Services.

b. The confirmatory test will be Gas Chromatography-Mass Spectroscopy (GC-MS).

2. Alcohol - Tests undertaken to determine alcohol abuse will utilize the Intoximeter test or other state certified test procedure techniques.

E. Testing Levels:

1. Drugs:

a. An initial screening test will be deemed positive if the result for the seven (7) drugs

or classes of drugs screened in the random testing program is determined to be at or above the following levels:

	(ng/ml)
(1) Cannabis/Cannabinoids (THC)	50
(2) Cocaine or cocaine metabolite	300
(3) Opiates	300
(4) Phencyclidine (PCP)	25
(5) Amphetamines	1,000
(6) Barbiturates	300
(7) Benzodiazepines	300

b. Confirmatory test levels for the same drug will be as follows:

	(ng/ml)
(1) Marijuana/Cannabinoids (THC)	15
(2) Cocaine or cocaine metabolite	150
(3) Opiates	
(a) Morphine	2,000
(b) Codeine	2,000
(4) Phencyclidine (PCP)	25
(5) Amphetamines	
(a) Amphetamine	500
(b) Methamphetamine	500
(6) Barbiturates	300
(7) Benzodiazepines	300

2. Alcohol – An Intoximeter test result which reveals that there is .02 or more grams of alcohol per 210 liters of breath in the person's breath at the time of testing will be deemed positive.

VII. TESTING RESULTS

A. Any positive urine screening result will automatically undergo a confirmatory test. All positive results will be reviewed by a certified Medical Review Officer (MRO) prior to the results being communicated to the Department of Human Resources.

B. Maintenance of Test Results - Testing results will be forwarded by the independent laboratory to the Department of Human Resources, where the results will be maintained in a confidential manner.

C. Negative Dilute Specimen Results – If the analysis of a urine sample pursuant to this policy results in a “negative dilute specimen” finding by the testing laboratory, the employee providing the diluted specimen is required to provide another specimen as soon as possible as directed by the Chief of Police or designee. The Department of Human Resources will advise the Chief of Police of the negative dilute specimen test results. The Chief of Police or designee will notify the tested employee and direct them in writing to report to the testing facility for another test.

D. Positive Test Results - The Department of Human Resources will advise the Chief of Police of any positive test results. The Chief of Police or designee will notify the tested employee. The Department of Human Resources will, in the case of a positive test result, advise the tested member of their right to request independent testing of the same sample taken from the member for verification of the presence of any prohibited substance by a laboratory certified and licensed in accordance with the laws of the State of Maryland, and of the time period within which they must exercise such right.

E. A member who refuses to be tested will be subject to discipline. Sworn officers will be subject to

discipline in accordance with the Law Enforcement Officer's Bill of Rights (LEOBR), such discipline may include dismissal, and will be immediately removed from normal service and administratively assigned to duties that do not involve carrying a firearm or handling substances defined by this policy, pending the outcome of disciplinary proceedings.

F. A member who tests positive for abuse of any drug will be subject to discipline. Sworn officers will be subject to discipline in accordance with the LEOBR, such discipline may include, dismissal and will be immediately removed from normal service and administratively assigned to duties which do not involve carrying a firearm or handling substances defined by this policy, pending the outcome of disciplinary proceedings.

G. A member who tests positive for the abuse of alcohol will be subject to discipline. Sworn officers will be subject to discipline in accordance with the LEOBR, such discipline may include dismissal, consistent with the member's work history, length of employment, current job performance, past disciplinary actions, and job assignment.

H. A member who is convicted of off-the-job drug offenses will be subject to discipline. Sworn officers will be subject to discipline in accordance with the LEOBR, such discipline may include dismissal.

I. A member who is convicted of off-the-job criminal alcohol offenses will be subject to discipline. Sworn officers will be subject to discipline in accordance with the LEOBR, such discipline may include dismissal.

AUTHORITY:

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Jeffrey Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 16-01

Subject: **TRAINING**

Effective Date: June 1, 2017

This General Order contains the following numbered sections:

I. POLICY
II. DEFINITIONS
III. TRAINING COMMITTEE
IV. TRAINING INSTRUCTORS
V. LESSON PLANS
VI. ATTENDANCE
VII. TRAINING SAFETY
VIII. ENTRANCE LEVEL TRAINING
IX. IN-SERVICE TRAINING
X. CIVILIAN EMPLOYEE TRAINING
XI. MANDATED POST PROMOTIONAL TRAINING
XII. SPECIALIZED TRAINING
XIII. REMEDIAL TRAINING
XIV. TRAINING RECORDS
XV. CANCELATION

I. POLICY

It is the policy of the Westminster Police Department (WPD) to provide training that meets or exceeds the requirements of Maryland Police and Correctional Training Commissions (MPCTC) standards. Well-educated and trained police officers and civilian staff are better prepared to act decisively, correctly and safely in varying situations. The WPD recognizes the importance of training in relation to effective and productive service provided to the community. The WPD is committed to providing training that will assist its employees in accomplishing these goals and to help fulfill our Mission.

II. DEFINITIONS

MARYLAND POLICE AND CORRECTIONAL TRAINING COMMISSIONS (MPCTC) – The regulatory agency governing the certification and training of police officers in the State of Maryland.

III. TRAINING COMMITTEE

A. The Training Committee will be comprised of the Support Services Division (SSD) Commander and the Deputy Chief.

B. The Training Committee will approve or disapprove requests for training as described in Sections IX - XIII of this Order.

C. The SSD Commander will complete Training Orders for all scheduled training and will disseminate these orders to relevant personnel via PowerDMS.

D. The Training Committee will review funding requests for training and related expenses (registration fees, transportation, lodging, meals, etc.) during the Department's annual budget process, and will make recommendations to the Chief of Police concerning prioritization and funding of requested training.

IV. TRAINING INSTRUCTORS

A. MPCTC requires that all mandated training objectives be taught by certified instructors or experts recognized in their field, except as exempted by MPCTC regulation. Certification is obtained through successful completion of an approved MPCTC Instructor course. The MPCTC Instructor course will include, at a minimum, the following:

1. Lesson plan development;
2. Performance objective development;
3. Instructional techniques;
4. Testing and evaluation techniques; and,
5. Resource availability and use.

B. The Department will utilize MPCTC-certified instructors and/or MPCTC-approved experts for all training covering the MPCTC-mandated objectives. Other training will be conducted by instructors approved by the SSD Commander.

C. MPCTC requires specially-certified instructors for certain training topics, such as firearms, emergency vehicle operation (EVOC), gang awareness, Taser, Mental Health First Aid, de-escalation and defensive tactics (DT). Only properly certified instructors will be assigned to teach these subjects.

D. The Training Committee will continually evaluate the training provided to instructors to ensure it is up to date and geared to meet the needs of the Agency.

V. LESSON PLANS

A. Lesson plans will be developed, reviewed and updated when necessary by the instructor responsible for teaching that topic. The SSD Commander will coordinate this process and will maintain copies of lesson plans. A lesson plan is a flexible outline of the objectives and topics covered in the course, along with notes on how they will be covered. Lesson plans may include PowerPoint presentations, other media and/or course teaching manuals.

B. Lesson plans will consist of, at least, the following:

1. The subject title;
2. The performance and job-related objectives;
3. The length of the course;
4. The instructional method / technique utilized to teach the material (lecture, hands-on, video, role-play);
5. What training / visual aids are required;
6. Facilities needed for instruction;
7. Any types of student materials needed;
8. The name of the person who prepared the lesson plan, the date it was prepared and the date of any revisions to the plan;
9. References;
10. The content / material to be covered; and,

11. The evaluation / testing process for ensuring successful student completion / retention.

C. Course instructors will submit lesson plans to the SSD Commander prior to the scheduled training dates.

D. The SSD Commander will review lesson plans to ensure that subject matter is addressed completely and accurately; is properly sequenced with other training materials; and is relevant to the Department's Mission and Values. The SSD Commander will also ensure that lesson plans meet MPCTC requirements and objectives; relate training to critical job tasks; identify any relevant ethical considerations and meet all other requirements of this order.

E. Upon request, the SSD Commander will be responsible for submitting lesson plans to MPCTC for approval for topics mandated by MPCTC or utilized for MPCTC in-service credit hours.

VI. ATTENDANCE

A. Attendance at training courses, seminars, conferences, firearms training/qualifications, etc. is mandatory and considered an official duty assignment. Employees ordered to attend such training will attend and stay for its duration, unless excused for another authorized duty assignment by the author of the Training Order or by the course instructor, if appropriate. Employees who are unable to complete a course of instruction due to an excused absence must contact the author of the Training Order to arrange for make-up training, if necessary and possible.

B. An unexcused absence from a training session assigned by Training Order will be considered an unexcused absence from duty and will be handled accordingly. If a mandated course of instruction is missed, the employee will be rescheduled for attendance at a later date. Employees scheduled for remedial training sessions are required to attend. Willful nonattendance will result in disciplinary action.

C. Training Instructors will document the attendance of all employees who successfully complete the training, and will forward this documentation to the SSD Commander for filing.

D. Any employee who successfully completes any training program provided by any organization other than the WPD will forward documentation of their successful completion to the SSD Commander for filing.

VII. TRAINING SAFETY

A. It shall be the responsibility of the Training Instructor to ensure that the proper precautions are taken to ensure the safety of all of those involved. This shall include making sure that all necessary items, such as water or safety equipment, are present during the exercise. Training Instructors will ensure that they maintain the ability to communicate with Emergency Medical Services during the training exercise, so that help can be summoned if necessary. Training Instructors will continually monitor all training participants for signs/symptoms of illness/injury, and will take immediate corrective action should such be detected.

B. In the case of training conducted entirely by instructors from outside of the Department, the SSD Commander or other Agency member arranging the training shall be responsible for ensuring that the same safety precautions taken by WPD Instructors are followed by the outside instructors throughout the training.

C. Any member of the Department who becomes aware of any unsafe condition or practice during the course of training will immediately make the instructor aware of the situation, and will assist in reasonable measures to rectify the situation.

VIII. ENTRANCE LEVEL TRAINING

A. Entrance-Level Training for newly appointed recruits will be conducted at a facility approved by the MPCTC.

B. Entry-Level Probationary Police Officers

1. As a condition of employment, newly-hired Probationary Police Officers (PPO) will be required to sign an Employment Agreement. This agreement will help to protect the investment that the Department will make towards the training and equipment required when hiring a new police officer.

2. PPOs, while attending the police academy, will report to and be under the direction of the Training Academy Staff. However, they will also maintain communication with the SSD Commander regarding any personnel issues (injuries, leave requests), quartermaster issues, timesheets, planning for field training etc. Additionally, PPOs in the police academy will contact the SSD Commander for any needs or requests made by the Training Academy Staff.

3. No Department member will carry any weapon, enforce any law, or make an arrest, nor will they be assigned in any capacity allowing or requiring these things, until they have successfully completed the Entrance-Level Police Academy and have been certified as a police officer by MPCTC.

4. Upon completion of the Training Academy, PPOs will receive their Field Training Assignment from the SSD Commander and will be assigned to a Field Training Officer (FTO) for Field Training. Refer to General Order 16-02, Field Training and Evaluation Program (FTEP) for specifics on the FTEP.

C. Lateral PPOs that are currently certified will receive their Field Training Assignment from the SSD Commander and will be assigned to an FTO for Field Training. If the Lateral PPO has a police certification from a state other than Maryland, he/she will be required to complete an MPCTC-Approved Comparative Compliance Training Course within one (1) year of his/her date of hire.

1. Prior to beginning Field Training, the Lateral PPO will be required to successfully complete, at a minimum, Use of Force / Firearms training / qualification.

2. Lateral PPOs will be initially assigned to the SSD, and must successfully complete the Lateral PPO Training, as developed by the SSD Commander, prior to the Lateral PPO being assigned to perform any sworn duties.

3. The SSD Commander will scrutinize the prior training records of the lateral hire, and will develop an appropriate curriculum for abbreviated lateral instruction based on prior training and experience. Abbreviated lateral instruction will meet all MPCTC requirements, including any minimum time requirements mandated. Ordinarily, at least the following subjects will be covered:

a. City Code;

b. De-escalation;

c. Departmental General Orders;

d. Ethics and Integrity;

e. Firearms, Less Lethal Weapons and Use of Force; and,

f. Search and Seizure.

4. Lateral PPOs who successfully complete Lateral PPO Training will be assigned to a Patrol Squad to complete Field Training in accordance with General Order 16-02.

IX. IN-SERVICE TRAINING

A. The WPD develops and maintains an In-Service Training Program as per the guidelines and the requirements of the MPCTC, COMAR Title 12; Subtitle 04.

1. The SSD Commander will schedule and provide appropriate in-service training to all sworn personnel. MPCTC mandates that officers below the rank of Lieutenant will attend and successfully complete at least eighteen (18) hours of in-service training each calendar year to maintain their certification as police officers. In-service training is not required during the calendar year which an officer begins or completes entrance-level training.

2. The WPD will schedule sworn members up to and including the rank of lieutenant for annual in-service training.

3. Sworn members with a rank of captain or higher will attend in-service training blocks of instruction that are relevant to their position and responsibilities, and will also seek professional development training.

4. All topics and lesson plans presented during mandated in-service training must receive prior approval from MPCTC.

5. If not covered in another manner, in-service training will include updates concerning relevant legal matters, as well as any other appropriate topics, such as revisions in policy, procedures and general orders; supervisory and management training; ethics and integrity; use of force, etc.

6. Classes will be scheduled on several dates to accommodate rotating shifts.

7. Instructors will provide the SSD Commander with lesson plans, handouts, tests and test answer keys prior to their first presentation.

8. Departmental policy that is read or reviewed as part of a block of instruction will be placed in the presentation or will be provided as handout material.

9. Instructors are responsible for class time management and appropriate behavior of attendees.

10. Instructors will submit a written test to the SSD Commander with corresponding answers that contains a minimum of five (5) questions per hour of instruction. Tests will include the title of the course and a location for officer name and date.

11. A practical exercise may be conducted, in lieu of a written test, provided that a standardized written evaluation of each participant's performance is completed by the instructor. The form of evaluation is subject to the approval of the SSD Commander, and must be approved prior to the scheduled training.

12. The purpose of testing is not to stump the attendees, but rather to ensure that they have a grasp of the material taught. Instructors will not provide answers to attendees at the time of testing and will not allow attendees to cheat off of one another.

13. Tests and practical exercises will be based on a percentile score of 100%.

14. Tests and practical exercises will be filed by the SSD Commander. Instructors are responsible for making sure that the SSD Commander is provided with this material in a timely manner.

15. Officers who do not obtain a score of 70% or better will be required to re-take the test. If there is a practical exercise, remedial training may be required at the direction of the Instructor and/or the SSD Commander.

16. Officers must successfully complete all MPCTC and WPD required courses. It is the officer's responsibility to make arrangements for any missed course.

B. The WPD develops and maintains a Firearms Qualification Program as per the guidelines and the requirements of the MPCTC.

1. Members of the WPD must achieve a successful firearms score of 70% or better.

2. Members of the Carroll County Crisis Response Team (CCCRT) must achieve a successful firearms score of 80% or better.

3. Following completion of the firearms qualification process, Firearms Instructors will submit a form to the SSD Commander for each officer, which lists the following: Officer's Name, Date, Weapon Fired, Score and Range Instructor's Signature.

X. CIVILIAN EMPLOYEE TRAINING

A. Supervisors will ensure that each newly hired civilian employee receives training appropriate to his/her position prior to allowing the employee to perform the functions of the position "solo." Any formal documentation of this "pre-service" training will be forwarded to the SSD Commander for filing.

B. In addition to training provided by the City of Westminster Human Resources, the WPD will identify and provide any training necessary for employees that is commensurate with the job responsibilities and skills necessary to perform technical aspects of civilian positions. The WPD will also stress the importance of the link that civilian employees provide between citizens and the Agency and how it often shapes a citizen's opinion of the Agency.

XI. MANDATED POST PROMOTIONAL TRAINING

A. Commensurate with their new duties, all sworn personnel promoted to the rank of sergeant will be scheduled for attendance at a job related, MPCTC-approved and mandated first line supervisor school within one (1) year of their promotion. Likewise, all sworn personnel promoted to the rank of lieutenant will be scheduled for attendance at a job related, MPCTC-approved and mandated first line administrator school within one (1) year of their promotion.

B. The Department will provide leadership and other job related training, commensurate with required duties, to all civilian supervisors, as appropriate. Training should take place either prior to promotion or within the first year following promotion.

XII. SPECIALIZED TRAINING

A. Specialized training will be provided to personnel for the development or enhancement of skills, knowledge and abilities, which may consist of the following topics, as well as other topics identified by the Department as beneficial:

1. Accident Reconstruction;
2. Canine Handler Training;
3. Carroll County Crisis Response Team Training;
4. Composite Training;
5. Criminal Investigator's Training, including Child Abuse Investigations, as required by Maryland Law;
6. Crisis Intervention Training;
7. Critical Incident Stress Management Training;
8. Field Training Officers;
9. Crisis Negotiation Training;
10. Instructor Training;
11. Intoximeter Training;
12. METERS/NCIC Training, as required by Maryland Law;
13. Patrol Mountain Bike Training; and,
14. Supervisor and Administrator Training, as required by the MPCTC.

B. The Training Committee will approve and select members for specialized training.

XIII. REMEDIAL TRAINING

A. Determining the Need for Remedial Training

1. Many times a supervisor may be able to correct an identified performance deficiency immediately through normal supervisory techniques. There will be times, however, when a more formal remedial training process will have to be utilized.

2. Prior to recommending remedial training or performing direct action to remediate an employee's training needs, the supervisor will make a reasonable effort to determine the extent of the performance inadequacy. This may be done by using the following criteria and any other appropriate information:

   a. Review of the employee's prior performance evaluation reports;
   b. By direct observation of the employee's performance and/or work product;
   c. Through consultation with other Departmental staff; or,
   d. By examination of reports pertinent to the employee's performance.

3. The criteria to be utilized in determining the need for remedial training will be a comparison of the employee's performance to the job standards established for his/her position.

4. Once it has been determined that an employee's inadequate performance is linked to a lack of required knowledge or skill, the supervisor will utilize the resources at his/her disposal to take the steps necessary to supply the material or to develop the employee's skills. Should this effort not be successful, the supervisor, following approval from his/her Bureau Commander, will contact the SSD Commander to explore other methods that may be available to correct the identified deficiencies.

B. Scheduling Remedial Training

1. In the event that the supervisor is unable to retrain the employee utilizing his/her own resources and it is believed that remedial training may be effective:

   a. The supervisor will notify, in writing, the Bureau Commander, who will brief the Deputy Chief and the Chief of Police.

   b. The Deputy Chief or the Chief, at his/her discretion, may reassign the employee to the SSD for remedial training.

   c. The SSD Commander will notify, in writing, the Chief of Police of any unsatisfactory performance of an officer who cannot correct his/her inadequacy after all reasonable training avenues have been exhausted.

2. Performance inadequacies will be corrected at the earliest practicable opportunity. If a sworn officer's identified performance inadequacy could present a danger to the officer, the public or the Department, the officer will be relieved of his/her police power and re-assigned in a non-operational capacity until successful remedial training can be completed.

3. The SSD Commander will develop a lesson plan and schedule for required remedial training for the employee, and will issue a Training Order directing the employee's attendance.

C. Completion of Remedial Training

1. The standards for remedial training will be established by the Training Committee.

2. Upon successful completion of remedial training, the SSD Commander will prepare and disseminate a remedial training report to the Chief of Police with a copy sent to the employee's Bureau Commander. A copy of this training report will be included in that officer's training file.

XIV. TRAINING RECORDS

1. The SSD Commander will maintain up-to-date files and records of all training received or conducted by the Department or its personnel, including: lesson plans, Training Orders, attendance rosters, tests and test scores, demonstrative performance records and completion certificates. Training Records will be maintained and disposed of in accordance with the City's records retention policy and MPCTC standards.

2. With the exception of lesson plans, the Department will consider records pertaining to training as personnel records. Training records will only be released as follows:

   A. To an employee or former employee submitting a written request for copies of his/her own records;

   B. Pursuant to a court order;

C. To another law enforcement agency upon written request for copies of records of a current employee of the other agency;

D. In full compliance with all existing federal, state and local laws addressing the rules of privacy;

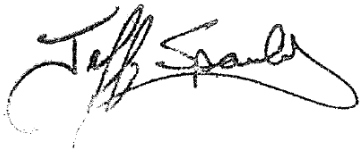
E. To MPCTC in compliance with law or regulation; or,

F. As directed by the Chief of Police.

XV. CANCELATION

This general order cancels and replaces General Order P-1, Training dated November 1, 1992.

Authorized by:



Jeffrey Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 16-02

Subject: **FIELD TRAINING AND EVALUATION PROGRAM (FTEP)**

Effective Date: January 1, 2016

This General Order contains the following numbered sections:

I. POLICY
II. PURPOSE
III. DEFINITIONS
IV. COMPLETION OF FIELD TRAINING REQUIRED
V. FIELD TRAINING & EVALUATION PROGRAM (FTEP) PHASES
VI. ADMINISTRATION AND COORDINATION
VII. SELECTION OF FIELD TRAINING OFFICERS (FTO)
VIII. FIELD TRAINING OFFICER TRAINING
IX. ASSIGNMENT AND ROTATION OF PROBATIONARY POLICE OFFICERS (PPO)
X. ORIENTATION
XI. EVALUATIONS
XII. FIELD TRAINING DUTIES AND RESPONSIBILITIES
XIII. SQUAD COMMANDER / SUPERVISOR RESPONSIBILITIES
XIV. REMEDIAL TRAINING
XV. FTEP EXTENSIONS
XVI. RECOMMENDATION FOR TERMINATION OF A PPO
XVII. COMPLETION OF THE FTEP

I. POLICY

It is the policy of the Westminster Police Department (WPD) to provide all newly hired police officers, including lateral-hires, with appropriate academic, skills, and field training before placing them in an operational assignment. Authorization for a sworn member to perform duties as a “solo” officer is contingent upon the successful completion of this Field Training and Evaluation Program (FTEP). The WPD FTEP will be in compliance with standards set by the Maryland Police & Corrections Training Commission (MPCTC).

II. PURPOSE

To establish procedures and responsibilities for the FTEP

III. DEFINITIONS

DAILY OBSERVATION REPORT (DOR): A daily summary of the Probationary Police Officer’s (PPO) performance as observed by the Field Training Officer (FTO)

WEEKLY EVALUATION REPORT (WER): At the end of each FTEP week, the Squad Commander/Supervisor, in consultation with the FTO, will rate the PPO’s performance in this report.

END OF PHASE REPORT (EOPR): At the end of each FTEP Phase, the Squad Commander/Supervisor, in consultation with the FTO, will rate the PPO’s performance in this report.

FINAL EVALUATION REPORT (FER): At the end of Phase III, the FTO will complete this report to rate the performance of the PPO and his/her ability to assume “solo” patrol duties.

IV. COMPLETION OF FIELD TRAINING REQUIRED

All newly hired police officers, both entry-level academy graduates and lateral-hired officers, must successfully complete the FTEP prior to assignment to “solo” patrol duties. Until that time, no PPO will work in the field without the direct supervision of an FTO or a supervisor.

V. FTEP PHASES

A. Each PPO will be placed with an experienced officer who has been selected, trained and designated as an FTO. The PPO will, under the supervision and direction of an FTO, gradually assume greater responsibility for handling patrol duties and tactical situations. This will be accomplished in phases. Prior to the *Final Evaluation Phase*, the PPO will assume total responsibility for the satisfactory resolution of incidents encountered during the shift.

B. Throughout the FTEP, the PPO's performance will be carefully evaluated and documented by the FTO on a daily basis. The FTO, the PPO, the first-line supervisors, and the FTEP Coordinator (FTC) will participate in an ongoing performance evaluation process throughout this program. The FTEP will consist of the following phases:

1. Phase I – Orientation and Initial Assignment

   (a) Entry-Level Officers and Comparative-Compliance Officers (laterals from out-of-state) will complete a minimum of two hundred (200) hours in Phase I.

   (b) In-state Lateral-Hire Officers will complete a minimum of eighty (80) hours in Phase I.

   (c) During the initial week, the PPO will be assigned to the Support Services Bureau (SSB). He/she will complete Human Resource orientation; will complete required firearms qualifications; will be issued equipment; will spend one (1) tour of duty in dispatch; will spend one (1) tour of duty in the Criminal Investigations Bureau (CIB); and, will begin review of WPD Policy and Procedures, as well as City Ordinances and Code.

   (d) The FTC will explain the FTEP to the PPO and will introduce him/her to his/her FTO.

   (e) During the remainder of Phase I, the PPO will be assigned to his/her FTO(s) in the Patrol Bureau (PB).

   (f) The PPO will spend at least the first three (3) tours of duty with the FTO in an "observation-only" role. The PPO will observe the FTO handle calls for service. The PPO will take notes and will complete reports at the same time the FTO completes them. The FTO will assist the PPO by familiarizing him/her with any and all processes and procedures. The FTO will encourage the PPO to make observations and to ask questions.

   (g) The FTO will gradually direct the PPO to start handling more responsibilities, as the FTO assumes more of an observation role. The FTO will ensure that the PPO can adequately handle this increasing level of responsibility at an acceptable level, and will continue to mentor and to provide feedback.

   (h) The PPO should become familiar with the patrol area of the City of Westminster. He/she should demonstrate increasing levels of proficiency related to criminal law, traffic law, Department Policy and Procedure, City Ordinances and Code, the incident reporting system, central booking processing and procedure, safe police tactics, the ability to interact professionally with people, the ability to complete job required documents and forms, and a host of additional duties as recorded on the DORs.

2. Phase II - Night Shift Assignment

   (a) All PPOs will complete a minimum of forty (40) hours in Phase II.

   (b) After completing Phase I with the primary FTO, the PPO will be assigned to a secondary FTO on night shift. This rotation is done to ensure the PPO is objectively evaluated and to eliminate the potential of any adverse outcome based on personality conflict. Additionally, the PPO will be familiarized with the atmosphere and unique responsibilities of the night shift.

(c) The PPO will continue to have an increased level of responsibility for handling calls for service and other duties. The FTO will ensure that the PPO can adequately handle these increasing responsibilities at an acceptable level, and will continue to mentor and to provide feedback.

(d) By the completion of Phase II, the PPO should be demonstrating confidence and proficiency in criminal law, traffic law, Department Policy and Procedure, City Ordinances and Code, the incident reporting system, central booking processing and procedure, safe police tactics, the ability to interact professionally with people, the ability to complete job required documents and forms, and a host of additional duties as recorded on the DORs.

3. Phase III - Final Evaluation

(a) All PPOs will complete a minimum of forty (40) hours in Phase III.

(b) During the Final Evaluation Phase, the PPO will be reassigned to their primary FTO. In this last phase of the FTEP, the PPO must have achieved a satisfactory level of proficiency in all areas evaluated on the DORs. The PPO should demonstrate the ability to perform his/her assigned tasks without the assistance of the FTO.

(c) The PPO's handbook should have been completed and all tasks should have been demonstrated and/or explained through informal training.

(d) If the above goals have not been attained by the PPO, the FTEP may be extended under the direction and coordination of the FTC.

VI. ADMINISTRATION AND COORDINATION

A. Because the FTEP is considered part of the training process, the administration, coordination and oversight of the FTEP will be the responsibility of the Support Services Bureau (SSB). The SSB Commander will be designated as the FTEP Coordinator (FTC).

B. The FTC will participate in the selection of FTOs. The FTC will coordinate with the PB Commander to assign PPOs to FTOs.

C. The FTC will review, monitor and maintain DORs, WERs, EOPRs, and the FER. The FTC will maintain a file on each PPO that contains the original DORs, WERs, EOPRs, and the original FER.

1. The FTC, upon receipt of a DOR, a WER, or an EOPR, will review and take special notice of any rating below satisfactory or any fluctuation in critical performance areas.

2. If the PPO needs remedial training at any time, the FTC will provide assistance to the FTO and/or the first line supervisors.

3. The FTC will assist the FTOs and/or first line supervisors as needed during the FTEP.

4. The FTC will monitor the progress of all PPOs, and will discuss performance with the PB Commander.

D. Throughout the FTEP, immediate supervision of FTOs and PPOs will be the responsibility of the first line supervisors of the Squad to which the FTO/PPO is assigned. However, supervisory concerns or actions which will impact the FTEP will be coordinated between the first line supervisors and the FTC.

E. The FTC may add additional requirements to any FTEP session, including specific lists or tasks to be performed or additional training to be completed. Whenever additional requirements are added, all supervisors, FTOs, and PPOs participating in that FTEP session will be notified. PPOs must successfully complete all such additional requirements prior to completion of the FTEP program.

F. The FTC will review the *Final Evaluation Report* and the *Field Training Binder and Handbook*, and will ensure they are complete.

VII. SELECTION PROCESS FOR FIELD TRAINING OFFICERS

A. When the Department has a need for additional FTOs, the FTC will distribute a Training Announcement requesting volunteer candidates for the assignment. Officers requesting consideration will forward a memorandum via the chain-of-command to the PB Commander.

B. The PB Commander and the FTC may select officers from this list or may choose to assign any Police Officer First Class or Corporal. When selecting FTOs, they will consider the following:

1. Have served a minimum of two (2) years as a sworn law enforcement officer as required by MPCTC regulations;

2. Have received a satisfactory or above performance evaluation in all categories during the last rating period; and,

3. Be the rank of Police Officer First Class or Corporal.

C. When an FTO is needed, the PB Commander will examine all potential FTO candidates. This examination will include, at least:

1. The FTO candidate's willingness to participate in the program, including his or her willingness to minimize the use of non-emergency leave when scheduled as a FTO;

2. The FTO candidate's understanding of the objectives of the program and duties of the FTO position, including the importance of observing, evaluating and documenting the PPO's job performance on a daily basis;

3. The FTO candidate's demonstrated competency and job knowledge;

4. The FTO candidate's ability to effectively communicate and interact with others;

5. The FTO candidate's understanding of the training function and ability to function as a trainer;

6. The FTO candidate's attitude toward the Department and the law enforcement profession;

7. The FTO candidate's ability to recommend remedial or extended training or, in extreme cases, termination from service for a PPO who does not satisfactorily complete the FTEP; and,

8. A positive endorsement from the FTO candidate's supervisor and Bureau Commander.

D. The FTC will submit names of acceptable FTO candidates to the Deputy Chief for final approval.

E. FTOs will be issued an FTO pin that will be worn as described in General Order 15-03, Police Uniform and Issued Equipment.

VIII. FTO TRAINING

A. Each FTO must successfully complete an FTEP training program approved by the MPCTC before performing FTO duties.

B. Trained FTOs are required to complete MPCTC-approved refresher training every three (3) years in order to maintain their FTO designation.

C. All training records pertaining to the FTEP will be maintained by the SSB.

IX. ASSIGNMENT AND ROTATION OF PROBATIONARY POLICE OFFICERS (PPOs)

A. The designation of an FTO as “primary” or “secondary” does not reflect on the FTO’s ability in any way. It is a designation that indicates the phase(s) of the FTEP for which the FTO is responsible.

B. The PB Commander will assign each PPO to a primary and secondary FTO. Ordinarily, the primary FTO will be responsible for conducting Phases I and III of field training, and the secondary FTO will be responsible for conducting Phase II of field training. The PB Commander, in coordination with the FTC, may include an additional secondary FTO during Phase I and Phase III.

C. If a PPO’s assigned FTO is unavailable for a short period of time, the Squad Commander will assign another FTO to serve in the absence. If no FTOs are available, the Squad Sergeant will function as the FTO. If neither option is available, the Squad Commander will assign the PPO to alternative duties. Under no circumstances will a PPO be assigned to an officer not trained and designated as an FTO. Should the FTO’s absence be extended, the Squad Commander will confer with the PB Commander, as soon as possible, to resolve the matter.

D. The PPO’s leave will be restricted during the FTEP. Leave will be granted to a PPO only after the Squad Supervisor consults with the FTC (emergency or medical leave excepted).

E. It is expected that each PPO will attain 80%-90% performance proficiency by the end of Phase II. Upon the successful conclusion of Phase II, the PPO will be reassigned to the primary FTO for Phase III.

F. The FTC may approve the use of a PPO for special assignments. During these assignments, a DOR will not be completed. PPOs so assigned will be supervised by the detail commander or supervisor.

X. ORIENTATION

The PPO’s FTEP orientation will occur during the first week of Phase I. During orientation, the PPO is not expected to handle any operational duties, except in emergencies. The PPO will observe, ask questions, and assimilate as much as information as possible during this orientation period. No DOR will be completed during orientation.

XI. EVALUATIONS

A. Throughout the FTEP, the PPO will, under the direct supervision of the FTO, gradually assume greater responsibility for handling all of the duties required of a patrol officer. During the final weeks of the FTEP, the PPO will be expected to handle as much work as practical without assistance from the FTO. As the PPO progresses from being an observer to performing the duties of a patrol officer, the FTO will observe, evaluate, document, and correct the PPO’s performance, as needed.

B. The FTEP will require the FTOs and first line supervisors to devote a significant portion of time and effort to the evaluation and documentation of the PPO’s performance. Without this careful observation and documentation of the PPO’s performance, there cannot be a valid determination of the PPO’s preparedness and suitability for patrol duty. The formal evaluation and documentation of a PPO’s performance will occur daily and at the end of the each phase of the FTEP. Communication is vital to the success of the FTEP.

C. All FTEP evaluation reports are confidential. The contents of these reports will ordinarily only be shared with the supervisors within the PPO’s chain of command and with the FTC.

D. Original copies of all DORs and EOPRs will be forwarded to the FTC to be placed in the PPO’s training file. Upon request, the PPO will be provided with a copy of each of these reports. No other copies, either on paper or electronic, will be maintained of any of the FTEP evaluation reports.

XII. FIELD TRAINING DUTIES AND RESPONSIBILITIES

A. The FTO is responsible for the completion of the PPO’s Field Training Handbook. Each requirement has to be explained, and will be demonstrated or performed prior to the PPO completing the FTEP. As the PPO demonstrates or performs each requirement, the FTO will initial and date the appropriate section along with the PPO. The PPO’s Field Training Handbook will be placed in the back of the Field Training Binder.

B. The FTO is also required to maintain the PPO Field Training Binder. The binder will consist of copies of Daily Observation Reports (DORs), Weekly Evaluation Reports (WERs), End of Phase Reports (EOPRs), Final Evaluation Report (FER), and the original Field Training Handbook, and copies of any reports that required remedial training or any exceptional reports. At the end of each FTEP week, except during Phase III, the Squad Commander/Supervisor will complete the WER. After each Phase, the Squad Commander will complete an EOPR. The Field Training Handbook will be the last item in the binder.

C. The FTO will complete the DORs (Addendum A) and will review them with the PPO. The FTO and PPO will both sign the DORs. All activities in which the PPO receives a rating that is below "satisfactory" must be documented in detail on the DOR. The FTO will submit the DORs to the Squad Commander for his/her review and signature. The DORs will be submitted daily and will then be forwarded to the PB Commander. Once reviewed, the PB Commander will forward the DORs to the FTC for entry into the PPOs training file. A copy of each DOR will be placed in the Field Training Binder.

D. The WERs (Addendum B) will be completed by the Squad Commander/Supervisor after consultation with the FTO. This report will rate the PPO's performance during that FTEP week. Any ratings below "satisfactory" must include a summary explaining the specific behavior which lead to the rating. The Squad Commander/Supervisor is also encouraged to summarize any noteworthy incidents of satisfactory performance, but is not obligated to do so.

The Squad Commander/Supervisor will conduct an interview with the PPO and the FTO to discuss the contents of the WER. The WER and interview will be completed as soon as possible following the week covered by the report. The WER will then be forwarded to the PB Commander, who will then forward it to the FTC.

E. The EOPRs (Addendum C) will be completed by the Squad Commander after consultation with the FTO. The EOPR will include a rating of the PPO's performance during the phase in question. Any ratings below "satisfactory" must include a summary explaining the specific behavior which lead to the rating and will include any significant remedial action taken or planned. The Squad Commander is also encouraged to summarize any noteworthy incidents of satisfactory performance, but is not obligated to do so.

The Squad Commander will discuss the EOPR with the PPO and the current FTO as soon as possible following the phase covered by the report. The Squad Commander will then forward the EOPR to the PB Commander, who will then forward it to the FTC.

F. Throughout the FTEP, the PPO will, under the direct supervision of the FTO, gradually assume greater responsibility for handling all of the duties required of a patrol officer. During the final weeks of the FTEP, the PPO will be expected to handle as much work as is practical without assistance from the FTO. As the PPO progresses from being an observer to actually performing the duties of a patrol officer, the FTO will observe, evaluate, document and, when necessary, correct the PPO's performance.

G. At the end of Phase III of the FTEP, the FTO will complete a Final Evaluation Report (FER) (Addendum D). The FER will be based on the observations of the FTO during the Phase III of the FTEP and any other relevant information known to the FTO. The FER will specifically cite the preparedness and suitability of the PPO to assume "solo" patrol duties.

1. If the FER includes a recommendation to assign the PPO to "solo" duty, the Squad Commander and FTO will review the FER with the PPO before reassignment of the PPO.

2. If the FER includes a recommendation for further training or for termination, the procedures for extension of the FTEP or termination of a PPO will be followed, as applicable.

H. During the Phase III of the FTEP, DORs will be completed, but the WERs and the EOPR will not be required. In all cases, the FER will be forwarded with the completed Field Training Handbook and Binder to the PB Commander, who will then forward it to the FTC.

XIII. SQUAD COMMANDER / SUPERVISOR RESPONSIBILITIES

The Squad Commander / Supervisor will supervise the FTOs assigned to his/her shift. The Squad Commander / Supervisor will complete the EOPR when the PPO is assigned to his/her squad. This report will be forwarded for

review and signatures as indicated on the report. The Squad Commander / Supervisor will ride with the PPO at least once during Phase I, II, and III for an entire shift. The Squad Commander / Supervisor will complete the DOR for this shift.

XIV. REMEDIAL TRAINING

A. Under normal circumstances, the FTO will bring a deficient performance issue to the immediate attention of the PPO for corrective action. However, there will be times when operational considerations or exigent circumstances preclude the FTO from discussing in detail the reason for taking necessary corrective action. Should this occur, the FTO will ensure that the incident is discussed with the PPO as soon as practical after the incident has occurred. All remedial actions should be documented on the DOR.

B. If the FTO determines that the PPO requires specialized or detailed remedial training to correct an observed deficiency, the FTO will confer with the Squad Commander to decide if the required training can be completed within the PB. If, in their judgment, the remedial training cannot be completed at the PB level, the Squad Commander will contact the FTC as soon as possible. The FTC will discuss the deficiency with the FTO and Squad Commander; develop a remedial training strategy to address the problem; and, monitor the progress of the remedial training.

XV. FTEP EXTENSIONS

A. Occasionally, the PPO will show through his/her job performance that he/she is not yet ready to function alone as a patrol officer. The need for an extension of the PPO's field training should normally be evident to those evaluating his/her performance well before the completion of Phase II of the FTEP. When this occurs, the FTC and others who have evaluated the PPO will determine whether additional training might improve the PPO's performance to a level that will meet established standards. The decision to extend a PPO's field training should ordinarily be made prior to the start of Phase III of the FTEP.

B. If the decision is made that additional field training might improve the PPO's performance to an acceptable level, Phase III of the FTEP will be extended for two (2) weeks. The PPO will be reassigned to the "primary" FTO or an alternate FTO at the discretion of the PB Commander, and will continue to be evaluated on a daily and weekly basis. Additional FTEP extensions will occur at the discretion of the Deputy Chief.

C. At the conclusion of the two (2) week extension, if additional training is still needed, the Squad Sergeant will assume direct supervision of the PPO and will conduct the FER.

XVI. RECOMMENDATION FOR TERMINATION OF A PROBATIONARY POLICE OFFICER (PPO)

A. Unfortunately, there will be times when the PPO will be unable to successfully complete the FTEP. After being counseled; given the opportunity to participate in an extension of the FTEP; and/or, afforded remedial training, termination may be recommended for the PPO.

B. If this occurs, the FTC will prepare a comprehensive report for review by the Chief of Police. This report will detail all the circumstances which led to the recommendation of termination, including but not limited to:

1. The PPO's performance problem(s);

2. Remedial action taken and results; and,

3. Recommendation of FTOs, the Squad Commander, and the FSB Commander.

C. The FTC will ensure all evaluation reports completed during the FTEP are attached to this report. The entire packet will be forwarded via the SSB chain of command to the Chief of Police for final action.

D. If the Chief of Police concurs with the recommendation that the PPO is to be terminated, the Deputy Chief will notify the PPO and proceed with termination in accordance with existing procedures.

E. Upon initial recommendation for termination, the PPO will have his/her police powers suspended in accordance with WPD policy. He/she will be assigned to administrative duties until the final action by the Chief of Police.

XVII. COMPLETION OF THE FTEP

A. Under no circumstances will a PPO be released early from the FTEP without the prior approval of the FTC.

B. Any Squad Supervisor who believes a PPO is ready to be released to solo duties prior to the completion of the FTEP may submit a detailed written request to the FTC. After consultation with the Deputy Chief and examination of the evaluations completed to date, the FTC will make the final determination.

C. Under no circumstances will a PPO be released from FTEP prior to the completion of Phase I or prior to the completion of the minimum number of hours of field training required by the MPCTC. While lateral transfers and academy graduates with prior police experience may warrant consideration for early release from FTEP, early release of academy graduates without prior police experience will occur only under the most extraordinary of circumstances.

D. A PPO who successfully completes the FTEP will be assigned to a Patrol Squad by the PB Commander.

AUTHORITY:

Thomas Ledwell
Chief of Police

Addendum A: Field Training – Daily Observation Report
Addendum B: Field Training – Weekly Evaluation Report
Addendum C: Field Training – End of Phase Report
Addendum D: Field Training – Final Evaluation Report
Addendum E: Field Training – Continuation Form

Addendum A

Westminster Police Department
Field Training and Evaluation Program
Daily Observation Report

Date Shift Started:

PPO Name and ID# **FTO Name and ID#**

CATEGORY	ACTIVITY	RATING			
		SATISFACTORY	MARGINAL	UNSATISFACTORY	NOT OBSERVED
Preparation	1. Preparation for duty/appearance		☐	☐	☐
Attitude	2. Acceptance of feedback/constructive criticism	☐	☐	☐	☐
	3. Attitude toward law enforcement	☐	☐	☐	☐
Knowledge	4. Of Departmental/General Orders and procedures	☐	☐	☐	☐
	5. Of criminal/civil law	☐	☐	☐	☐
	6. Of Transportation Article	☐	☐	☐	☐
	7. Of City locations/routes/maps	☐	☐	☐	☐
	8. Of standard/general police techniques	☐	☐	☐	☐
Performance	9. Driving skills – emergency/non-emergency	☐	☐	☐	☐
	10. Appropriate use of police radio	☐	☐	☐	☐
	11. Calls for service – appropriate action taken	☐	☐	☐	☐
	12. Information gathering – interview/interrogation	☐	☐	☐	☐
	13. Investigative techniques	☐	☐	☐	☐
	14. Report writing – accuracy/completeness	☐	☐	☐	☐
	15. Report writing – organization/construction	☐	☐	☐	☐
	16. Self-initiated activity/enforcement – criminal/civil	☐	☐	☐	☐
	17. Self-initiated activity/enforcement – traffic	☐	☐	☐	☐
	18. Officer safety – techniques/practices	☐	☐	☐	☐
	19. Conflict control/bearing/Verbal Judo	☐	☐	☐	☐
	20. Physical skills/use of force	☐	☐	☐	☐
	21. Arrest situations – appropriate action taken	☐	☐	☐	☐
	22. Prisoner custody – adult/juvenile	☐	☐	☐	☐
	23. Problem solving/decision making	☐	☐	☐	☐
	24. Field performance – non-stressful conditions	☐	☐	☐	☐

CATEGORY	ACTIVITY	RATING			
		SATISFACTORY	MARGINAL	UNSATISFACTORY	NOT OBSERVED
	25. Field performance – stressful conditions		☐	☐	☐
Relationships	26. Interaction/communication with citizens	☐	☐	☐	☐
	27. Interaction with police/criminal justice personnel	☐	☐	☐	☐

(ALL RATINGS OF MARGINAL OR UNSATISFACTORY MUST BE DOCUMENTED BELOW.)

Activity Numbers:
Describe the incident(s) which demonstrate this performance:
Remedial action taken/planned:

Activity Numbers:
Describe the incident(s) which demonstrate this performance:
Remedial action taken/planned:

Activity Numbers:
Describe the incident(s) which demonstrate this performance:
Remedial action taken/planned:

Activity Numbers:
Describe the incident(s) which demonstrate this performance:
Remedial action taken/planned:

Activity Numbers:
Describe the incident(s) which demonstrate this performance:
Remedial action taken/planned:

PPO's Signature Date

FTO's Signature Date

Squad Commander's Signature Date

FSB Commander Signature Date

Addendum B

Westminster Police Department
Field Training and Evaluation Program
Weekly Evaluation Report

Week #	Rated PPO's Name and ID#	Rating Squad Commander's Name and ID#

Date Prepared	List the dates covered during this week of the FTEP: **(Attach those DORs to this report)**

Rate the PPO's performance during the FTEP week listed above in the following categories: **(Any Ratings of Marginal or Unsatisfactory require a detailed, written explanation.)**

Preparation	**Rating:** ☐ Satisfactory ☐ Marginal ☐ Unsatisfactory
Written Explanation / Remedial Action taken	

Attitude	**Rating:** ☐ Satisfactory ☐ Marginal ☐ Unsatisfactory
Written Explanation / Remedial Action taken	

Knowledge	**Rating:** ☐ Satisfactory ☐ Marginal ☐ Unsatisfactory
Written Explanation / Remedial Action taken	

Performance	**Rating:** ☐ Satisfactory ☐ Marginal ☐ Unsatisfactory
Written Explanation / Remedial Action taken	

Relationships	**Rating:** ☐ Satisfactory ☐ Marginal ☐ Unsatisfactory
Written Explanation / Remedial Action taken	

Recommendation:
- ☐ Continue to next FTEP week as Scheduled
- ☐ Continue to next FTEP week with significant remedial training necessary
- ☐ Extension of FTEP

I have reviewed this weekly evaluation report with the rating supervisor.

PPO's Signature _____ Date _____

I have reviewed this weekly evaluation report.

FTO's Signature _____ Date _____

Squad Commander's Signature _____ Date _____

FSB Commander's Signature _____ Date _____

Addendum C

Westminster Police Department
Field Training and Evaluation Program
End of Phase Report

Phase #	Rated PPO's Name and ID#	Rating Squad Commander's Name and ID#

Date Prepared	List the starting and ending date covered during this Phase of the FTEP: **(Attach the DORs and WERs for this Phase to this report)**

Rate the PPO's performance during the FTEP week listed above in the following categories: **(Any Ratings of Marginal or Unsatisfactory require a detailed, written explanation.)**

Preparation	**Rating:** ☐ Satisfactory ☐ Marginal ☐ Unsatisfactory
Written Explanation / Remedial Action taken	

Attitude	**Rating:** ☐ Satisfactory ☐ Marginal ☐ Unsatisfactory
Written Explanation / Remedial Action taken	

Knowledge	**Rating:** ☐ Satisfactory ☐ Marginal ☐ Unsatisfactory
Written Explanation / Remedial Action taken	

Performance	**Rating:** ☐ Satisfactory ☐ Marginal ☐ Unsatisfactory
Written Explanation / Remedial Action taken	

Relationships	**Rating:** ☐ Satisfactory ☐ Marginal ☐ Unsatisfactory
Written Explanation / Remedial Action taken	

Recommendation:
- ☐ Continue to next FTEP Phase as Scheduled
- ☐ Continue to next FTEP Phase with significant remedial training necessary
- ☐ Extension of FTEP

I have reviewed this End of Phase Report with the rating supervisor.

PPO's Signature Date

I have reviewed this report.

FTO's Signature Date

FSB Commander's Signature Date

Squad Commander's Signature Date

Support Services Division Commander's Signature Date

Addendum D

Westminster Police Department
Field Training and Evaluation Program
Final Evaluation Report

Phase #	Rated PPO's Name and ID#	Rating FTO or Squad Commander's Name and ID#

Date Prepared	List the dates covered during this Final Phase of the FTEP: **(Attach those DORs to this report)**

Rate the PPO's performance during the Final Phase of the FTEP in the following categories. **Include a summary of the PPO's Performance throughout the FTEP in the space provided**

Preparation	**Rating:** ☐ Satisfactory ☐ Marginal ☐ Unsatisfactory
Summary of Performance	

Attitude	**Rating:** ☐ Satisfactory ☐ Marginal ☐ Unsatisfactory
Summary of Performance	

Knowledge	**Rating:** ☐ Satisfactory ☐ Marginal ☐ Unsatisfactory
Summary of Performance	

Performance	**Rating:** ☐ Satisfactory ☐ Marginal ☐ Unsatisfactory
Summary of Performance	

Relationships	**Rating:** ☐ Satisfactory ☐ Marginal ☐ Unsatisfactory
Summary of Performance	

Recommendation: ☐ Release from FTEP and assignment to "solo" duties
☐ Termination

I have reviewed this Final Evaluation Report with the rating FTO or supervisor.

PPO's Signature Date

I have reviewed this Final Evaluation Report

FTO's Signature Date

Squad Commander's Signature Date

FSB Commander's Signature Date

Support Services Division Commander's Signature Date

Addendum E

Westminster Police Department
Field Training and Evaluation Program
Continuation Form

Date Shift Started: _____

PPO Name and ID# _____ **FTO Name and ID#** _____

Activity Numbers:
Describe the incident(s) which demonstrate this performance:
Remedial action taken/planned:

Activity Numbers:
Describe the incident(s) which demonstrate this performance:
Remedial action taken/planned:

WESTMINSTER POLICE DEPARTMENT

General Order: 16-03

Subject: **COMMUNICATIONS FIELD TRAINING PROGRAM**

Effective Date: May 10, 2017

This General Order contains the following numbered sections:

I. POLICY
II. DEFINITIONS
III. COMPLETION OF FIELD TRAINING REQUIRED
IV. COMMUNICATIONS DIVISION TRAINING PROGRAM (CFTP) PHASES
V. ADMINISTRATION AND COORDINATION
VI. SELECTION OF TELECOMMUNICATIONS SPECIALIST TRAINER (TST)
VII. ASSIGNMENT AND ROTATION OF PROBATIONARY TELECOMMUNICATIONS SPECIALITS (PTS)
VIII. ORIENTATION
IX. EVALUATIONS
X. FIELD TRAINING DUTIES AND RESPONSIBILITIES
XI. REMEDIAL TRAINING
XII. CFTP EXTENSIONS
XIII. RECOMMENDATION FOR TERMINATION OF A PTS
XIV. COMPLETION OF THE CFTP

I. POLICY

It is the policy of the Westminster Police Department (WPD) to provide all new Telecommunications Specialists (TS) with appropriate training and skills, including the National Academy of Emergency Dispatch (NAED) TeleCommunicator Training, prior to placing them in an operational assignment within the Communications Division. Authorization for a TS to perform duties on his/her own is contingent upon the successful completion of the Communications Field Training Program (CFTP).

II. DEFINITIONS

DAILY OBSERVATION REPORT (DOR): A daily summary of the Probationary Telecommunications Specialist (PTS) performance as observed by the Telecommunications Specialist Trainer (TST). All DORs will be completed by the end of the shift being evaluated. DORs will be thorough and detailed. Original DORs will be submitted to the Communications Supervisor daily.

RELEASE FROM FIELD TRAINING REPORT (RFT): Upon completion of the CFTP, the TST will complete this report to rate the performance of the PTS and his/her ability to work in Communications on his/her own.

SELF-EVALUATION REPORT (SER): At the end of each CFTP week, the PTS will complete an SER. A copy will go to the TST and the original will be submitted to the Communications Supervisor.

TRAINING CHECKLIST: The TST will be provided with a Training Checklist for each PTS. The Training Checklist will be initialed and dated by both the TST and the PTS upon completion and a thorough understanding of each task listed.

III. COMPLETION OF FIELD TRAINING REQUIRED

All newly hired TSs must successfully complete the CFTP prior to being released to work on their own in the Communications Division. Until that time, no PTS will work in dispatch without the direct supervision of a TST or a supervisor.

IV. CFTP PHASES

A. Each PTS will be placed with an experienced TS who has been selected, trained and designated as a TST. The PTS will, under the supervision and direction of a TST, gradually assume greater responsibility for handling dispatch duties. This will be accomplished in phases. Prior to being released from training, the PTS will assume total responsibility for the satisfactory resolution of incidents encountered during the shift.

B. Throughout the CFTP, the PTS's performance will be carefully evaluated and documented by the TST on a daily basis. The TST, the PTS and the first-line supervisors will participate in an ongoing performance evaluation process throughout this program. The CFTP will consist of the following phases:

1. Phase I – Orientation and Initial Assignment

   a. All new TSs will complete a minimum of six (6) weeks of field training.

   b. During the initial week, the PTS will report to Human Resources to complete new employee paperwork and required orientation.

   c. The PTS will be introduced and assigned to his/her trainer.

   d. The PTS will spend the first two (2) days in an "observation only" role.

   e. The TST will gradually direct the PTS to start handling more responsibilities, as the TST assumes more of an observation role. The TST will ensure that the PTS can adequately handle this increasing level of responsibility at an acceptable level, and will continue to mentor and to provide feedback.

   f. The PTS should become familiar with the city limits of Westminster. He/she should demonstrate increasing levels of proficiency related to call taking, call entry, Department Policy and Procedure, City Ordinances and Code, the incident reporting system, officer safety, processing of paperwork, the ability to interact professionally with people, the ability to complete job required documents and forms, and a host of additional duties as recorded on the DORs.

2. Phase II - Night Shift Assignment

   a. All PTSs will complete a minimum of forty (40) hours in Phase II.

   b. After completing Phase I with the primary TST, the PTS will be assigned to a secondary TST on night shift. This rotation is done to ensure the PTS is objectively evaluated, and to eliminate the potential of any adverse outcome based on a personality conflict. Additionally, the PTS will be familiarized with the atmosphere and the unique responsibilities of the night shift.

   c. The PTS will continue to have an increased level of responsibility for handling calls for service and other duties. The TST will ensure that the PTS can adequately handle these increasing responsibilities at an acceptable level, and will continue to mentor and to provide feedback.

   d. By the completion of Phase II, the PTS should be demonstrating confidence and proficiency in call taking, dispatching, Department Policy and Procedure, City Ordinances and Code, the incident reporting system, officer safety, processing of paperwork, the ability to interact professionally with people, the ability to complete job-required documents and forms, and a host of additional duties as recorded on the DORs.

3. Phase III - Final Evaluation

   a. All PTSs will complete a minimum of forty (40) hours in Phase III.

   b. During the Final Evaluation Phase, the PTS will be reassigned to his/her primary TST. In

this last phase of the CFTP, the PTS must have achieved a satisfactory level of proficiency in all areas evaluated on the DORs. The PTS should demonstrate the ability to perform his/her assigned tasks without the assistance of the TST.

c. The PTS's handbook should have been completed and all tasks should have been demonstrated and/or explained through informal training.

d. If the above goals have not been attained by the PTS, the CFTP may be extended under the direction and coordination of the Field Training Coordinator (FTC).

V. ADMINISTRATION AND COORDINATION

A. Because the CFTP is considered part of the training process, the administration, coordination and oversight of the CFTP will be the responsibility of the Support Services Division (SSD). The SSD Commander will be designated as the CFTP Field Training Coordinator (FTC).

B. The FTC will participate in the selection of TSTs. The FTC will coordinate with the Communications Supervisor to assign PTSs to TSTs.

C. The FTC will review, monitor and maintain DORs, SERs, TCs and the RFT. The FTC will maintain a file on each PTS that contains the original DORs, SERs, TCs and the original RFT.

1. The FTC, upon receipt of a DOR or a SER, will review and take special notice of any rating below "satisfactory" or any fluctuation in critical performance areas.

2. If the PTS needs remedial training at any time, the FTC will provide assistance to the TST and/or the first line supervisors.

3. The FTC will assist the TSTs and/or first line supervisors as needed during the CFTP.

4. The FTC will monitor the progress of all PTSs, and will discuss performance with the Communications Supervisor.

D. Throughout the CFTP, immediate supervision of TSTs and PTSs will be the responsibility of the Communications Supervisor. However, supervisory concerns or actions which will impact the CFTP will be coordinated between the Communications Supervisor and the FTC.

E. The FTC may add additional requirements to any CFTP session, including specific lists or tasks to be performed or additional training to be completed. Whenever additional requirements are added, all supervisors, TSTs and PTSs participating in that CFTP session will be notified. PTSs must successfully complete all such additional requirements prior to completion of the CFTP program.

F. The FTC will review the *Release from Field Training Report* and the *Field Training Binder and Handbook*, and will ensure they are complete.

VI. SELECTION PROCESS FOR TELECOMMUNICATION SPECIALIST TRAINERS (TST)

A. When the Communications Division is in need of a new TST, one will be appointed by the Communications Supervisor.

B. When selecting TSTs, the Communications Supervisor will consider the following:

1. Have served a minimum of one (1) year as a TS;

2. Have received a "satisfactory" or above performance evaluation in all categories during the last rating period; and,

C. When a TST is needed, the FTC and the Communications Supervisor will examine all potential TST

candidates. This examination will include, at least:

1. The TSTs candidate's willingness to participate in the program, including his or her willingness to minimize the use of non-emergency leave when scheduled as a TST;
2. The TST candidate's understanding of the objectives of the program and duties of the TST position, including the importance of observing, evaluating and documenting the PTS's job performance on a daily basis;
3. The TST candidate's demonstrated competency and job knowledge;
4. The TST candidate's ability to effectively communicate and interact with others;
5. The TST candidate's understanding of the training function and ability to function as a trainer;
6. The TST candidate's attitude toward the Department and the law enforcement profession;
7. The TST candidate's ability to recommend remedial or extended training or, in extreme cases, termination from service for a PTS who does not satisfactorily complete the CFTP; and,
8. A positive endorsement from the Communications Supervisor.

VII. ASSIGNMENT AND ROTATION OF PTS

A. The designation of a TST as "primary" or "secondary" does not reflect on the TST's ability in any way. It is a designation that indicates the phase(s) of the CFTP for which the TST is responsible.

B. The Communications Supervisor will assign each PTS to a primary and secondary TST. Ordinarily, the primary TST will be responsible for conducting Phases I and III of field training, and the secondary TST will be responsible for conducting Phase II of field training. The Communications Supervisor, in coordination with the FTC, may include an additional secondary TST during Phase I and Phase III.

C. If a PTS's assigned TST is unavailable for a short period of time, the Communications Supervisor will assign another TST to serve in the absence.

D. The PTS's leave will be restricted during the CFTP. Leave will be granted to a PTS only after the Communications Supervisor consults with the FTC (emergency or medical leave excepted).

VIII. ORIENTATION

The PTS's CFTP orientation will occur during the first week of Phase I, to include the day at Human Recourses. During orientation, the PTS is not expected to handle any operational duties, except in emergencies. The PTS will observe, ask questions, and assimilate as much as information as possible during this orientation period. No DOR will be completed during orientation.

IX. EVALUATIONS

A. Throughout the CFTP, the PTS will, under the direct supervision of the TST, gradually assume greater responsibility for handling all of the duties required of a TS. During the final weeks of the CFTP, the PTS will be expected to handle as much work as practical without assistance from the TST. As the PTS progresses from being an observer to performing the duties of a TS, the TST will observe, evaluate, document and correct the PTS's performance, as needed.

B. The CFTP will require the TSTs and first line supervisors to devote a significant portion of time and effort to the evaluation and documentation of the PTS's performance. Without this careful observation and documentation of the PTS's performance, there cannot be a valid determination of the PTS's preparedness and suitability for solo duty as a TS. The formal evaluation and documentation of a PTS's

performance will occur daily and at the end of each phase of the CFTP. Communication is vital to the success of the CFTP.

C. All CFTP evaluation reports are confidential. The contents of these reports will ordinarily only be shared with the supervisors within the PTS's chain of command and with the FTC.

D. Original copies of all DORs and SERs will be forwarded to the FTC to be placed in the PTS's training file. Upon request, the PTS will be provided with a copy of each of these reports.

X. FIELD TRAINING DUTIES AND RESPONSIBILITIES

A. The TST is responsible for the completion of the PTS's Training Checklist. Each requirement has to be explained, and will be demonstrated or performed prior to the PTS completing the CFTP. As the PTS demonstrates or performs each requirement, the TST will initial and date the appropriate section along with the PTS. The PTS's Training Checklist will be placed in the back of the Field Training Binder.

B. The TST is also required to maintain the PST Field Training Binder. The binder will consist of Daily Observation Reports (DORs), Self-Evaluation Reports (SERs), the Release from Field Training Report (RFT) and the Field Training Checklist.

C. The TST will complete the DORs and will review them with the PTS. The TST and PTS will both sign the DORs. All activities in which the PTS receives a rating that is below "satisfactory" must be documented in detail on the DOR. The TST will submit the DORs to the Communications Supervisor for his/her review and signature. The DORs will be submitted daily and will then be forwarded to the FTC. A copy of each DOR will be placed in the Field Training Binder.

D. Throughout the CFTP, the PTS will, under the direct supervision of the TST, gradually assume greater responsibility for handling all of the duties required of a TS. During the final weeks of the CFTP, the PTS will be expected to handle as much work as is practical without assistance from the TST. As the PTS progresses from being an observer to actually performing the duties of a TS, the TST will observe, evaluate, document and, when necessary, correct the PTS's performance.

XI. REMEDIAL TRAINING

A. Under normal circumstances, the TST will bring a deficient performance issue to the immediate attention of the PTS for corrective action. However, there will be times when operational considerations or exigent circumstances preclude the TST from discussing in detail the reason for taking necessary corrective action. Should this occur, the TST will ensure that the incident is discussed with the PTS as soon as practical after the incident has occurred. All remedial actions should be documented on the DOR.

B. If the TST determines that the PTS requires specialized or detailed remedial training to correct an observed deficiency, the TST will confer with the Communication Supervisor to decide if the required training can be completed within the Communications Division. If, in their judgment, the remedial training cannot be completed at the Communication Division level, the Communications Supervisor will contact the FTC as soon as possible. The FTC will discuss the deficiency with the TST and Communications Supervisor; develop a remedial training strategy to address the problem; and, monitor the progress of the remedial training.

XII. CFTP EXTENSIONS

A. Occasionally, the PTS will show through his/her job performance that he/she is not yet ready to function alone as a CS. The need for an extension of the PTS's field training should normally be evident to those evaluating his/her performance well before the completion of Phase II of the CFTP. When this occurs, the FTC and others who have evaluated the PTS will determine whether additional training might improve the PTS's performance to a level that will meet established standards. The decision to extend a PTS's field training should ordinarily be made prior to the start of Phase III of the CFTP.

B. If the decision is made that additional field training might improve the PTS's performance to an acceptable level, Phase III of the CFTP will be extended for two (2) weeks. The PTS will be reassigned to the "primary" TST or an alternate TST at the discretion of the Communications Supervisor, and will continue to be evaluated on a daily and weekly basis.

XIII. RECOMMENDATION FOR TERMINATION OF A PTS

A. Unfortunately, there will be times when the PTS will be unable to successfully complete the CFTP. After being counseled; given the opportunity to participate in an extension of the CFTP; and/or, afforded remedial training, termination may be recommended for the PTS.

B. If this occurs, the FTC will prepare a comprehensive report for review by the Chief of Police. This report will detail all the circumstances which led to the recommendation of termination, including but not limited to:

1. The PTS's performance problem(s);
2. Remedial action taken and results; and,
3. Recommendation of TSTs and the Communications Supervisor.

C. The FTC will ensure all evaluation reports completed during the CFTP are attached to this report. The entire packet will be forwarded via the SSD chain of command to the Chief of Police for final action.

D. If the Chief of Police concurs with the recommendation that the PTS is to be terminated, the Deputy Chief will notify the PTS and proceed with termination in accordance with existing procedures.

E. Upon initial recommendation for termination, the PTS will have his/her operational duties and responsibilities suspended in accordance with WPD policy. He/she will be assigned to administrative duties until the final action by the Chief of Police.

XIV. COMPLETION OF THE CFTP

A. Under no circumstances will a PTS be released early from the CFTP without the prior approval of the FTC.

B. Should the Communications Supervisor believe a PTS is ready to be released to solo duties prior to the completion of the CFTP, he/she may submit a detailed written request to the FTC. After consultation with the Deputy Chief and examination of the evaluations completed to date, the FTC will make the final determination.

C. Under no circumstances will a PTS be released from CFTP prior to the completion of Phase I.

D. A PTS who successfully completes the CFTP will be assigned to a rotation by the Communications Supervisor.

AUTHORITY:

_____
Jeffrey Spaulding
Chief of Police

Appendix A: Communications Field Training – Daily Observation Report
Appendix B: Communications Field Training – Release from Field Training Report
Appendix C: Communications Field Training – Self-Evaluation Report

WESTMINSTER POLICE DEPARTMENT

General Order: 17-01

Subject: **DEPARTMENTAL APPOINTMENT AND PROMOTIONAL PROCESS**

Effective Date: October 1, 2011

This General Order contains the following numbered sections:

I. POLICY
II. ADMINISTRATIVE RESPONSIBILITIES
III. APPOINTMENT
IV. PROMOTIONAL PROCESS
V. APPEALS AND REVIEWS
VI. CANCELLATION
VII. EFFECTIVE DATE

I. POLICY

It is the policy of the Westminster Police Department (WPD) to provide for the appointment and promotional testing for the ranks of Sergeant, Lieutenant, Captain and Major. The Department will work cooperatively with the City of Westminster Human Resources Office to develop and administer job-related, fair, non-discriminatory, and defensible police appointment and promotional processes for sworn ranks, which meet professional standards.

II. ADMINISTRATIVE RESPONSIBILITIES

A. The City of Westminster Department of Human Resources is the centralized personnel agency for the City and is responsible for the overall administration of the appointment and promotional process to include the posting of promotional opportunities, the administration of written and oral examinations, and the certification of eligibility lists.

B. The Westminster Police Department is responsible for the overall coordination of the appointment and promotional process, including the selection and development of testing topic matters and materials for the testing process.

1. The Deputy Chief of Police is designated as the coordinator of the testing process and is responsible for the selection of source materials for tests and the coordination and technical review of content with the Department of Human Resources. The Deputy Chief will also assist the Department of Human Resources in the development and administration of all aspects of the testing process.

2. The Chief of Police has the sole responsibility for conducting selection interviews, selecting candidates, making appointments, and monitoring the six and twelve month probationary periods for newly appointed or promoted personnel (as appropriate).

III. APPOINTMENT

A. Appointment means the initial selection or promotion of an eligible applicant to a position assigned to the ranks of Sergeant, Lieutenant, Captain or Major.

B. In the event of a vacancy in a position assigned to the ranks of Sergeant, Lieutenant, Captain or Major, the Chief shall make an appointment in accordance with this General Order. The Chief may determine to employ the promotional process set forth in Section IV of this General Order. However, if the Chief determines that the efficient operation of the Department requires consideration of candidates outside of the Department who have comparable credentials for the position and, after consultation with the City Administrator, the Chief may consider such qualified applicants, as well as promotional candidates whose names appear on the eligibility list as provided in Section IV B7.

C. In the event that the Chief decides to consider external applicants, the Department of Human Resources shall have the overall responsibility for advertising, soliciting and compiling external applications for submission to the Chief for eligibility screening and consideration, along with the internal eligibility list for promotions.

IV. PROMOTIONAL PROCESS

A. Eligibility Requirements

1. To be eligible for promotion to the rank of Sergeant, a member must have:

   a. Held the rank of Private First Class and/or Corporal for three (3) years* in the WPD.

   b. Satisfactory performance during the last evaluation period.

   c. A current certification of basic law enforcement training as issued by the Maryland Police and Correctional Training Commission.

2. To be eligible for promotion to the rank of Lieutenant, a member must have:

   a. Held the rank of Sergeant for at least two (2) years* in the WPD.

   b. Satisfactory performance during the last evaluation period.

   c. Graduation from the basic supervisory course from the Maryland Police and Correctional Training Commission or an equivalent course.

3. To be eligible for promotion to the rank of Captain, a member must have:

   a. Held the rank of Lieutenant for at least two (2) years* in the WPD.

   b. Satisfactory performance during the last evaluation period.

   c. Graduation from both the supervisory and administrative courses mandated by the Maryland Police and Correctional Training Commission or an equivalent course.

4. To be eligible for promotion to the rank of Major, a member must have:

   a. Held the rank of Captain for at least two (2) years* in the WPD.

   b. Satisfactory performance during the last evaluation period.

   c. Graduation from both the supervisory and administration courses mandated by the Maryland Police and Correctional Training Commission or an equivalent course.

5. The Chief of Police reserves the right to alter the prescribed periods of work experience at prior ranks based upon his assessment of the organizational needs of the Department at the time that the promotional opportunity is announced.

Time frames relate to years of service with WPD prior to the date of testing/assessment.

B. Promotional Process

1. The Department of Human Resources will be responsible for a written announcement of the promotional opportunities for the ranks of Sergeant, Lieutenant, Captain and Major. Eligible members interested in participating in the promotional process will submit an application to the Department of Human Resources within the prescribed time frame. If more than four (4) eligible members apply for promotion to the position, testing procedures

will be established. If four (4) or less eligible members apply, the Chief of Police may elect to use an interview process only.

2. All procedures used in the promotional process will be job-related, non-discriminatory, and will follow guidelines established by the Human Resources Office.

3. The procedures to be used during the promotional process will be made known to the participants prior to the beginning of the process in a written announcement and will include:

   a. A description of the position and/or job classification for which vacancies exist.

   b. A notice of the scheduled dates, times and locations prior to each component of the process.

   c. A description of eligibility requirements.

   d. A description of the numerical weight assigned to each testing component.

4. If a written test is used, each member will be provided with an updated bibliography of reading materials used as the source for questions.

5. The Chief of Police may choose to utilize structured oral interviews, simulation exercises and/or scenario-based exercises in the promotional process. The processes selected must meet the following criteria:

   a. Measure dimensions, attributes, characteristics, qualities, skills, abilities, or knowledge relating to the position for which the candidates are being tested.

   b. Uses multiple assessors who are trained prior to participation.

   c. Uses techniques designed to provide information that can be used in evaluating the dimensions, attributes, or qualities previously identified.

   d. Thorough documentation by assessors of observations at each stage of the process.

   e. Provides written feedback to the candidates tested to include their scores and their candidate ranking in the group tested.

6. An eligibility list will be established by the Department of Human Resources from those candidates who have attained the minimum qualifying rating. The rating will be determined by the total scores received on each part of the process, based on the value assigned to each part. The candidates will be listed in descending order from the highest rating to the lowest. When identical ratings are received, equal numerical ranks will be given to those candidates.

   a. An eligibility list for the ranks of Sergeant and Lieutenant will remain in effect for up to two years from the date of issuance.

   b. An eligibility list for the ranks of Captain and Major will remain in effect for one year from the date of issuance.

7. When the Chief of Police wishes to fill a position by promotion, the Chief shall notify the Department of Human Resources.

   a. The Manager of the Department of Human Resources shall provide the Chief of Police a certified eligibility list of candidates. The number of members on the list

will be equal to three (3) plus the number of vacancies to be filled.

b. The Chief of Police will interview each of the candidates on the eligibility list prior to making the promotion.

c. Any promotion is contingent upon the candidate's passing an appropriate physical examination.

8. Each newly promoted member will be subject to a six-month probationary period. This period is considered an integral part of the promotional process that allows the Chief of Police to closely observe the member's work, and reject any member whose performance does not meet required standards.

C. The procedures for evaluating the promotional potential of sworn officers shall include, but not be limited to:

1. Observations of the officer's command presence, oral communication skills, interpersonal sensitivity, organizational courage, problem solving abilities, team leadership, follow-through, and work perspective as assessed by the Chief of Police, with input from the Command Staff.

2. A review of the member's personnel and disciplinary record.

3. A review of the member's previous performance evaluations.

4. Written test and promotional exercise scores (as applicable).

5. Oral interview performance.

D. The Deputy Chief and the Manager of the Department of Human Resources shall be responsible for the security and confidentiality of all promotional material, including but not limited to, exam questions, correct answers, assessor notes, rating sheets, and test scores. All promotional material will be maintained in strict confidence and secured in a locked cabinet.

V. APPEALS AND REVIEWS

A. Candidates may review and appeal any adverse decisions concerning their eligibility for, or appointment to, promotional vacancies within ten business days.

1. All candidates may review the final written results of scored elements of the promotional process which pertain to them.

a. The specific procedures for reviewing all scored elements of the promotional process shall be provided in writing to each participant in the process by the Department of Human Resources.

b. Generally, the Department of Human Resources shall announce a date and time to allow candidates to review the testing materials and correct answers. Candidates may take notes but will not be provided copies of testing materials.

2. Candidates may challenge questions through a written appeal process, which will be reviewed by an Appeals Committee comprised of the Deputy Chief of Police and the Manager of the Department of Human Resources.

3. Candidates failing to meet eligibility requirements or failing to be promoted may reapply, retest, and be re-evaluated during the next promotional process.

B. The promotional process will be evaluated continuously by the Manager of the Department of Human Resources through a review of laws, publications, and current industry standards. Candidates will be provided with an opportunity to anonymously complete an evaluation form upon

completing the promotional process. Candidates are also encouraged to offer comments and suggestions to the Chief of Police on improving the process. Revisions to the process will be made when appropriate.

VI. CANCELLATION

This General Order cancels and replaces General Order B-4, Order# 2004-02, **Departmental Appointment and Promotional Process**, dated October 1, 2004.

AUTHORITY:

_____
Jeffrey Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 17-02

Subject: **Secondary Employment**

Effective Date: October 1, 2016

This General Order contains the following numbered sections:

I. POLICY
II. DEFINITIONS
III. BASIC RESPONSIBILITY
IV. SECONDARY EMPLOYMENT - GENERAL
V. LIABILITY
VI. RESTRICTIONS AND ELIGIBILITY
VII. SECURITY-RELATED SECONDARY EMPLOYMENT REQUESTS
VIII. CIVILIAN EMPLOYEES
IX. CANCELLATION OF APPROVAL
X. CANCELLATION

I. POLICY

The Westminster Police Department (WPD) recognizes the desire for some employees to engage in secondary employment. The Department has determined that it is prudent to impose reasonable limitations on such employment to ensure that its integrity is maintained and that the Department receives full and faithful service in return for expended resources.

II. DEFINITIONS

A. **Liability:** One person's legal responsibility to pay for any losses or damages incurred by another.

B. **Off-Duty Employer:** Any person, partnership, corporation, professional association or other entity who employs a member of the Department, including "self-employment."

C. **Secondary Employment:** Any work, occupation, labor or profession that results in payment of any kind to the employee in addition to that earned from the Department.

D. **Security-Related Secondary Employment:** Any employment when an officer is hired for the purpose of protecting the personal or proprietary interests of the employer.

III. BASIC RESPONSIBILITY

A. An employee's primary duty, obligation and responsibility is to the Westminster Police Department, not the secondary employer.

B. Officers remain subject to call at any time for emergencies or operational needs.

C. The Office of the Chief shall be the central repository of all secondary employment applications. The Chief for Police shall oversee adherence to the secondary employment policy and process. A list of approved secondary employment shall be made available upon request to the Chief of Police and members of the Command Staff.

D. Whenever a Bureau Commander places an employee on performance based bi-monthly evaluations or sick leave notice, said Commander shall be responsible for notifying that employee that the employee is restricted from engaging in secondary employment. The Commander shall also notify the Chief of Police.

IV. SECONDARY EMPLOYMENT - GENERAL

A. Sworn members of the Westminster Police Department are permitted to participate in security-related secondary employment in a manner consistent with this order. Security-related secondary employment is only permitted:

1. Within the city limits of Westminster, and

2. Outside the City of Westminster but within Carroll County only when employed as a security officer for the Carroll County Public School System.

B. Sworn members wishing to participate in security-related secondary employment must read, acknowledge, sign and submit for approval the Employee Application for Non-Uniformed Security-Related Secondary Employment form (Attachment A). The members shall also obtain and furnish to the Department the Employer Agreement of Security-Related Work signed by the secondary employer (Attachment B).

C. An employee shall not engage in any secondary employment, private business or profession during the hours in which the employee is employed to work for the City. No employee shall engage in secondary employment that affects or is deemed likely to impact on the employee's effectiveness as an employee of the Department.

D. The rules and procedures are not intended to create any financial hardship, but rather to ensure that employment with the Department remains the prime responsibility of all personnel and to avoid conflicts with law enforcement duties and responsibilities.

E. The conduct of any employee while involved in Secondary Employment is governed by General Order 15-01 entitled "Code of Conduct".

F. The Chief of Police may approve, approve with conditions or disapprove any request for secondary employment.

V. LIABILITY

A. Neither the Department nor the City of Westminster, will assume any liability, including Workers' Compensation, for any injury, damage or civil action incurred by personnel while they are performing secondary employment activities, unless the claims arise while the officer is in on-duty status, while the officer is assigned to a UPSD pursuant to General Order 17-04 entitled Uniformed Police Services Detail, or where there is a legal obligation to do so.

B. Neither the Department nor the Westminster City Government will provide a legal defense for legal claims arising from the secondary employment activities of an employee, unless the claims arise while an officer is in on-duty status, while the officer is assigned to a UPSD pursuant to General Order 17-04 entitled Uniformed Police Services Detail, or where there is a legal obligation to do so.

VI. RESTRICTIONS AND ELIGIBILITY

A. Secondary employment is subject to all conditions and limitations imposed by the City of Westminster and the Chief of Police.

B. To be eligible for a security-related secondary employment position, officers will:

1. Have successfully completed the Field Training Program.

2. Be on full duty status.

C. The following conditions apply to participation in secondary employment:

1. An employee's duty status may not be listed as sick leave, Workers' Compensation leave, leave of absence without pay for disabilities, long-term disability or light duty.

2. An employee may not be on performance based bi-monthly evaluations or sick leave notice, unless **written** permission is obtained from the Chief of Police.

3. If such employment could bring either the Department or its personnel into disrespect or disfavor, or present a conflict of interest or appearance of a conflict due to the employment, it is prohibited.

4. Secondary employment that would impair the employees' efficiency or ability to perform their Departmental duties is prohibited.

5. Generally, members may not engage in secondary employment at any establishment or for any company or business that engages in the selling, serving or dispensing of alcoholic beverages. Likewise, members may generally not engage in the selling, serving or dispensing of alcoholic beverages in any manner. Exceptions may be approved in writing (I.E. serving as wait staff in a restaurant) on a case-by-case basis by the Chief of Police.

6. Secondary employment involving the operation of a school bus by an officer after working a night shift, it is prohibited.

7. Secondary employment involving **any** type of criminal or civil investigative work, or criminal or civil consulting services related to Department employment, is prohibited. Secondary employment involving background investigations **may** be approved on a case-by-case basis by the Chief of Police, based upon an analysis of the job description provided by the prospective Employer. ***No departmental resources or information may be utilized in the course of these background investigations and all must be conducted in a manner consistent with law and policy relating to access and release of information.***

8. No member may engage in secondary employment on behalf of an attorney, private detective, bill collector, bail bond agency or providing civil service without the prior written approval of the Chief of Police.

9. Under **NO** circumstances shall departmental equipment, uniforms, resources, technology or vehicles ***(with exception of the issued primary weapon, police radio and issued vest)*** be used in the engagement of secondary employment. Personally assigned vehicles **may** be used as transportation to and from the place of employment (within normal policy guidelines) but **may not** be used with or as a tool of secondary employment unless the officer is working a uniformed police services detail (refer to General Order 17-04 entitled Uniformed Police Services Detail).

10. Secondary employment may not involve the renting of Departmental vehicles for any purpose.

11. Under the provisions of the CJIS law, it is a violation to disseminate criminal records information to non-criminal justice agencies or to anyone when not in the scope of official

business. Furthermore, obtaining any information, criminal or non-criminal, can only be done in the same capacity as a private citizen when not for official police activity. Any deviation from this can subject the employee to **civil and criminal liability.**

VII. SECURITY-RELATED SECONDARY EMPLOYMENT REQUESTS

A. Requests

Officers wishing to engage in **security-related secondary employment, the service of subpoenas or other court-ordered civil documents, or the application of work-related experience** must secure prior written approval from the Chief of Police or designee through the chain of command. A separate request must be made for each off-duty employer. Each request must be submitted on an Employee Application for Non-Uniformed Security-Related Secondary Employment form.

1. Approved security-related secondary employment requests shall be valid from the approval date until January 1st of the next calendar year, unless revoked or suspended earlier for cause. Members shall not participate in secondary employment prior to receiving official notification that their request has been approved by the Chief of Police.

2. All items on the form must be completed. If a section is not applicable, an "N/A" shall be inserted.

3. Requests must detail all significant aspects (scope of duties and responsibilities) of the secondary employment.

4. The prospective **security-related** secondary employer must complete an Employer Agreement For Security-Related Work form, which relates to employer stipulations, insurance and legal issues. This agreement must be renewed by the requesting Employer on an **annual** basis. The completed form must accompany the written request of the first WPD employee hired or renewed in January of each new calendar year. ***Only one Employer Agreement form is necessary each year for any one employer.***

5. The Chief of Police may approve, approve with conditions or disapprove any request for security-related secondary employment.

B. Procedures

The following procedures shall apply to all officers working security-related secondary employment (excluding UPSD assignments):

1. When an officer determines that a police report should be initiated, the officer shall call for an on-duty officer to take the report and initiate an investigation to the same extent as if a private citizen had called the police.

2. Security-related secondary employment shall be limited to duties customarily associated with those performed by a watchman or guard and shall not include criminal or civil investigations or any form of investigative surveillance work. Additionally, officers shall not work as licensed private investigators, but may serve papers such as subpoenas and other court-ordered civil documents.

    a. Minor, non-violent incidents (e.g. shoplifting, alcohol violations, etc.) handled by off-duty officers working in security-related employment shall be dealt with in their capacity as security guards and officers shall not identify themselves as police officers.

1) An officer applying for a warrant or summons shall notify the Commissioner that action has been, and is being taken, as private security and not as an officer of the Westminster Police Department.

2) Officers are prohibited from using the Department's name, the Department's address or their Departmental employee identification in any way.

b. Officers are prohibited from identifying themselves as police officers **unless they are involved in, or responding to: (1) any felony, (2) any misdemeanor crime when the officer reasonably believes that reverting to police officer status is necessary under the circumstances to prevent injury to a person. When this action occurs, an officer shall be bound by all the rules and regulations of the Westminster Police Department.** Such situations should be rare and include a situation or incident within close proximity to the secondary employment site. In such an instance, the officer will receive all protection of employment with the Department. In all other cases, the officer must remember that during secondary employment he is first an agent of the secondary employer and that his actions should reflect this obligation.

c. Officers shall remember that, when working security-related secondary employment, they are acting as private citizens and use of force shall be governed by the rules of self-defense, as with any private citizen. If the situation dictates an officer revert to on duty status as detailed in **b.** above, the **Department's General Order 6-01, entitled "Use of Deadly Force" will apply.**

d. Officers required to appear in court as a result of actions arising from such employment shall do so on their own time. When an on-duty officer is summonsed to court in reference to an off-duty, secondary employment incident, the officer must take leave to appear in court, unless, for logistical reasons, the Field Services Bureau Commander grants a waiver to this requirement. During such appearances, the officer shall not dress in a Departmental uniform nor identify himself/herself as a Westminster police officer **unless the actions taken required that the officer revert to on-duty status.**

e. No follow-up investigations of previously reported offenses shall be handled by off-duty officers; however, all information coming to their attention relating to such incidents shall be reported promptly.

f. While on-duty with the Department, the employee shall show no preferential coverage (more than normal) to the place of their secondary employment, nor while employed there off-duty, shall they encourage visitation by on-duty officers. Additionally, the employee shall not pursue investigations arising from off-duty incidents while on duty as a Westminster police officer.

The Department may enter into agreements to provide security services to other entities. These services are governed by General Order 17-04 entitled Uniformed Police Services Detail.

VIII. CIVILIAN EMPLOYEES

A. Civilian personnel may not work in any line of employment or establishment that is prohibited to sworn officers.

B. In accordance with the City of Westminster Employee Handbook, civilians are restricted from engaging in secondary employment when there is a conflict of interest or the appearance of a conflict of interest.

IX. CANCELLATION OF APPROVAL

A. The Chief of Police, in the Chief's sole discretion, may cancel, temporarily or permanently, the approval for any officer to engage in secondary employment. The officer concerned shall be notified in writing of the reason(s) for such cancellation.

B. Any change in the conditions, type or place of secondary employment shall require the resubmission of the request for secondary employment. Upon termination of such employment, the employee must forward a memorandum to the Chief of Police, via the chain of command, indicating that their secondary employment has ended. This is required to facilitate the updating of personnel records.

X. CANCELLATION

This order cancels and replaces General Order K-5 entitled "Secondary Employment".

AUTHORITY:

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Jeffrey Spaulding
Chief of Police

Attachment A – Employee Application for Non-Uniformed Security-Related Secondary Employment
Attachment B – Employer Agreement for Security-Related Work

WESTMINSTER POLICE DEPARTMENT

General Order: 17-03

Subject: **AWARDS AND COMMENDATIONS**

Effective Date: April 1, 2017

This General Order contains the following numbered sections:

I. POLICY
II. PURPOSE
III. ELIGIBILITY FOR AWARDS AND COMMENDATIONS
IV. RECOMMENDATIONS/NOMINATIONS FOR AWARDS AND COMMENDATIONS
V. TYPES OF AWARDS AND COMMENDATIONS
VI. ISSUANCE OF AWARDS
VII. WEARING OF AWARDS

I. POLICY

The Westminster Police Department (WPD) expects a high level of professional conduct from all employees. However, employees occasionally perform their duties in a manner that exceeds expectations. When this occurs, official recognition is appropriate. Commending employees for exceptional service promotes good morale, provides incentive and builds esprit de corps. The WPD will maintain a formal system of recognition for its employees, for members of allied agencies and for citizens deserving of the recognition.

Recommendations for employee or citizen recognition in the form of an award or a commendation may originate either internally or externally. Awards and commendations are intended to cite exemplary conduct and standards, which all personnel should strive to attain.

II. PURPOSE

To define acknowledgments, awards and commendations issued by the WPD; to describe the circumstances that merit each one; and, to outline procedures or ceremony for issuance

III. ELIGIBILITY FOR AWARDS OR COMMENDATIONS

All WPD Employees are eligible to receive acknowledgments, awards or commendations that most appropriately define their accomplishments. Definitions of individual awards and commendations will describe who is eligible for that particular category. Certain acknowledgments, awards and commendations will be designated for members of allied agencies and for citizens.

IV. RECOMMENDATIONS/NOMINATIONS FOR AWARDS OR COMMENDATIONS

A. The recommendation for recognition of an employee, a group of employees, a member of an allied agency or a citizen may be initiated by anyone. A WPD member may believe someone worthy of recognition and submit an *Internal Memorandum* of recommendation. The Department may receive a letter, note or email from someone outside of the Agency. The Chief may solicit input for a certain award, category or ceremony. There are procedures regarding nominations for recurring awards, such as those issued annually, monthly and quarterly. Regardless, the endorsement process will follow the same route.

B. The recommendation or nomination will always be reduced to writing in the form of an *Internal Memorandum*, which will be reviewed and endorsed by each superior member in the nominee's chain of command up to the Chief of Police. More detailed

recommendations that contain objective documentation of the employee's actions will receive greater consideration.

Recommendations/nominations should be accompanied by any supporting documentation / incident reports etc. Relevant information not contained in supporting documents should be included in the *Internal Memorandum*, including the writer's reasoning for the nomination.

If there is a designated time frame for eligibility, the submission will be completed by the designated date. Other nominations should be submitted as soon as practical following the action deserving of recognition. *Police Officer of the Month* and *Civilian of the Quarter* nominations should be submitted during the month following the period of eligibility.

C. Supervisors and commanders will be required to indicate endorsement of the recommendation or disagreement with the recommendation in writing, and will forward this indication with the original memo of recommendation. Recommendations, nominations and endorsements should contain the necessary documentation for decision makers to justify issuance of the acknowledgment.

D. The Chief of Police or his/her designee will make the final decision on recommendations for formal awards or commendations. The Chief of Police or his/her designee will consider the duty assignment, the requirements of the assignment, additional duties of the nominee and the performance expected of the nominee in their decision-making process.

Letters of Appreciation or thanks may be composed and sent directly by the appropriate member of the Department or forwarded for signature by the Chief.

V. TYPES OF AWARDS AND COMMENDATIONS

Each category of award or commendation will be defined by its criteria and eligibility requirements:

A. **CATHERINE'S CAUSE DUI ENFORCEMENT AWARD:** (Blue and white bar - multiple-year recipients will have a gold star at the center with a number for each year awarded) - Awarded annually to the sworn member who produces the highest number of Driving Under the Influence (DUI) arrests during the previous calendar year. A framed certificate accompanies this award.

B. **CHIEF'S COMMENDATION:** (Red/white/red bar) - Awarded to an employee of the Department who performs an act or service in a manner above that normally expected. The action must be sufficient to distinguish the individual member above those of comparable position and responsibility, and must reflect a highly credible accomplishment. A certificate in a floating frame accompanies this award. Or, (Framed Certificate) - awarded to allied agencies or their individual members who perform an act or service in support of the WPD in a manner above that normally expected. The action must be sufficient to distinguish the agency or individual member above those of comparable position and responsibility, and must reflect a highly credible accomplishment.

C. **CIVILIAN OF THE QUARTER:** (Certificate from Chief) - Awarded quarterly to a civilian employee who promotes a positive image, and who distinguished himself/herself through professionalism, self-initiative and strong work ethic. The recipient will also have access to a reserved parking space at HQ for the subsequent quarter, and will have his/her certificate on display along with a synopsis of the accomplishment.

D. **CIVILIAN OF THE YEAR:** (Gold Department Badge Lapel Pin) – Awarded annually to the Department civilian employee who promotes a positive image, and who distinguished himself/herself through professionalism, self-initiative and strong work ethic. An engraved plaque will accompany this award.

E. **COMMUNITY OUTREACH:** (Red/white/blue bar with gold torch at center) (Civilian employees receive a Gold Torch Pin) – Awarded a single time to either an employee or to a volunteer who dedicates four (4) or more hours of volunteer time to one of the Department's community outreach events, such as the Torch Run, Special Olympics Spring Games, SWAC Back to School, Cops on Rooftops etc.

F. **COMMUNITY PARTNERSHIP AWARD:** (Gold Department Badge Pin) – Awarded to selected citizens in the community who have rendered assistance to the Department and who have distinguished themselves above expectations. A framed certificate accompanies this award.

G. **COMMUNITY SERVICE AWARD:** (All white bar) – Awarded annually to the employee who exhibits excellence in his/her interactions and collaborations with the Westminster Community. A certificate in a floating frame accompanies this award.

H. **LIFESAVING AWARD:** (White/red bar) - Awarded to an employee whose actions resulted in saving or attempting to save human life through rescue or medical intervention in a manner worthy of recognition. A certificate in a floating frame accompanies this award.

I. **MEMORANDUM OF RECOGNITION:** (Internal Memorandum for Personnel File) - A letter of acknowledgment from the Chief of Police directed to the employee for specific actions displayed during an investigation, course of instruction, special event, etc., which indicate a high level of performance, dedication and loyalty to the mission of the Department. This recognition may also be initiated by a supervisor. Or, a letter of appreciation from the Chief of Police, other WPD employees, allied agencies or from members of the community that is directed to the employee for acts of courteousness or professionalism, or for any act undertaken to support the mission of the Department and worthy of recognition.

J. **OFFICER OF THE YEAR:** (Gold/white/gold bar – multiple-year recipients will have a gold star at the center with a number for each year awarded) – Awarded annually to a selected sworn member who has distinguished himself/herself through outstanding service, initiative, leadership or meritorious action. An engraved plaque will accompany this award.

K. **POLICE OFFICER OF THE MONTH:** (Certificate from Chief) – Awarded to a sworn member who exhibited commendable performance during the designated month. Commendable performance may include work on a significant case or investigation, a significant arrest, commendable problem-oriented policing, commendable community-policing, commendable overall performance as noted on the Daily Activity Reports, a significant contribution to the Department or the community, noteworthy leadership etc. The recipient will also have access to a reserved parking space at HQ for the subsequent month, and will have his/her certificate on display along with a synopsis of the accomplishment.

L. **SPECIAL SKILL/ASSIGNMENT PIN:** (Acronym of the skill or assignment: CIT, CCCNT, CCCRT, DRE, Firearms Instructor, FTO, Honor Guard, K-9 etc.) - Issued to any sworn member who has successfully passed specialized training or certification; is authorized to utilize that specialized skill; and, who uses that skill to enhance the mission of the Department.

M. **UNIT CITATION:** (Light Blue bar with 3 red vertical stripes to each side of a dark blue center) - Awarded to any bureau, division, section, unit, squad or workgroup to commend

extraordinary law enforcement performance, attention to duty or a significant contribution to the Department or to the citizens of Westminster. A certificate in a floating frame accompanies this award.

N. **VALOR AWARD:** (Blue bar with gold stars at center) - Awarded to a sworn member who distinguishes himself/herself conspicuously by gallantry at the risk of his/her own life, above and beyond the call of duty, or in an extraordinary act of heroism and bravery without jeopardizing the lives of others and without detriment to his/her sworn oath. A framed certificate accompanies this award.

O. **VOLUNTEER OF THE YEAR:** (Gold Department Badge Pin) – Awarded annually to the Department volunteer who exemplifies the spirit of community policing, and who promotes esprit de corps through dedicated volunteer service to the Department. An engraved plaque will accompany this award.

P. Selection Process for Annual Awards

1. Any employee of the Department may nominate any sworn member, civilian employee or volunteer of the Department for the corresponding award, as well as any citizen who deserves the *Community Partnership Award*. Nominations must be for actions of the individual that occurred during the applicable calendar year.

2. Nominations for the annual awards will be accepted each January. They will be submitted by *Internal Memorandum* through the nominee's chain of command to the Chief of Police.

3. Nominations will be reviewed by Command Staff, who will collectively make recommendations to the Chief.

VI. ISSUANCE OF AWARDS

The Chief of Police or his/her designee will normally issue formal awards and commendations. Awards and commendations may be presented at special ceremonies or in a more informal setting, such as roll call. The Department will strive to deliver awards and commendations at the earliest opportunity following the event deserving recognition. Family members of recipients will typically be invited to attend award ceremonies.

VII. WEARING OF AWARDS/PINS

A. All Departmental awards and commendations will be worn as outlined in General Order 15-03, Uniform and Grooming Standards, Section III.A.

B. When the same award is received by a sworn member multiple times, the officer will receive a bar with numbered stars indicating the number of times the officer has received this award. The officer will only wear the bar with the highest number of stars.

C. Approved awards from other agencies may be worn in the same manner, in a position subordinate to Departmental awards.

D. The *Firearms Qualification Award* will be worn on the dress blouse centered ½" below the top of the right breast pocket.

E. Non-sworn employees may wear their pins on the left side of the uniform shirt, centered 1" above the logo signifying their assignment. If attired in civilian clothing, the pin may be worn in an appropriate manner, such as a tie tack or as a decorative pin.

AUTHORITY:

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Jeffrey Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 17-04

Subject: **UPSD (Uniformed Police Services Detail)**

Effective Date: October 1, 2016

This General Order contains the following numbered sections:

I. POLICY
II. REQUESTS
III. ELIGIBILITY/NOTIFICATIONS
IV. NOTIFICATION OF POSITIONS AVAILABLE
V. NOTIFICATION OF ASSIGNMENT
VI. UNIFORM AND CONDUCT ON ASSIGNMENT
VII. COMPENSATION

I. POLICY

It is the policy of the Westminster Police Department (WPD) to provide a Uniformed Police Services Detail (UPSD) to entities who enter into a written contract with the Department. The Department shall staff such details on a volunteer basis with off-duty officers at the rank of Lieutenant or below.

II. REQUESTS

A. A business or organization may request the Department provide uniformed police officers for security functions. These requests shall be processed through the Office of the Chief of Police.

B. The Department shall consider requests for UPSD based upon considerations, to include:

1. The detail would provide a valuable public service to the community at large.

2. A reduction of crime would likely result from the detail.

3. A reduction of routine calls for police services would likely result from the detail.

4. Availability of volunteers to staff the detail.

C. The Chief of Police may refuse any request for a UPSD or terminate any previously approved UPSD agreement.

D. The Department may redeploy any officer assigned to a Uniformed Police Services Detail at the sole discretion of a commissioned officer. This should only occur in emergency circumstances. If the officer on a UPSD assignment is redeployed for a lengthy period of time, the officer shall notify the entity with whom the Department has contracted of the reassignment.

E. When approved by the Chief of Police, the Deputy Chief of Police shall work with the City Attorney to develop a contract for the UPSD. This contract shall outline the services to be provided, how payment for the services will be completed and how the contracting entity may request the service on specific dates.

III. ELIGIBILITY/NOTIFICATIONS

A. Officers wishing to work a UPSD are not required to complete a request for secondary employment.

B. To be eligible for a UPSD officers shall:

1. Have successfully completed the Field Training Program.

2. Be on full duty status.

C. Should an officer's duty status be listed as sick leave, Workers' Compensation leave, leave of absence without pay for disabilities, long-term disability, short-term disability or light duty, the officer is not eligible for a UPSD assignment.

D. Officers on performance based bi-monthly evaluations or sick leave notice may not request a UPSD assignment unless **written** permission is received from the officer's Bureau Commander.

E. Whenever a Bureau Commander places an officer on bi-monthly evaluations or sick leave notice, they shall be responsible for notifying that employee that the employee is restricted from engaging in UPSD assignments. The Commander shall also notify the Deputy Chief of Police.

IV. NOTIFICATION OF POSITIONS AVAILABLE

A. Approved UPSD opportunities shall be advertised on the Departmental e-mail system by the Deputy Chief of Police or the Commander of the Field Services Bureau (FSB).

B. Any eligible officer desiring to work an approved assignment shall respond by the Departmental e-mail system indicating which detail(s) the officer wishes to work.

C. **If an assignment cannot be adequately staffed, the assignment shall be canceled and the organization shall be notified immediately by the Deputy Chief of Police or FSB Commander.**

D. The Deputy Chief of Police shall serve as the WPD liaison for all UPSD assignments. The Deputy Chief shall also be the point of coordination and administration, and shall oversee adherence to all appropriate policies and procedures.

V. NOTIFICATION OF ASSIGNMENT

A. The Deputy Chief of Police or FSB Commander will ensure that assigned officers are eligible for UPSD assignments. They shall then reply to those officers who have been selected and advise them of the date, reporting time, location and the type of detail.

B. The officer receiving the assignment is responsible for finding a replacement should a conflict in the officer's schedule arise, subject to the approval of the Deputy Chief of Police or the FSB Commander. In the event of illness or an emergency, the officer is to call the Deputy Chief of Police/FSB Commander, or the on-duty Patrol Shift Supervisor if outside normal business hours, notifying them of the illness or emergency that will prevent the officer from fulfilling the assignment. **Officers failing to appear for their assignment (FTA) without proper notification shall be subject to disciplinary action and/or suspension from the program.**

C. The Deputy Chief of Police/FSB Commander shall provide a copy of the UPSD agreement to officer(s) selected for a particular assignment. **Prior to working an assignment, the officer(s) shall read and acknowledge this agreement.**

D. Assignments received at the last minute shall be posted and filled on a "first come - first serve" basis. When assignments cannot be staffed at the last minute, the Deputy Chief of Police/FSB Commander shall notify the requesting entity that the request cannot be filled and no officer(s) will be provided for the detail.

VI. UNIFORM AND CONDUCT ON ASSIGNMENT

A. Officers shall report to the location of the assignment at the time scheduled in the Patrol uniform of the day. A Departmentally issued radio, tuned to the main Patrol talk group (WPD Main), shall be monitored at all times. A marked patrol vehicle is preferred (but not required) for all UPSD assignments. Officers shall use their assigned police vehicle or attempt to secure an available marked line car from Police Headquarters (with the expressed permission of the on-duty Patrol Shift Supervisor). ***The use of personal vehicles is prohibited for UPSD assignments.***

B. Although the Department shall staff details on a strictly volunteer basis with off-duty officers, officers shall be treated for liability purposes the same as if they were on-duty and shall adhere to all rules and regulations of the Department. All complaints regarding the conduct of officers assigned to the detail shall be handled through established WPD procedures.

C. The employment rights of officers assigned under a contract for a UPSD are not abridged by the Department or the contracting entity to the UPSD agreement.

D. Any supervisory notifications that the officer working a UPSD is required to make shall be made to the on-duty Patrol Shift Supervisor. This includes significant calls for service and any Departmental collisions.

E. Officers assigned to the UPSD shall work within the parameters of the contract with the contracting entity and handle insight activities that are discovered by the officer or come to the officer's attention by way of a walk-up citizen complaint (i.e., lock-outs, thefts from auto, CDS violations, etc.).

F. In the event of a trespassing complaint, officers assigned to the UPSD shall standby while a security agent or qualified representative of the organization directs the suspect(s) to leave the property. If the suspect(s) refuses to leave the property as directed, the UPSD officer may make an arrest for trespassing. Detail officers shall not issue banning notices, but may document the fact that a banning notice was issued and served on a specific individual by the organization's representative in a police report.

G. Written reports shall be made in compliance with General Order 14-01 entitled "Departmental Reporting Procedures".

H. The contracting entity requesting the UPSD shall have no general authority over the officers, but may suggest which areas of the property are to be patrolled and/or what problems may be focused on during the detail. Detail officers must act in accordance with the procedures of the Department in handling their assignments. Officers assigned to the UPSD shall contact the on-duty security supervisor or management representative at the beginning and end of their detail and, if available, be issued a portable radio to carry during their detail.

I. Officers shall notify WPD Communications Division and the on-duty Patrol Shift Supervisor of their identity (ID Number) and assignment when they begin and end each UPSD detail.

J. Officers assigned to the UPSD may enforce any violation of law that they witness during their detail as they would if they were on normal patrol duty. **Officers shall not perform bank runs, janitorial functions, or other functions not ordinarily associated with police patrol duties.** Questions relating to the appropriateness of specific duties shall be addressed through the Deputy Chief of Police/FSB Commander or the on-duty Patrol Shift Supervisor (in the absence of senior command).

VII. COMPENSATION

A. Officers working a UPSD shall be paid at established overtime rate (time and one-half) for a

minimum of four (4) hours. Should a detail be canceled or the date or location of the event be changed without notification to the Deputy Chief of Police/FSB Commander in sufficient time to permit notification to the officer of the change or cancellation, the officer shall be paid a minimum of two (2) hours overtime for reporting for the assignment.

B. Within seventy-two (72) hours of working a detail, officers shall submit their overtime slip directly to the FSB Commander. The overtime slip shall include the date and times worked. Members shall also enter the appropriate code for UPSD and the location of the detail in the appropriate space on the overtime slip.

C. The contracting entity to the UPSD agreement shall be billed for the expenses consistent with the UPSD contract.

D. The Deputy Chief of Police will create and maintain records of the overtime for each UPSD assignment and shall be responsible for billing the contracting entity, consistent with the agreement.

AUTHORITY:

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Jeffrey Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 17-05

Subject: **TRADE OF SHIFT**

Effective Date: October 1, 2009

This General Order contains the following numbered sections:

I. POLICY
II. PURPOSE
III. DEFINATIONS
IV. PROCEDURES

I. POLICY

It is the policy of the Westminster Police Department to facilitate the trading of shifts for qualified members of the Department. Members will be authorized to trade shifts subject to Departmental procedures identified in this General Order.

II. PURPOSE

The purpose of this order is to outline the procedures and guidelines that must be followed in order to obtain a trade of shifts.

III. DEFINITIONS

A. **Trading of Shifts** – The trading of a whole shift or a portion of any shift for any purpose in lieu of utilizing employee accrued leave.

B. **Member** – For the purposes of this order, members are defined as Telecommunications Specialists (Dispatchers) and Probationary Police Officers, Police Officers, Police Officers First Class, Corporals, Sergeants and Lieutenants.

IV. PROCEDURES

A. A Trade of Shift Request Form (Appendix A) shall be completed whenever a trade of shift is requested. The member requesting the trade of shift is responsible for completing the request. The request will be submitted to the requesting member's squad/work group supervisor for approval.

B. Approved Trade of Shift Request forms will be processed as follows:

1. Field Services Bureau – A notation will be made by the approving Supervisor on the Patrol Daily Line-Up Sheet for the shift in question indicating the trade, approval date and approving Supervisor. The Trade of Shift Request form will then be submitted to the Bureau Commander for final approval. Approved requests will be submitted to the Chief's Administrative Assistant for filing.

2. Criminal Investigations Bureau – A notation will be made by the approving Supervisor on the CIB Master Schedule for the shift in question indicating the trade, approval date and approving Supervisor. The Trade of Shift Request form will then be submitted to the Bureau Commander for final approval. Approved requests will be submitted to the Chief's Administrative Assistant for filing.

3. Communications Division – A notation will be made by the approving Supervisor on the Communications Schedule for the shift in question indicating the trade, approval date and approving Supervisor. The Trade of Shift Request form will then be submitted to the Bureau Commander for final approval. Approved requests will be submitted to the Chief's Administrative Assistant for filing.

C. A member may only trade shifts with another member in the same Bureau and assignment. ***Exceptions may be approved on a case-by-case basis by the Bureau Commander of the affected Bureau.***

D. Lieutenants and Sergeants may only trade shifts with other Lieutenants and Sergeants in the same Bureau. ***Exceptions may be approved on a case-by-case basis by the Bureau Commander of the affected Bureau.***

E. The trading of shifts must be approved in writing in advance by the Shift Supervisor of the member originally scheduled to work on the day of the trade. The Bureau Commander of the affected bureau must also approve the exchange in advance. This approval must be obtained at least twenty-four (24) hours prior to the actual trading of shifts. ***Exceptions may be approved on a case-by-case basis by the Bureau Commander of the affected Bureau.***

F. The trade of shift does not need to occur in the same pay cycle or the same Fair Labor Standards Act (FLSA) reporting period.

G. A Supervisor or Commander may disapprove a trade of shift if that trade is judged to have a detrimental effect on operations.

H. The member originally scheduled to work will be carried as working for payroll purposes and paid at his/her normal hourly rate for the hours affected by the trade of shift.

I. If the member that agreed to work the "traded" shift fails to work the shift as approved, that member will be charged the applicable leave.

J. If overtime is required following the trade of shift period (I.E. officer working traded shift makes a late arrest), the earned overtime pay will be paid to the member who actually worked the shift at his/her normal overtime rate.

K. ***The repayment of traded shifts shall be the sole responsibility of the members involved in the trade of shift and shall not obligate the Department in any way.***

L. The trading of shifts does not negate the responsibility of both members to comply with all established rules and regulations.

AUTHORITY:

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Jeffrey Spaulding
Chief of Police

Appendix A: Trade of Shift Request Form

WESTMINSTER POLICE DEPARTMENT

General Order: 17-06

Subject: **POLICE CHAPLAINCY PROGRAM**

Effective Date: July 15, 2010

This General Order contains the following numbered sections:

I. POLICY
II. DUTIES AND RESPONSIBILITIES
III. PROCEDURES

I. POLICY

The Westminster Police Department recognizes that society in general often acts in accord with spiritual beliefs and previous religious training. Therefore, the Department will solicit the services of local clergy who wish to volunteer their time to the Department in forming and maintaining a Police Chaplain Program. The Department does not endorse any religious affiliation.

II. DUTIES AND RESPONSIBILITIES

A. Police Chaplain

1. When acting in an official requested capacity, chaplains should wear departmentally issued uniform clothing or display identification.

2. As part of the official duties as Police Chaplains, chaplains will perform the following tasks when requested:

   a. Act as advisors to the Chief of Police in all matters pertaining to employee morale and religious welfare.

   b. Provide spiritual and emotional guidance and support to employees and volunteers both on and off duty.

   c. Comfort and aid employees and volunteers and their families in the event of a serious injury or death in the family.

   d. Assist officers in making notifications to families of officers seriously injured or killed.

   e. Assist officers in making death notifications to citizens.

   f. Visit sick and injured police employees and volunteers at home and in the hospital.

   g. Assist with memorial services, ceremonies, and religious activities.

   h. Provide liaison with other religious leaders in matters which impact the Department and the community.

   i. Be on call during any civil disturbance, major demonstration, or public function requiring the presence of the police.

   j. Respond to critical incidents as requested, to offer aid, comfort, and reassurances.

3. Police Chaplains shall perform other such duties that may be requested by the Chief of Police, his designee, or the Command Staff.

4. Police Chaplains will not interfere with any officer in the performance of an officer's duties and will conform to all applicable Departmental General Orders.

B. Chaplain Coordinator

1. The supervisor of the Community Education Section will serve as the Chaplain Coordinator. The supervisor shall serve as the point of contact with the Department and shall coordinate the assignment or utilization of the chaplains.

C. Incident & Watch Commanders

1. Incident and Watch Commanders are encouraged to request a Police Chaplain at critical incident scenes when assessing manpower and support needs. Critical incidents include, but are not limited to:

   a. Hostage/Barricade situations
   b. Attempt Suicides
   c. Police Shootings
   d. Disaster, building collapses, explosions, airplane crashes
   e. Mass casualty incidents

2. Incident Commanders should also consider the use of Police Chaplains in post-incident situations to assist officers and citizens in dealing with stress and emotional reactions.

3. Incident Commanders may request Police Chaplains to respond to an incident scene or command post, by contacting the on-call Chaplain, via the Communications Division.

4. Watch Commanders are encouraged to request a Police Chaplain to assist with notifications to next-of-kin (including notifications for outside agencies). Police Chaplains are available to assist in making notifications in regards to:

   a. Death
   b. Seriously injured or ill persons whose death may be imminent
   c. Injured children
   d. Missing persons

5. In cases where the Criminal Investigations Bureau is conducting an investigation, the primary investigator or CIB Commander must authorize the Chaplains participation.

6. Watch Commanders are encouraged to notify the Chaplain or Coordinator whenever an officer receives any type of significant injury. (shootings, accidents, assaults, etc.)

D. Community Education Section

1. The responsibility for the Police Chaplaincy Program rests with the Community Education Section.

2. The Chief of Police shall select clergy members to serve in the Police Chaplaincy Program. The Community Education Section will complete background and personal reference checks on prospective chaplains.

3. Based on the identified need, the Chief of Police shall modify the size and scope of the program and select additional or replacement clergy members.

4. The Community Education Section shall publish the names, addresses, telephone numbers and other information on all chaplains and make that information available to all members.

5. The Community Education Section shall provide credentials and equipment specifically

required by the Chaplains to carry out their services.

6. The Community Education Section shall coordinate all necessary orientation and training for Police Chaplains.

III. PROCEDURES

A. Implementation

During urgent situations, the highest-ranking officer on duty may initiate the request for a chaplain to the scene or command post.

1. Requests for chaplain assistance will be directed to the Communications Division.

2. Members desiring off-duty personal or family counseling are encouraged to make appointments directly with the Police Chaplains.

B. Selection Criteria

1. All individuals interested in becoming a Departmental Chaplain will complete a Background Questionnaire for the position.

2. All authority for final selections will rest with the Chief of Police.

C. Confidentiality

Contact between Departmental members, including volunteers, and the Police Chaplains shall remain confidential, as would any meeting between a citizen and a member of the clergy.

Authority

_____
Jeffery Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 17-07 Order# 2013-02

Subject: **VACATION LEAVE APPROVAL PROCESS**

Effective Date: March 26, 2013
(Revised on October 20, 2014 to amend Sections III and IV of this policy)
(Revised on May 2016 to amend Section II of this policy)

This General Order contains the following numbered sections:

I. POLICY
II. MINIMUM STAFFING REQUIREMENTS
III. PRIMARY VACATION LEAVE APPROVAL PROCESS
IV. NON-PRIMARY LEAVE APPROVAL PROCESS

I. POLICY

The Westminster Police Department (WPD) shall strive to ensure appropriate operational staffing at all times through the effective and judicious approval of vacation leave. Leave approval will be managed to ensure that all employees are treated fairly and objectively while at the same time maintaining sufficient staffing to effectively handle reasonably anticipated service demands.

II. MIMINUM STAFFING REQUIREMENTS

A. All leave approval within operational units will be predicated on the minimum staffing levels described in this order. Only the responsible Bureau Commander may approve leave below the minimum staffing requirements prescribed below. These requirements may be altered by the Bureau Commander based upon anticipated or immediate needs (I.E. vacancies, training, holidays, special events or details, crime problems, McDaniel College events etc…) to include denying/cancelling all leave on specific dates and reducing minimum staffing requirements.

B. Watch Commanders and other Workgroup Supervisors will be responsible and accountable for scheduling, managing, and approving leave within their workgroups, ensuring that minimum staffing is maintained or that the Bureau Commander is notified and consulted in advance of anticipated staffing below minimum requirements.

C. Minimum Staffing Requirements – Field Services Bureau (FSB)

1. Day Shift
Supervisor + 3 Officers

2. Evening and Night Shift

Sunday through Wednesday	Supervisor + 3 Officers
Thursday through Saturday	Supervisor + 4 Officers

3. Minimum staffing on Patrol Squads does not normally include the K9 Officer or the Downtown Officer. As needed, the Watch Commander may request to have officers outside of their squads substitute for a squad officer. The Watch Commander will coordinate these requests as soon as practical, and will make sure that the substituting officer is aware of his operational assignment.

D. Minimum Staffing Requirements – Criminal Investigations Bureau (CIB)

1. Monday through Friday — 1 Supervisor and 1 Investigator (excluding Narcotics and CCAIC Investigators)

2.	Holidays and Weekends	1 Investigator in an on-call capacity (excluding Narcotics and CCAIC Investigators who are scheduled for on-call duties through their unit supervisors)

E. Minimum Staffing Requirements – Administrative Bureau (Communications Division only)

1.	Monday through Friday	Day Shift – 2 Dispatchers Evening Shift – 2 Dispatchers Night Shift – 1 Dispatcher
2.	Saturday and Sunday	Day Shift – 1 Dispatcher Evening Shift – 2 Dispatchers Night Shift – 1 Dispatcher

III. PRIMARY VACATION LEAVE APPROVAL PROCESS

A. One full shift (4, 5 or 6 day shift depending on assignment) of vacation leave per calendar year - hereafter referred to as primary vacation leave - will be approved on a seniority basis using rank, time in rank, then entry date in the Department as the seniority standard (in that order). Each member will be afforded only one full shift of primary vacation leave per calendar year utilizing the primary vacation leave approval process. All other vacation leave is subject to the 120-day "first come - first serve" provisions described in Section IV of this order.

B. In October of each calendar year, members of each work group will submit their requests for their primary week of vacation leave for the following year to their supervisor. The most senior supervisor will have seniority for leave approval within their work group, then the next senior supervisor of the work group, then the rest of the work group in declining order of rank/seniority. Once all members of that work group have selected their primary week of vacation leave and those dates have been approved by the supervisor, those dates will be submitted to the Bureau Commander for final approval and inclusion on the master schedule.

IV. NON-PRIMARY LEAVE APPROVAL PROCESS

Excluding the primary vacation leave referred to above, all other vacation and/or personal leave will be approved on a 120-day "first come - first serve" basis. Any ties (leave requests received at the same date/time) will be resolved on a seniority basis using rank, time in rank and entry date with WPD as the determining seniority factors.

***Note* – Leave requests may not be submitted by an employee/held by a supervisor in advance of the 120-day approval period. Hardships relating to the 120-day "first come - first serve" approval process will be addressed on a case-by-case basis by the responsible Bureau Commander.**

AUTHORITY:

Jeffrey Spaulding
Chief of Police

WESTMINSTER POLICE DEPARTMENT

General Order: 17-08 Order# 2015-04

Subject: **APPLICANT SELECTION PROCESS**

Effective Date: October 2, 2015

This General Order contains the following numbered sections:

I. POLICY
II. PURPOSE
III. DEFINITIONS
IV. SELECTION STEPS FOR SWORN POLICE OFFICER APPLICANTS
V. SELECTION STEPS FOR CIVILIAN APPLICANTS
VI. APPLICATION AND PRE-SCREENING
VII. PANEL INTERVIEW
VIII. PERSONAL HISTORY QUESTIONNAIRE
IX. BACKGROUND INVESTIGATION
X. POLYGRAPH EXAMINATION
XI. PSYCHOLOGCAL TESTING
XII. MEDICAL EXAMINATION AND DRUG SCREENING
XIII. INTERVIEW AND FINAL SELECTION BY THE CHIEF OF POLICE
XIV. PROBATION STATUS
XV. RECORD KEEPING
XVI. CANCELLATION

I. POLICY

The City of Westminster commits to a policy of equal employment opportunity for applicants and employees, complying with local, state, and federal laws. The City's policy is to employ qualified persons without discrimination regarding race, creed, color, religion, age, sex, country of national origin, marital status, disability, sexual orientation, gender identity, genetic information, political affiliation, ethnicity, or status in any other group protected by federal/state/local law.

II. PURPOSE

To outline the hiring and selection process for Westminster Police Department (WPD) personnel

III. DEFINITIONS

A. **Entry-Level Applicant** – an applicant applying for a sworn position within the WPD who is required to complete entry-level training as defined by Maryland Police & Corrections Training Commission (MPCTC) to acquire certification as a police officer

B. **Lateral Applicant and Re-hire Applicant** – an applicant applying for a sworn position within the WPD who currently holds MPCTC certification, or is eligible for re-certification within three (3) years of separation from this or another Maryland police agency

C. **Out of State Lateral Applicant** – an applicant applying for a sworn position with the WPD who has already completed a certified entry-level police academy outside of the State of Maryland, and has acquired certification through that State

D. **Civilian Applicant** – an applicant for any non-sworn position in the WPD

IV. SELECTION STEPS FOR SWORN POLICE OFFICER APPLICANTS

A. The WPD's Sworn Police Officer Hiring and Selection Process is a two (2) stage, multi-step process. The process is consistent for Entry-Level, Lateral and Re-hire, and Out of State Lateral Applicants. Stage 1, the "pre-offer" stage, consists of the following steps:

1. Application and Pre-screening

2. Panel Interview

B. Stage 2 is the "post-offer" stage. Applicants continuing in the selection process are given a conditional offer of employment. Stage 2 consists of:

3. Personal History Questionnaire (PHQ)

4. Background Investigation

5. Polygraph Examination

6. Psychological Testing

7. Medical Examination and Drug Screening

8. Interview and Final Selection by the Chief of Police

V. SELECTION STEPS FOR CIVILIAN APPLICANTS

A. The WPD's Civilian Hiring and Selection Process is a two (2) stage, multi-step process. Stage 1, the "pre-offer" stage, consists of the following steps:

1. Application and Pre-screening

2. Panel Interview

B. Stage 2 is the "post-offer" stage. Applicants continuing in the selection process are given a conditional offer of employment. Stage 2 consists of:

3. Personal History Questionnaire (PHQ)

4. Background Investigation

5. Polygraph Examination (for sensitive positions as determined by the Chief)

6. Medical Examination and Drug Screening

7. Interview and Final Selection by the Chief of Police

VI. APPLICATION AND PRE-SCREENING

A. All WPD applicants will complete a City of Westminster Employment Application, and will submit the completed application to the City's Human Resources Department (HR). HR will forward applications, along with an *Applicant Tracking and Status Form*, to the Deputy Chief of Police, who will review applications to determine if the applicants meet minimum desired qualifications for the advertised position.

B. The Deputy Chief will forward applications from applicants who meet desired job-related qualifications to the Support Services Division (SSD) Commander, who will coordinate a Panel Interview. Applications not forwarded to the SSD Commander will be returned to HR for final disposition and notification with the accompanying *Applicant Tracking and Status Form*.

VII. PANEL INTERVIEW

A. The Panel Interview Board will consist of WPD Personnel designated by the Deputy Chief.

B. Applicants will be asked a standardized series of questions during the interview that are designed to illicit responses that will help determine the applicant's suitability for the advertised position.

C. The panel will take notes and score the interview independently on an *Applicant Interview Form*; arrive at a consensus recommendation for further processing; and, will make a written recommendation to the Deputy Chief as to whether or not the applicant should advance to the background investigation step of the selection process.

D. The panel will forward the Application Packet, which will include the application, a copy of the questions asked, their notes, and a signed (by each panel member) *Applicant Interview Form* with a recommendation, to the Deputy Chief.

E. Additionally, the SSD Commander will provide "recommended" applicants with a *Personal History Questionnaire* (*PHQ*) with accompanying instructions, authorization and waiver forms required to complete a background investigation, and a *Conditional Offer of Employment Letter*.

F. The Deputy Chief will consult with the Chief of Police, and will determine which applicants will continue in the selection process. The Deputy Chief will assign a background investigator to conduct a background investigation on applicants selected to continue in the process. He will forward the Application Packet to the assigned background investigator. The Deputy Chief will forward applications of applicants not selected for background investigation to HR for filing, along with the *Applicant Tracking and Status Form*. HR will send notifications to applicants.

VIII. PERSONAL HISTORY QUESTIONNAIRE

A. Applicants will be given fifteen (15) days to complete the *PHQ*. Exceptions will require approval from the Deputy Chief. Applicants who fail to complete the *PHQ* within fifteen (15) days without approval from the Deputy Chief will be eliminated from the selection process.

B. The assigned Background Investigator will attempt contact with the applicant failing to submit the *PHQ* in the required timeframe, and will notify the Deputy Chief of the applicant's failure to meet this requirement. Unless a valid reason is approved by the Deputy Chief, the applicant will be eliminated from the selection process. The Background Investigator will forward the Application Packet back to the Deputy Chief, who will forward the packet to HR for filing and notification.

B. The assigned Background Investigator will conduct a cursory review of the *PHQ* to determine if the applicant has any automatic disqualifiers that would eliminate him/her from the process. For police officer applicants, automatic disqualifiers include any circumstances preventing certification through MPCTC. Additionally, failure to provide any substantive information on any selection process document, or providing any false information on any selection process document, will result in immediate elimination from the selection process.

IX. BACKGROUND INVESTIGATION

A. Pre-employment background investigations will be conducted in accordance with Special Operating Procedure (SOP) 2015-01 "*Background Investigations*."

B. The assigned Background Investigator will forward the completed background investigation and the Application Packet to the Deputy Chief. Following consultation with the Chief of Police, the Deputy Chief will forward selected applicants to the SSD Commander to schedule a Polygraph Examination. The Deputy Chief will forward applications of applicants not selected to continue in the process back to HR for filing. The SSD Commander will notify, via letter, applicants eliminated from the hiring process at this step and at all subsequent steps in the process.

X. POLYGRAPH EXAMINATION

A. The SSD Commander will coordinate the polygraph examination, and will provide the examiner with requested information and documents.

B. Civilian position applicants will generally not be required to submit to a polygraph examination, unless the nature of their assignment will subject them to confidential or sensitive information. This determination will be made by the Chief of Police.

C. The Deputy Chief will forward applications of applicants not selected to continue in the process back to HR for filing.

XI. PSYCHOLOGICAL TESTING

A. The SSD Commander will coordinate psychological testing for police officer applicants, and will provide the psychologist with requested information and documents.

B. After consultation with the Chief of Police, the Deputy Chief will forward applications of applicants not selected to continue in the process back to HR for filing.

XII. MEDICAL EXAMINATION AND DRUG SCREENING

A. The SSD Commander will coordinate pre-employment medical examinations and drug screenings.

B. After consultation with the Chief of Police, the Deputy Chief will forward applications of applicants not selected to continue in the process back to HR for filing.

XIII. INTERVIEW AND FINAL SELECTION BY THE CHIEF OF POLICE

A. Applicants successfully completing each of the prior steps in the selection process will be scheduled for an interview with the Chief of Police and with other designated personnel.

B. The Chief of Police will review the Application Packet and interview the applicant, and will either approve or not approve the applicant for the advertised position.

C. The Chief of Police will make the final decision in selecting which applicants are to be hired.

XIV. PROBATION STATUS

A. The ordinary probation status for entry-level sworn personnel ends one (1) year after the completion of the police academy. For lateral and re-hire sworn personnel, the ordinary probation status ends one (1) year from the date of hire. Civilian personnel are subject to the probationary period and conditions established by City policy.

B. The Chief of Police may extend the probationary period of new sworn personnel.

XV. RECORD KEEPING

A. All selection process material is confidential, and will be treated accordingly.

B. Application Packets for all applicants will be filed at police headquarters in accordance with WPD Policy and with the City's Record Retention Policy.

XVI. CANCELLATION

This General Order cancels and replaces the following:

General Order L-1 – Dated April 6, 1981
General Order L-2 – Dated April 6, 1981
General Order L-3 – Dated April 6, 1981
General Order L-4 – Dated November 1, 1992

AUTHORITY

Jeffrey Spaulding
Chief of Police

Appendix A: Applicant Tracking & Status Form
Appendix B: Applicant Interview Form

WESTMINSTER POLICE DEPARTMENT

General Order: 17-09 Order# 2015-12

Subject: **COMMUNICABLE DISEASE PROGRAM**

Effective Date: January 1, 2016

This General Order contains the following numbered sections:

I. POLICY
II. CONFIDENTIALITY OF MEDICAL INFORMATION
III. STATEMENT OF REASSURANCE
IV. EXPOSURE TO COMMUNICABLE DISEASES
V. GENERAL PRECAUTIONS
VI. DETENTION OF PERSONS WITH COMMUNICABLE DISEASES
VII. EVIDENCE HANDLING
VIII. DECONTAMINATION PROCEDURES
IX. DISPOSAL OF CONTAMINATED ITEMS
X. HEPATITIS PROGRAM
XI. CANCELLATIONS

I. POLICY

It is the policy of the Westminster Police Department is to safeguard, to the highest degree possible, Departmental employees and the public who may come in contact with people who have, or are suspected of having, a communicable disease without sacrificing essential services to the community or individual citizens. When handling or assisting persons with medical conditions, employees shall be especially sensitive and to treat them with the same dignity and respect as all other individuals.

II. CONFIDENTIALITY OF MEDICAL INFORMATION

Medical information in records (e.g., test results) regarding an employee or arrestee with AIDS or other communicable diseases is confidential. Access to such information is limited to only those staff members with a legal need to know. **Medical information may not be disclosed without the expressed written of the individual involved, except as otherwise permitted by law.**

III. STATEMENT OF REASSURANCE

The precautionary measures found in the Communicable Disease Policy are necessary under certain, specified conditions to minimize the risk of infection to employees of the Department. However, employees are reminded that there is no medical evidence indicating that Hepatitis B or AIDS can be transmitted by casual contact. The kinds of non-sexual person-to-person contacts that generally occur between an employee and arrestee or victim do not pose a risk of disease transmission. The routine handling, transportation and detention of persons should continue according to present policy and procedure.

IV. EXPOSURE TO COMMUNICABLE DISEASES

The following protocols will be followed if an employee has reason to believe that they may have been exposed to a communicable disease:

A. Exposure Criteria

1. An exposure occurs when a person's blood or body fluids transfer to another person's blood stream. This can occur in three ways:

   a. Needle sticks (e.g., accidental needle stick while searching people or places).

   b. Through human bites or through openings in the skin (e.g., cuts, sores, abrasions, etc.) which are exposed to blood or body fluids.

   c. Splashes into mucous membranes (the eyes, nose or mouth).

NOTE: Fluids include:

blood	semen
saliva	urine
tears	feces
vomitus	nasal secretions

2. The mere handling of an arrestee during the arrest process or during subsequent detention does not constitute an exposure. For an actual exposure to occur, at least one of the above conditions must be met. The person who is the source of blood or potentially infectious body fluids that the worker was exposed to may be known carriers of HIV or HBV, or their medical status may be unknown.

B. Reporting Procedures

An employee who believes they have been exposed to an infectious disease shall:

1. Thoroughly wash the area with soap and hot water, if direct personal contact was made.

2. Gather information about the person involved (keeping in mind the confidentiality policy). Information collected by the employee shall include name, date of birth, any medical information legally available, and where the person is now, and what led the employee to believe the person has an infectious disease.

3. Contact the shift supervisor immediately.

4. The officer will respond to Carroll Occupational Health if exposure occurs during business hours on normal work days. On weekends, holidays and non-business hours members will respond to the Emergency Department of Carroll Hospital Center. Alternatively, the officer may elect to go to a physician of his/her own choosing.

5. The Department's Infection Control Officer will be contacted immediately by the shift supervisor.

6. A Chesapeake Employers Insurance Employee's "Report of Injury" form must be completed by the affected employee. The form should be completed by the end of the officer's shift. If this is not possible due to extenuating circumstances, the form is to be completed by the employee as soon as possible. Even if the employee cannot complete their "Report of Injury" form immediately, the Chesapeake "Supervisor's Accident Investigation Form" and the "Accident Witness Statement" - if any – should also be completed and submitted immediately. All forms are to be forwarded to the Deputy Chief of Police. The reports will be forwarded to the City Human Resource's Office to be submitted to Chesapeake Employers Insurance. Human Resource will create and maintain a Workers Compensation file which will include all forms, and will file a copy of the employee's form in the employee's Medical/Benefits file. **THESE FORMS MAY BE ACCESSED IN "FILLABLE" FORM AT THE FOLLOWING LOCATION ON**

THE CITY COMPUTER NETWORK – SHARED DATA (K: DRIVE) /EVERYONE/EMPLOYEE DOCUMENT LIBRARY/WORKERS COMP.

7. If a member is off duty and acting in the line of duty and believes they have been exposed to an infectious disease, the employee will contact the on duty supervisor and follow procedures in subsection 6 (above). After doing so, they will forward the documentation to the Deputy Chief of Police.

C. Blood Tests of Suspects/Donors

The following protocols will be followed if there is a need to test a suspect's or donor's blood following a potential exposure to an infectious disease:

1. An employee who believes that he or she has been exposed to a person with a communicable disease (e.g., human bite, needle stick) shall ask the suspected carrier to voluntarily submit to a blood test. The test shall be administered at a hospital emergency room.

2. If the officer and the source patient are transported to **Carroll Hospital Center:**

   a. Advise the Charge Nurse upon arrival that there has been an exposure and you would like the source patient's blood tested.

   b. Carroll Hospital Center will obtain the source patient's blood and have it tested (with patient's consent).

3. If the Officer and source patient are transported to **another hospital:**

   a, Advise the Charge Nurse upon arrival that there has been an exposure and that you would like the source patient's blood tested.

   b. The hospital will obtain the source patient's blood and have it tested (with the patient's consent).)

4. Results of the source patient's blood test will be forwarded to Carroll Occupational Health. If Carroll Occupational Health is closed at the time they receive the results, members of their staff will follow up with the affected member on their next business day.

5. **In the event that the suspect/donor refuses to submit to a blood test, the Chief of Police shall be contacted as soon as practical to initiate legal proceedings for a court-ordered blood test.**

D. Evaluation/Treatment of Exposed Officer

1. The WPD Infection/Exposure Control Officer shall transport the exposed officer to Carroll Occupational Health for initial evaluation and treatment.

2. The WPD Infection/Exposure Control Officer will advise the Charge Nurse upon arrival that an exposure has occurred and the source patient's blood is being tested at the receiving hospital (if the patient consented).

3. In the event that Carroll Occupational Health is closed, the officer will be transported to Carroll Hospital Center for initial evaluation and treatment.

4. The results of the source patient and officer's blood tests will be sent to Carroll Occupational Health for review and consultation.

5. An officer who has experienced an exposure must complete the Exposure Survey provided by the WPD and submit it to the WPD Infection/Exposure Control Officer as soon as practical (federal regulation). (See Appendix A)

V. GENERAL PRECAUTIONS

The following "universal precautions" should be observed at all times when dealing with potential exposure situations:

A. Patrol Officers will carry three (3) pairs of disposable Nitrile gloves on their person as standard equipment. A pair of surgical gloves shall be worn prior to beginning any tasks involving exposure to blood or other body fluids, regardless of whether such fluids are wet or dry.

B. Nitrile gloves over a pair of surgical gloves shall be worn in situations involving broken glass, sharp edges or when conducting searches under car seats, or anytime when gloves are meant for protection against sharp edges.

C. Members shall change gloves in between coming in contact with separate victims, and when handling different people. Change gloves if the gloves become torn, or if the gloves become soiled.

D. Combinations of masks, eyewear and/or gowns should be worn if splashes or potentially contaminated body fluids are likely to occur. Management of a person who is not bleeding, and who has no bodily fluids present, should not routinely require the use of masks, eyewear, or gowns.

E. Always remove the gloves/masks/eyewear/gowns before leaving the scene. If gloves/masks/eyewear/gowns were soiled, removed and place in a sealed plastic bag with proper marking and dispose of in a "BIO HAZARD" box. Members should avoid touching personal items such as combs, hats and other equipment. They should also avoid touching their face, eyes, etc. Notify the WPD Infection Control Officer as soon as practical to replace all equipment.

F. Wash hands thoroughly and immediately with hot water and soap following removal of the gloves or following contact with blood or other body fluids. Hand washing is recommended even if gloves have been worn. In the field, wash hands with alcohol or an alcohol based hand sanitizer until your hands can be washed with soap and water.

G. Make it a practice to bandage open wounds or cuts on hands to avoid direct contact with contaminated body fluids. Bandages should be changed if they become wet or soiled.

H. Use extraordinary care when conducting searches of suspects or vehicles. Never blindly place hands in areas where there may be a sharp object that could puncture the skin.

I. Use a resuscitator mask when performing mouth-to-mouth resuscitation or CPR.

J. Employees who have been diagnosed as having leukemia or other forms of cancer, or who are taking medicine which suppresses the immune system should not enter areas where there are body fluids present or have contact with persons who have AIDS.

VI. DETENTION OF PERSONS WITH COMMUNICABLE DISEASES

A. Arrestees with a communicable disease (or persons claiming to have a communicable disease) but who do not appear to need emergency care should be handled and transported according to normal procedures.

B. Arrestees claiming to have a communicable disease shall be isolated (single cell) for their own protection from other detainees.

C. Arrestees in obvious need of medical attention will be transported to the nearest medical care facility according to present procedure.

D. Arrestees who die while in the custody of the Department shall be examined by the Medical Examiner for infectious diseases. An autopsy will be performed if any of the following conditions exist:

a. An officer was exposed to the person's body fluids.

b. When information indicates the person was a disease carrier.

c. When the person was an I.V. drug user.

d. It shall be the responsibility of the Watch Commander to ensure that a specific request is made to the Medical Examiner for an infectious disease examination.

VII. EVIDENCE HANDLING

A. Evidence or other materials coming into the custody of the Police Department and suspected of being contaminated should be handled with extraordinary care.

B. All materials contaminated with blood or other body fluids, whether wet or dry, should be handled with disposable surgical gloves, mask and eyewear.

C. Hypodermic needles and other sharp objects shall be packaged in puncture-resistant containers, utilizing the "single hand" method. To prevent needle stick injuries, needles will not be capped, bent, broken, removed from syringe or otherwise manipulated by hand.

D. Packages containing contaminated items or items suspected of being contaminated shall be clearly labeled. The warning "BIO HAZARD" shall be prominently displayed on the outside of the packaging materials in such a fashion that anyone coming in contact with the item will be aware of the risk.

E. Packages containing evidence found during searches of body cavities (e.g., narcotics) shall display on the outside of the package the 'BIO HAZARD" warning and a note describing the locations where the evidence was found. The note will warn subsequent evidence handlers of possible contaminated evidence.

VIII. DECONTAMINATION PROCEDURES

A. Wash hands thoroughly and immediately with hot soapy water. Hand washing is your best protection against infectious disease.

B. Uniforms, other clothing, or blankets soiled with blood or other body fluids should be bagged and marked "BIO HAZARD". The items will be turned over to the WPD Infection/Exposure Control Officer to be laundered using the following procedures:

1. Washable fabrics should be laundered in a "hospital disinfectant" or bleach solution if the fabric is compatible with bleach.

2. Body fluid stains in fabrics requiring dry cleaning should be diluted in cold water and placed in a plastic bag prior to cleaning.

C. Resuscitator masks, evidence collection equipment, and any other equipment contaminated by blood or other body fluids should be sealed in a “BIO HAZARD” bag and turned directly over to the WPD Infection/Exposure Control Officer for decontamination.

D. Although the potential for transmission of blood borne pathogens via handcuffs or leg irons may be small, these items should be properly cleaned and decontaminated after contact with blood or fluids which may contain potentially infectious materials.

E. Cellblock areas and vehicles contaminated by blood or other body fluids should be cleaned immediately by the arresting officer or the shift supervisor following the person’s release and prior to confining an arrestee in the same cell or utilizing the contaminated vehicle.

F. Decontamination shall be accomplished via the following procedures:

a. Use disposable surgical gloves during any decontamination procedure.

b. Small items or equipment:

(1) Wash the item with soap and hot water and then rinse thoroughly.

(2) Soak item in a solution of water and household bleach for 10 to 15 minutes. Use a concentration of 1 to 1½ cups of bleach for each gallon of water. Rinse with water and air dry.

(3) Resuscitation masks should be resealed in a plastic bag and returned to the patrol vehicle’s first-aid-kit.

c. Large areas.

To decontaminate large areas (e.g., cellblock floors, vehicles) disinfect with the bleach and water solution or “hospital disinfectant” and then clean with soap or detergent.

IX. DISPOSAL OF CONTAMINATED ITEMS

Disposable surgical gloves, disposable clothing and other contaminated items must be disposed of properly to minimize the risk of infection. The following procedures will be followed to safely dispose of these items:

A. Contaminated items shall be packaged in sealed plastic bags (no staples) and then labeled with the “BIO HAZARD” warning. The disposable items shall then be placed in a “BIO HAZARD” box.

B. Items contaminated with blood or other body fluids shall then be deposited in specially marked containers available at the police facility.

C. Contaminated materials will be collected by the Department and they will be incinerated.

X. HEPATITIS PROGRAM

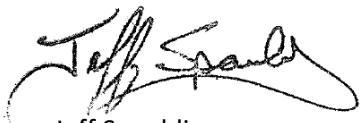
A. The City will provide to the employee the opportunity to be immunized against Hepatitis B at no expense to the employee.

B. Employees may decline the immunization by signing a waiver (Appendix B). Employees may elect at any time to withdraw the declination and receive the immunization as above at no cost to the employee.

XI. CANCELLATION

This General Order cancels and replaces General Order Q-1, COMMUNICABLE DISEASE PROGRAM, dated November 1, 1995.

AUTHORITY:



Jeff Spaulding
Chief of Police

Appendix A: Exposure – Officer Exposure Form
Appendix B: Exposure – Officer Hep B Vaccine Declination

WESTMINSTER POLICE DEPARTMENT

General Order: 17-10

Subject: **PERFORMANCE EVALUATIONS**

Effective Date: February 1, 2016

This General Order contains the following numbered sections:

I. POLICY
II. DEFINITIONS
III. DUE DATES FOR COMPLETION OF PERFORMANCE EVALUATION REPORTS FOR SWORN PERSONNEL
IV. DUE DATES FOR COMPLETION OF PERFORMANCE EVALUATION REPORTS FOR CIVILIAN STAFF
V. GOALS OF THE PERFORMANCE EVALUATION PROCESS
VI. PERFORMANCE DOCUMENTATION
VII. DESIGNATION OF RATERS AND REVIEWERS
VIII. RATER AND REVIEWER RESPONSIBILITIES
IX. RATING CATEGORIES
X. COMPLETION OF PERFORMANCE EVALUATION REPORTS
XI. TRANSFERS
XII. RECOMMENDATIONS
XIII. APPEAL PROCESS FOR CONTESTED PERFORMANCE EVALUATION REPORTS

I. POLICY

It is the policy of the Westminster Police Department (WPD) to utilize a Performance Evaluation System that will provide valuable feedback and direction to employees, and that will be used to evaluate and document individual performance consistently and fairly. Performance Evaluation Reports (PER) will be referenced when considering change in probationary status, work assignments and specialties, pay-scale step increases, promotions, disciplinary processes, training requests, overtime and off-duty assignments, and other important facets of employment.

II. DEFINITIONS

ANNUAL PER: A standardized performance evaluation report that is completed for all WPD employees in January, which documents and rates employee performance during the previous calendar year. An *Annual PER* will be completed for all non-probationary employees and will be printed on white paper.

CHANGE OF ASSIGNMENT PER: A standardized performance evaluation report that is completed by the former Rating Supervisor when a sworn officer is transferred. It will be printed on white paper.

INTERIM PER: A standardized performance evaluation report that is completed in January for sworn officers in their first year of employment who are hired between July 1st and December 31st of the previous calendar year. *Interim PERs* may also be completed as a supplemental performance tool at any time with the approval of a Bureau Commander or higher. It will be printed on **blue paper**.

JOB DESCRIPTION: A document that describes job responsibilities for a WPD position

PROBATIONARY PER: A standardized performance evaluation report that is completed at the conclusion of an employee's probationary period. It will be printed on **green paper**.

RATED EMPLOYEE: A WPD employee who is being evaluated

RATING SUPERVISOR: The direct supervisor of the Rated Employee who is responsible for documentation of performance and for completion of the Performance Evaluation Report (PER)

REVIEWER: Position in the Rated Employee's chain of command directly above the Rating Supervisor TRANSFER:

A long-term change in assignment, which does not include temporary assignments, special details, or temporary transfers

III. DUE DATES FOR COMPLETION OF PERFORMANCE EVALUATION REPORTS FOR SWORN PERSONNEL

A. Sworn personnel, while assigned to an Entry-Level Police Academy or to a Comparative Compliance Police Academy, will be evaluated using academic and demonstrative testing administered by the agency conducting their training. Performance documentation from a police academy may also be included in the officer's *Probationary Performance Evaluation Report* (PER).

B. General Order 16-02, Field Training and Evaluation Program (FTEP) outlines the performance rating system utilized for sworn officers while completing the FTEP. Records of these evaluations are maintained by the Support Services Division (SSD) Commander in the officer's training file. Performance documentation during the FTEP may also be included in the officer's *Probationary PER*.

C. Sworn personnel who are hired between July 1st and December 31st may be eligible for a step increase (contingent upon funding and approval) at the start of the next fiscal year. This step increase is contingent upon a positive recommendation from the Chief of Police. Sworn personnel falling into this category in their first year of service will receive an *Interim Performance Evaluation Report*, which will be completed in January.

D. The ordinary probationary period for new sworn personnel ends one (1) year from the date that they are sworn as a police officer here. Upon completion of the probationary period, the officer will receive a *Probationary PER*.

The Chief of Police, upon recommendation from the officer's chain of command, may extend any probationary period. If the Chief extends an officer's probationary period, the Department will provide written notification to the officer which includes the reason for the extension and the time frame for the extension. *Interim PERs* will be completed during an extension of probation at an interval established by the Deputy Chief.

E. Following the successful conclusion of probation, sworn personnel will receive *Annual PER*s each January documenting performance from the previous calendar year.

*Annual PER*s will be completed, reviewed, and forwarded via chain of command by January 31st to the Bureau Commander. In the event that a Rating Supervisor will be unable to complete a PER prior to the end of January, he/she will notify the Reviewer and will provide the Reviewer with the anticipated date of completion.

F. Sworn personnel who are promoted will be in a probationary status in their new rank for a six (6) month period. They will receive a *Probationary PER* at the conclusion of this six (6) month period, which will serve as a recommendation for approval to be removed from probationary status or which will identify deficiencies requiring alternative actions, such as an extension of probation or a return to their previous rank.

G. When sworn personnel are transferred to another assignment for a period greater than sixty (60) days, a *Change of Assignment PER* will be completed which will cover the period from their last PER until the date of transfer.

H. Nothing in the above evaluation schedule precludes a supervisor or command employee from completing or requiring completion of *Interim PER*s for sworn personnel as a performance tool. *Interim* PERs may be completed in addition to the normal PER schedule with approval from a Bureau Commander or higher. *Interim PERs* will be handled as any other evaluation and will not affect any other evaluation due dates.

IV. DUE DATES FOR COMPLETION OF PERFORMANCE EVALUATION REPORTS FOR CIVILIAN STAFF

A. The ordinary probationary period for newly-hired civilian personnel is six (6) months from date of hire. Newly hired civilian staff will be evaluated at the conclusion of their six (6) month probationary period.

Upon recommendation from the employee's supervisor, the Chief of Police may extend the probationary period. If the Chief extends an employee's probationary period, the Department will provide written notification to the employee which includes the reason for the extension and the time frame for the extension. *Interim PERs* will be completed during an extension of probation at an interval established by the Deputy Chief.

B. Following the successful conclusion of probation, civilian employees will receive *Annual PERs* each January documenting performance from the previous calendar year.

C. Civilian employees who are promoted will be in a probationary status in their new position for a six (6) month period. They will receive an evaluation at the conclusion of this six (6) month period, which will serve as a recommendation for approval to be removed from probationary status or which will identify deficiencies requiring alternative actions, such as an extension of probation or another personnel action.

D. Nothing in the above evaluation schedule precludes a supervisor from completing or requiring completion of *Interim PERs* for civilian personnel as a performance tool. *Interim PERs* may be completed in addition to the normal evaluation schedule with approval from the Deputy Chief or Chief. *Interim PERs* will be handled as any other evaluation and will not affect any other evaluation due dates.

E. Civilian personnel may be eligible for a step increase (contingent upon funding and approval) at the start of the next fiscal year. This step increase is contingent upon a positive recommendation from the Chief of Police. *Annual PER*s will be completed, reviewed, and forwarded via chain of command by January 31st to the Deputy Chief. In the event that a Rating Supervisor will be unable to complete a PER prior to the end of January, he/she will notify the Reviewer and will provide the Reviewer with the anticipated date of completion. This written notification will contain the anticipated date of completion of the evaluation. A copy of the notification will be provided to the Rated Employee.

V. GOALS OF THE PERFORMANCE EVALUATION PROCESS

The main purpose of the performance evaluation process is to ensure that employees and supervisors formally discuss job performance on a regular basis. Supervisors can help employees to improve their performance by:

A. Providing thorough analysis and discussion of behavior-driven examples of the rated member's performance;

B. Promoting active communication between the employee and rating supervisor;

C. Providing mentoring, guidance, and leadership to assist the rated employee with achieving identified career goals;

D. Actively discussing specific position responsibilities through use of documented discussion points;

E. Identifying and discussing specific strengths and areas in need of improvement for each point within the position description and providing guidance for improvement;

F. Identifying goals within the current assignment and preferred career path; and,

G. Assisting with career development.

VI. PERFORMANCE DOCUMENTATION

A. Rating Supervisors have the responsibility to objectively evaluate subordinate performance. In order to fulfill that responsibility supervisors shall ***consistently and frequently*** document the work performance of each subordinate to have a factual base from which to assess work performance. This documentation will include not only those performance issues that require improvement, but also notable work performance and examples of normal work product.

B. In order to be an effective tool for improving an employee's work performance, negative work performance notations will be brought to the employee's immediate attention versus waiting until completion of a PER. Supervisors will be prepared to discuss an employee's weak or strong performance on a regular basis, and shall document that performance to aid in determining ratings on the PER.

C. Rating Supervisors will document performance examples that they will use to justify ratings in the PER and to generate discussion with the employee during review of the PER. This may include paperwork examples, such as Incident Reports. Supervisors will maintain this documentation for each subordinate and will note performance-related issues as appropriate. All supervisors, not just the Rating Supervisors, will be responsible for keeping performance documentation. This ensures that performance not observed first-hand by the Rating Supervisor is considered and included. Performance documentation is considered a personnel record and will be kept in a secure location.

D. Following completion of an employee's PER, the Rating Supervisor will minimally retain the documentation used during that evaluation period until the PER has been reviewed and signed by the Chief of Police. The documentation will be stored by the supervisor in a secure location and may be maintained for future historical reference.

E. The standard for inclusion of information in a PER is that the supervisor has a reasonable belief that the described behavior occurred. The employee will have a chance to dispute any documentation or performance rating by creating an attachment to the PER, but the fact that the employee disputes the issue does not prohibit its inclusion in the PER.

VII. DESIGNATION OF RATERS AND REVIEWERS

A. An employee's Rating Supervisor must be at least one rank (or supervisor for civilian staff) above the employee being rated, and will normally be the first line supervisor who commands/supervises the employee's unit. Input for an employee's PER will be obtained by the Rating Supervisor from any appropriate source.

B. If there is any question who the Rating Supervisor is, the Rating Supervisor will be designated by the Bureau Commander.

C. The Rating Supervisor will submit the completed and signed PER to the Reviewer. The Reviewer will be the Rating Supervisor's immediate superior. All PERs will be reviewed and signed by each member in the Rated Employee's chain of command.

VIII. RATER AND REVIEWER RESPONSIBILITIES

A. The Rating Supervisor has a responsibility to prepare the PER as accurately and as objectively as possible. The Rating Supervisor will evaluate and rate the employee's performance for each area within the employee's Job Description.

B. "Discussion points" will be used in each category of sworn personnel evaluations to document specific exemplary performance or areas requiring improvement, and to generate healthy discussion between the supervisor and the employee that is designed to motivate, mentor, and guide the employee. Rating Supervisors will utilize personal observations and performance documentation as reference points.

C. The Rating Supervisor will consult with other supervisors within the Rated Employee's chain of command during the preparation of the PER. All ratings will be supported by performance knowledge. Whenever a Rating Supervisor has concerns about an evaluation, the Reviewer may be consulted prior to completion. Similarly, Reviewers should be proactive in approaching Rating Supervisors regarding concerns prior to completion of PERs. Once an evaluation is completed by the Rating Supervisor and reviewed with the employee, no changes will be made to the PER except to bring the evaluation into compliance with this policy.

This will not preclude a Reviewer or higher from creating an attachment to the PER to address additional issues or to document disagreement with anything in the evaluation. If a Reviewer or higher creates an attachment, the attachment will be reviewed with the employee; the employee will sign and date the attachment acknowledging this review; and, the employee will be given an opportunity to comment on the attachment in writing. All of these documents will be attached to the PER.

D. It is the responsibility of the Rating Supervisor to provide continuous performance feedback, both positive and negative, to subordinates throughout the year. If a Rating Supervisor believes that an employee's performance is "below standards," "improvement needed," or worse, the Rating Supervisor will address the performance with the employee as soon as possible.

E. The Rating Supervisor will sign and date the PER. The Rating Supervisor will then meet with the Rated Employee to review the PER. Rating Supervisors may include other supervisors in this meeting who had input in the completion of the PER. Service and review of the PER with the employee should include discussions regarding performance, performance expectations, goals in the employee's current assignment, the employee's desired career path, and any other relevant performance-related issues.

The Rated Employee's "Goals in Current Assignment" will include plans for improving any noted "below standards" or worse performance. Additionally, the Rating Supervisor will review the employee's Job Description with him/her.

F. The Rated Employee will sign the evaluation form to indicate that it has been reviewed with him/her and will indicate whether or not the employee will be attaching a statement. The Rated Employee's signature does not imply agreement or disagreement with the evaluation. The Rated Employee will be provided with a copy of the PER.

G. The Rating Supervisor will forward the completed PER to the Reviewer. The PER will be reviewed and signed by each member in the chain of command.

H. The Reviewer will assure that the ratings are based on properly documented instances of behavior and performance during the rating period, and that the criteria used to rate employees was applied consistently to personnel within the Rating Supervisor's command. The Reviewer will also evaluate and document the quality of the PER for inclusion in the next PER of the Rating Supervisor.

I. After review by the Chief of Police, the PER will be forwarded to HR to be placed in the employee's personnel file where it will be permanently retained. Additionally, the Department will maintain a copy of each PER, which will be filed in a secure location. Employees may request a copy of the final, signed and reviewed PER from the Chief's Administrative Assistant.

J. New employees will be provided with a copy of their Job Description by their Rating Supervisor at the beginning of their assignment. The Job Description will be reviewed with the new employee, signed, dated, and forwarded to HR for inclusion in the employee's personnel file.

K. Regardless of the due date of any PER, the PER will include any documented performance covering the time period since the employee's last evaluation.

IX. RATING CATEGORIES

A. Sworn personnel will be rated using the following categories:

1. **Exceptional**: Consistently demonstrated a more than satisfactory level of this characteristic

2. **Exceeds Standards**: Occasionally demonstrated a pattern of a more than satisfactory level of this characteristic.

3. **Met Standards**: Regularly demonstrated a satisfactory level of this characteristic

4. **Below Standards**: Occasionally demonstrated a pattern of a less than satisfactory level of this characteristic. A Performance Improvement Plan (PIP) should be developed and monitored for sworn personnel with overall "Below Standards" performance and for members with on-going "Below Standards" performance in a particular category.

5. **Unacceptable**: Consistently demonstrated a less than satisfactory level of this characteristic. A PIP will be developed and monitored for sworn personnel with overall "Unacceptable" performance and for members with on-going "Unacceptable" performance in a particular category.

6. **N/A**: Behavior not applicable or observed.

B. Civilian staff will be rated using the following categories:

1. **Outstanding**: Employee's work product/performance are consistently superior to standards required for the job. Listens to and communicates well with her/his supervisor and coworkers, performs duties consistently to a superior standard, treats supervisor/coworkers/customers/vendors with respect. Exhibits a positive, 'can-do' attitude. Not simply satisfied to maintain the status quo, but shares ideas to improve efficiency and quality level of work delivered. Employee consistently accepts responsibility for her/his own actions. Exemplifies excellent customer service standards.

2. **Exceeds Requirements**: Employee consistently meets or exceeds requirements and expectations of the position. The employee generally performs in a satisfactory manner and requires little if any correction.

3. **Satisfactory**: Employee's work performance consistently meets time and performance standards for the position. Can be relied upon to deliver results. Clearly communicates and exhibits a positive attitude and strives to complete all work on a timely basis and to a satisfactory quality standard. Generally exhibits consistent quality customer service.

4. **Improvement Needed**: Employee fails to meet all requirements and expectations of the position. The employee's work performance is inconsistent or unacceptable and requires immediate improvement. A Performance Improvement Plan (PIP) shall be developed and monitored for sworn personnel with overall "Improvement Needed" performance and for members with on-going "Improvement Needed" performance in a particular category.

5. **Unsatisfactory**: Employee does not meet minimum performance standards. Work product is not reliable or consistent and frequent errors are found. Employee may not consistently work well with other team members and may exhibit excess absenteeism which effect delivery of work product. Employee may not accept feedback well or may exhibit poor attitude and work ethic on the job. This employee may receive occasional or regular negative feedback from customers. A PIP will be developed and monitored for civilian personnel with overall "Improvement Needed" performance and for staff with on-going "Improvement Needed" performance in a particular category.

X. COMPLETION OF PERFORMANCE EVALUATION REPORTS (PER)

A. All entries on PERs will be typewritten except for signatures and initials for corrections. PERs will be completed on the designated forms which, for sworn personnel, are specific for each Job Description. PER Forms are accessible through hyperlinks at the end of this general order.

B. *Annual PERs* and *Change of Assignment PERs* will be printed on white paper. *Probationary PERs* will be printed on green paper. *Interim PERs* will be printed on blue paper. PERs must be submitted in hard copy with original signatures.

C. Rating Supervisors will document on the first page of a sworn member's PER the date and the outcome of any finalized discipline that occurred during the rating period. If, for whatever reason, the performance which lead to these disciplinary actions was not included in a prior PER, the performance should be included and weighted in the current PER.

1. Rating Supervisors should, however, include poor performance related to potential discipline in the PER during the rating period which it occurred, and weight the PER ratings accordingly, as long as the Rating Supervisor has a reasonable belief that the performance did occur. Internal investigations and other disciplinary due process are separate from the performance evaluation process.

2. If the Rating Supervisor does not have a reasonable belief that the poor performance occurred, and needs to wait for the conclusion of an internal investigation, the Rating Supervisor should document and weight the performance at the conclusion of the internal investigation.

D. Job Descriptions will be updated periodically to ensure that they are accurate and up to date. Rating Supervisors are responsible for ensuring that updated Job Descriptions are reviewed with affected employees and that signed copies are forwarded to HR for inclusion in personnel files. Master copies of Job Descriptions will be maintained by HR and will be accessible through hyperlinks at the end of this general order.

E. When sworn personnel do not work in their rated assignment for a period greater than thirty (30) days for whatever reason, the Rating Supervisor will note this on the administrative page of the PER.

XI. TRANSFERS

A. *Change of Assignment PERs* will be completed for sworn employees transferred from their current assignment and for promoted officers upon their transfer to a supervisory assignment. The supervisor to whom the Rated Employee was assigned prior to transfer will be responsible for completing the *Change of Assignment PER*.

B. A transferred supervisor will review Job Descriptions and performance expectations with all new subordinate personnel as soon as possible following transfer.

C. Supervisors will review Job Descriptions with transferred employees as soon as possible following transfer. If it is a new Job Description, the supervisor will have the employee sign the new Job Description and will forward a copy to HR. Since the Rated Employee would have received a *Change of Assignment PER* from his/her previous supervisor, the employee will receive an *Annual PER* in January for the new assignment beginning at the date of transfer.

XII. RECOMMENDATIONS

Any recommendation(s) for a performance action, as a result of a PER, including, but not limited to: transfer, removal from a specialized assignment, demotion, or termination, will be reduced to writing and forwarded with all supporting documentation via the chain of command to the Chief of Police.

XIII. APPEAL PROCESS FOR CONTESTED PERFORMANCE EVALUATION REPORTS

A. Employees will be given the opportunity to attach a statement to their evaluation. Attached employee statements must be submitted **within seven (7) calendar days** of the date when the PER was reviewed with the employee. This time limit may be extended by the Rating Supervisor or by the Reviewer for a valid reason. Employees requesting an extension must submit a written request or email prior to the seven (7) day deadline.

B. If the Rated Employee attaches a statement, the Reviewer must prepare a written response addressing the Rated Employee's concerns. A copy of the Reviewer's response will be provided to the Rated Employee, who will be required to sign and date receipt. The Rated Employee, the Rating Supervisor, and the Reviewer will meet to discuss the Rated Employee's concerns and the Reviewer's response to these concerns. If the Rated Employee challenges a rating, the Reviewer will decide if the rating will remain the same or if it will change.

C. If a Reviewer proactively attaches a statement, the Reviewer will meet with the Rating Supervisor and the Rated Employee to discuss the attachment. A copy of the Reviewer's attachment will be provided to the Rated Employee, who will be required to sign and date receipt.

D. The Rated Employee will always be given an opportunity to attach a final statement in response to any attachment to the PER.

E. All paperwork generated through the PER review process will be made a permanent part of the PER and attached thereto.

AUTHORITY:

Jeffrey Spaulding
Chief of Police

Appendix A: PER – CIB Detective
Appendix B: PER – CIB Lieutenant
Appendix C: PER – CIB Sergeant
Appendix D: PER – FSB Corporal
Appendix E: PER – FSB K9
Appendix F: PER – FSB Lieutenant
Appendix G: PER – FSB Officer
Appendix H: PER – FSB Sergeant
Appendix I: PER – Patrol Operations Sergeant
Appendix J: PER – SSD Community Ed
Appendix K: PER – SSD Lieutenant
Appendix L: PER – City

Appendix A-2: Job Description – CIB Detective
Appendix B-2: Job Description – CIB Lieutenant
Appendix C-2: Job Description – CIB Sergeant
Appendix D-2: Job Description – FSB Corporal
Appendix E-2: Job Description – FSB K9
Appendix F-2: Job Description – FSB Lieutenant
Appendix G-2: Job Description – FSB Officer
Appendix H-2: Job Description – FSB Sergeant
Appendix I-2: Job Description – Patrol Operations
Appendix J-2: Job Description – SSD Community Ed
Appendix K-2: Job Description – SSD Lieutenant
Appendix L-2: Job Description – Admin. Assistant
Appendix L-3: Job Description – Chief of Police
Appendix L-4: Job Description – CIB Captain
Appendix L-5: Job Description – Comm. Specialist
Appendix L-6: Job Description – Comm. Supervisor
Appendix L-7: Job Description - Custodian
Appendix L-8: Job Description – Deputy Chief
Appendix L-9: Job Description – FSB Captain
Appendix L-10: Job Description – Parking Enf. Officer
Appendix L-11: Job Description – Property Specialist
Appendix L-12: Job Description – Comm. Specialist II

WESTMINSTER POLICE DEPARTMENT

General Order: 17-11

Subject: **CRITICAL INCIDENT STRESS MANAGEMENT**

Effective Date: May 10, 2017

This General Order contains the following numbered sections:

I. POLICY
II. DEFINITIONS
III. ASSIGNMENT TO THE CISM TEAM
IV. RESPONSIBILITIES OF THE DEPARTMENT
V. RESPONSIBILITIES OF THE COORDINATOR
VI. ANNUAL REPORT
VII. TEAM SERVICES
VIII. CONFIDENTIALITY STATEMENT
IX. PROCEDURES

I. POLICY

The Westminster Police Department (WPD) will participate in the implementation of a Critical Incident Stress Management (CISM) Team. CISM is designed to be a confidential consultation and resource option for employees exposed to a critical incident. The CISM process will not be used as an investigative tool. The CISM Team will consist of trained, sworn personnel from this agency and from allied agencies in Carroll County, as well as non-sworn personnel who possess training and skill sets that will enable them to provide assistance to employees through personal and group debriefing, through anonymous and confidential peer support, and through resilience training.

II. DEFINITIONS

A. **Critical Incident** – Any situation faced by employees that cause them to experience unusually strong emotional reactions, and which has the potential to interfere with their ability to function either at the scene or at a later time

B. **Critical Incident Stress Debriefing (CISD)** – A formal group discussion of a traumatic experience. These confidential meetings typically occur within a reasonable time following an incident. Although a CISD is usually held within three (3) days, the specific timing depends on a number of factors. CISM Team members will determine the timing of the CISD meeting on a case by case basis.

C. **Critical Incident Stress Management (CISM)** – A comprehensive, systematic and multi-component approach to managing traumatic stress within an organization

D. **Critical Incident Stress Management Team** – A group of trained individuals, approved and supported by the Chief, consisting of a coordinator, peer support providers and a mental health professional who are able to sustain sanctioned CISD, One-on-One Support and Resiliency services to the agency's members.

E. **Crisis Management Briefing –** A brief educational support service provided by CISM Team members in situations where WPD employees are in need of stress management information in the midst of a critical incident

F. **Defusing** – A brief, small group process conducted by CISM Team members at their discretion, within hours of a traumatic experience

G. **Demobilization** – A brief set of supportive comments and instructions provided to a group of personnel immediately after they disengage from their first exposure to a critical incident

H. **Family Support Services** – A set of interventions which may be utilized by the CISM Team members to provide a range of crisis support services to families of employees

I. **Follow-Up Services –** Contact with employees following initial services provided by a CISM Team Member

J. **Individual Support –** One-on-One support available to employees with any Peer Support Provider about any topic that is of concern to the employee

K. **Lead Clinician –** A mental health professional trained in CISM who provides psychological oversight, supervises the CISM Team interventions and helps provide direct CISM services

L. **CISM Team Members –** Members of the Department who are trained in CISM through an approved course of study by the International Critical Incident Stress Foundation (ICISF)

M. **Post Incident Education –** CISM information sessions provided to employees in the aftermath of a particular distressing critical incident

N. **Mental Health Professional –** A CISM-trained licensed social worker, psychologist, psychiatrist or other licensed professional

O. **Peer Support Providers –** Members of the Department who are trained through an approved CISM course and who are able to identify the normal stress reactions associated with critical incidents

P. **Referral –** Recommendations to an employee made by members of the CISM Team suggesting that the employee follow-up with the Employee Assistance Program (EAP), with Police Chaplains, or with other mental health providers

Q. **Team Coordinator –** CISM Team Member appointed by the Chief of Police to be responsible for primary oversight, administrative functions and management of the CISM Team. The Coordinator shall ensure that CISM Team members are properly trained. The Coordinator will review applications for CISM Team membership to determine suitability for service. Finally, the Coordinator will supervise the utilization of the CISM Team during critical incident interventions, and will work closely with the Lead Clinician.

III. ASSIGNMENT TO THE CISM TEAM

A. The CISM Team is open to all officers, regardless of rank, seniority or assignment. When training is available and there is an opening on the CISM Team, officers who are interested in becoming a CISM Team member will submit a written request via their chain of command. Endorsed applicants will be forwarded to the Deputy Chief for approval and assignment. An ideal CISM Team would be reflective of the different ranks, gender and cultural diversity of the Department.

B. Serving on the CISM Team is voluntary. Officers may resign from the Team at any time. The Chief of Police may remove officers from the Team at his discretion due to a valid reason.

C. CISM Team members must meet the standards of the ICISF and attend basic CISM, advanced CISM and Peer Support classes taught by an approved ICISF instructor prior to being utilized as a CISM Team member.

D. CISM Team members must maintain minimum ICISF training standards to remain an active member of the Team. It is the responsibility of the Team Coordinator to assure that all Team members meet training standards. The Team Coordinator will maintain a current list of active CISM Team members, along with their contact information, on PowerDMS. The Team Coordinator will forward training records to the Support Services Division (SSD) Commander to maintain current training documentation.

E. Team meetings and trainings will be conducted on a quarterly basis. Team Coordinators will meet monthly.

IV. RESPONSIBILITIES OF THE DEPARTMENT

A. Communication between an employee and a Peer Support Provider regarding CISM will be treated as confidential.

B. WPD will attempt to arrange for all CISM Team members to respond to an activation.

C. WPD will communicate to employees affected by a critical incident that their participation in CISM activities is voluntary and that no one will be compelled to participate or talk to CISM Team members.

D. The WPD will plan for the training and logistical requirements of the CISM Team to help ensure its success.

E. When appropriate and in accordance with policy, the WPD will provide information and reports to the CISM Team regarding the critical incident to assist with their mission.

V. RESPONSIBILITIES OF THE COORDINATOR

A. The Team Coordinator will ensure that CISM Team members maintain satisfactory work performance regarding their primary duties in order to remain eligible for team participation. CISM Team members must not only maintain satisfactory work performance, but must also meet training requirements and maintain the highest ethical standards.

B. CISM Team members will be monitored to ensure that they are not emotionally overwhelmed by the scope of their CISM duties. This will include the establishment of a peer and professional support apparatus within the Team itself.

C. The Coordinator will ultimately be responsible for the administrative and logistical needs of the Team including:

1. Maintaining a team roster schedule;
2. Timely notification of scheduled meetings and training via the chain of command; and,
3. Providing general administrative and oversight functions.

VI. ANNUAL REPORT

A. The Team Coordinator will submit an annual report to the Carroll County CISM Team by January 30th of each year, consisting of:

1. Number of team members;
2. Number of critical incident call-outs;
3. Number of peer support contacts;
4. Number of wellness training sessions provided by the team;
5. Total number of CISM-related hours expended; and,
6. Any monetary expenditures, to include overtime, training or equipment procurement.

B. The Annual Report will be used only for administrative and planning purposes, and may not reference or include the names or experiences of any employee who participated in a CISM contact.

VII. TEAM SERVICES

A. CISM Team members will provide crisis support services for employees who are involved in a critical incident. The CISM Team's primary goal is to mitigate the impact of traumatic stress on members of the WPD who have experienced a traumatic event. The CISM Team will seek to accelerate the normal recovery processes of people who are having normal reactions to abnormal events. Finally, the CISM Team will work to identify personnel who might benefit from additional services beyond the scope of the Team.

B. Requests for assistance from Police Departments outside of Carroll County will be made through the Team Coordinator to the Chief of Police.

C. CISM Team members will also provide peer support to individual members of the WPD and to members of allied agencies following their involvement in stressful critical incidents. This individual support will not be limited to critical stress incidents. Employees may contact CISM Team members at any time for support on any issue that is of concern to the employee.

D. If an employee presents an issue to a CISM Team member which is outside the scope of the Team's expertise, the CISM Team member will recommend and potentially refer the employee to other available resources.

VIII. CONFIDENTIALITY STATEMENT

A. Members of the CISM Team are required to protect the confidentiality of information obtained through their participation on the Team, including but not limited to, statements made by CISM Team members; discussions among members of the CISM Team; and, any medical, psychological or other personal information obtained through participation in the CISM process. CISM Team members are prohibited from disclosing any such information, except as required by law or by WPD Policy. CISM Team members are prohibited from making notes or recordings of conversations while providing peer support.

Note: When functioning as CISM Team members on a critical incident, Team members will not simultaneously have investigative, administrative or disciplinary roles or responsibilities regarding the incident which would conflict with their CISM duties.

B. The following information, even if obtained through participation on the CISM Team, must be disclosed to the Chief of Police:

1. Threats of suicide/homicide;
2. Admission or threats of serious unlawful conduct; and/or,

3. Admissions of Child Abuse/Elder Abuse.

Information that is required to be disclosed by law or by policy will be disclosed, but such disclosure will not be considered a "waiver of confidentiality" or a "waiver of the employee's privacy interests." Only required information will be disclosed.

C. Except in instances where disclosure is required, it is the policy of the WPD not to question CISM Team members concerning CISM services or to inquire which individuals participated or received services.

D. Except in instances where disclosure is required, the WPD will not seek any information from CISM Team members about any services they provide.

E. Information may be shared between Peer Support Providers enabling other team members to garner assistance and experience from one another. These discussions shall be general in nature; shall not include names or other unnecessary identifiers; and shall not be discussed outside of closed Team sessions.

F. CISM Team members who intentionally violate confidentiality will immediately be dismissed from the CISM Team and may be subject to additional disciplinary action.

IX. PROCEDURES

A. The Watch Commander will notify the Team Coordinator, via Communications, of any of the following incidents:

1. Police involved shootings;
2. Line of duty death(s);
3. Serious injury to officers or other employees in the performance of their duties;
4. Suicide of an employee;
5. Mass casualty (disaster) incidents;
6. Death of children;
7. Hostage taking/barricaded subject with specific danger to officers;
8. A personally-threatening situation to an employee;
9. A prolonged incident that ends in the loss of life; and,
10. Any other incident that produces any unusually high levels of employee stress.

B. The CISM Team may be utilized for citizens not associated with the WPD upon request through the Team Coordinator. Referrals may also be appropriate in these instances.

C. Upon notification, the Team Coordinator will contact CISM Team members and have them respond to the scene and report to the officer in charge of the incident. Rank will have no bearing on CISM assignment or duties when performing peer support. CISM Team members should avoid any direct involvement in the critical incident unless necessary and concentrate their attention on CISM support functions. Preferred attire for CISM Team officers is plain clothes versus uniform.

D. Following contact with the officer in charge of the scene, CISM Team members will assess and determine what CISM functions need to be performed.

E. DEMOBILIZATIONS

CISM Team members may use a demobilization immediately after employees have been removed from the scene of a critical incident. The WPD may mandate employee attendance at a demobilization; however active participation will be voluntary.

1. The CISM Team will educate employees regarding “critical incident stress” and what employees may expect in the weeks following the incident.

2. This process will last approximately ten (10) minutes, and will be immediately followed by the opportunity for employees to rest, eat and drink fluids.

F. DEFUSINGS

During critical incidents involving intense stress, “defusing” may be provided by CISM Team members to small groups of affected employees. The WPD may mandate employee attendance at a defusing; however active participation will be voluntary.

1. The defusing will be held within eight (8) to twelve (12) hours of the incident.

2. After the defusing, Team members will make a determination as to whether any additional steps are required.

3. The lead CISM Team member will contact the Lead Clinician assigned to the Team within twelve (12) hours of the defusing. The purpose of this contact is to determine if any additional services need to be offered to those involved in the incident.

G. CRITICAL INCIDENT STRESS DEBRIEFINGS

1. When “debriefings” are necessary, they will be provided in accordance with the procedures established by the ICISF. The WPD may mandate employee attendance at a debriefing, however active participation will be voluntary.

2. Debriefings will be made available for all employees involved in the critical incident. Each employee involved in the critical incident will have a valuable contribution to make to the recovery process.

3. Non-exempt employees attending debriefings while off-duty will be paid overtime in accordance with policy. Overtime slips will be submitted to the Team Coordinator, who will submit them for approval. On occasion, WPD CISM Team members may be asked to participate in a debriefing with members of allied agencies.

H. INDIVIDUAL SUPPORT

1. Any employee may approach a CISM Team member at any time to request services. Individual Support may be conducted off-duty, but will be voluntary and non-paid. Peer Support Providers are not mental health practitioners. They will encourage employees to seek professional assistance when appropriate.

2. A CISM Team member may be contacted by any employee during the employee’s tour of duty. This contact is voluntary, and is usually initiated by the employee.

3. A CISM Team member may approach employees to offer assistance.

4. Peer Support is not part of any formal Employee Assistance Program (EAP) referral or any administrative action taken by the WPD. While Peer Support may be requested in conjunction with the EAP, it is not a replacement for the EAP.

I. OTHER CISM SERVICES

Additional CISM services may be appropriate. These functions will be arranged by the CISM Team member(s). Examples of additional CISM services or referrals may include family support services and stress education programs for WPD employees and their families. Any CISM services which will affect staffing or WPD operations will be brought to the attention of the Chief of Police or to his designee.

AUTHORITY:

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Jeffrey Spaulding
Chief of Police

Appendix A: CISM Service Form