

# Morgan State University Police Force General Orders Manual



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### **1.100 GENERAL POLICE AUTHORITY**

- A. Police officers employed by the University Police, Morgan State University are members of the Morgan State University Police Force as established by Code of Maryland ED 14-106 and consistent with Code of Maryland CR 2-102.
- B. A University police officer has the powers granted to a peace and police officer.
- C. However, a University police officer may exercise these powers only on property that is owned, leased, operated by, or under the control of the University. The police officer may not exercise these powers on any other property unless:
1. Engaged in fresh pursuit of a suspected offender;
  2. Through a mutual aid agreement with another legislative jurisdiction in the State;
  3. The police officer is participating in a joint investigation with officials from another state, federal, or local law enforcement unit, at least one of which has local jurisdiction.
  4. Necessary to facilitate the orderly flow of traffic to and from property owned, leased, operated by, or under the control of the University;
  5. The police officer is rendering assistance to another police officer; or
  6. an emergency exists; and
  7. The police officer is acting in accordance with regulations adopted by the MSUPD to carry out this section; or
  8. Ordered to do so by the Governor.

### **1.102 OATH OF OFFICE**

- A. All officers hired by the agency will, upon completion of mandated training or appointment as lateral transfer officers, achieve sworn status only after being certified by MPTC and executing an oath of office administered by the Chief of Police or designate. The Chief of Police will swear or affirm an oath of office administered by the university President or designate.
- B. Officers will abide by the oath of office to:
1. Bear true faith and allegiance to the United States of America and to the State of Maryland;
  2. Uphold and defend the Constitution of the United States and the Constitution of Maryland;

3. Serve Morgan State University, protect life and property, and enforce the law; and
  4. Obey orders of the Governor, the Board of Regents, President of the University or his designee, The Chief of Police and superior officers according to the rules, regulations, and values of the agency.
- C. Oaths of office will be signed by all officers and the Chief of Police. Originals will be presented to the affiant officers with copies maintained in officers' personnel files.

#### **1.104 LIMITATIONS ON AUTHORITY**

These directives related to limitations on authority are not intended to be exhaustive on the subject matter. Where laws, either included or excluded in these directives, are more permissive or restrictive, the laws are controlling.

##### **Jurisdictional Limitations**

- A. ED 14-106 and CP 2-102 contain controlling language that describes when officers may exercise police powers subject to jurisdictional permissions and limitations.
- B. At least one official map detailing jurisdictional boundaries is maintained in the office of the Chief of Police and the Supervisor's office.
- C. Copies of any concurrent jurisdictional agreements will be distributed to all police officers.

#### **1.106 ORGANIZATIONAL AUTHORITY**

- A. The Chief of Police may establish any organizational units and assign functions as deemed necessary to support the effective and efficient accomplishment of the University's goals, objectives, responsibilities, and functions.
- B. Functional responsibility may be assigned to individual positions or components or to single positions or organizational components.
- C. When organizational changes are made that transfer functions or responsibilities from one employee or unit to another, directives pertaining to transferred functions or responsibilities, until rewritten to reflect transfers of functions or responsibilities, apply to employees or units receiving functions or responsibilities.
- D. The agency's organization is depicted on an organizational chart that is reviewed, updated as needed, and accessible to all agency personnel.
- E. MSUPD management retains the right to:
  1. Determine the mission, budget, organization, numbers, types of employees assigned, the work projects, tours of duty, methods, means and personnel by which its operations are to be conducted, technology needed, internal security practices, relocation of its facilities;
  2. Maintain and improve the efficiency and effectiveness of operations;

3. Determine the services to be rendered, operation to be performed and technology to be utilized;
4. Determine the overall methods, processes, means and classes of work or personnel by which governmental operations are to be conducted;
5. Hire, direct, supervise, and assign employees;
6. Promote, demote, discipline, discharge, retain and lay off employees;
7. Terminate employment because of lack of funds, lack of work, under conditions where the employer determines continued work would be inefficient or nonproductive, or for other legitimate reasons;
8. Set the qualifications of employees for appointment and promotion, and set standards of conduct;
9. Promulgate and/or implement State, University or department rules, regulations, policies, procedures;
10. Take action, not otherwise specified in this Article necessary to carry out the mission of the University.

#### **1.108 COMMAND PROTOCOL**

- A. Each organizational unit is supervised or administered by a supervisory or administrative status employee.
1. Each unit within the agency is under the direct command of only one unit head.
  2. Organizational units report to their respective superiors consistent with the agency's directives and organizational chart.
  3. Supervisory and administrative personnel are accountable for the activities of employees under their immediate control.
  4. Employees are directly accountable to their respective unit heads during their work periods.
  5. Employees working overlapping shifts or assignments are under the control, for payroll and other purposes, of the supervisor during which their work periods began, so long as that supervisor is on-duty. When the initial supervisory officer goes off-duty, supervisory responsibilities transfer to the on-duty supervisor.
  6. When agency personnel are in operations involving more than one organizational unit or personnel from different units, overall event command will be assigned to a supervisor or administrator at the direction of a commander or the Chief of Police.

7. Major field operations or emergencies will normally be under the direction of an administrative or supervisory ranked officer specifically designated by the Chief of Police.
  9. During the temporary absence of unit heads when competent authority makes no other provision, the command automatically devolves upon the senior ranking officer.
  9. A sergeant and at least one corporal may be assigned to each patrol squad. Patrol squad supervisors are responsible for ensuring the continuous presence of supervisory personnel on their patrol squads every day of the year. Temporary OICs can be designated to provide patrol squad supervisory assistance during the unforeseen or authorized absence of patrol squad supervisors.
- B. An acting Chief of Police will be appointed by order of the Vice President of Finance and Management, whenever possible, as the result of planned, expected, or anticipated absences of the Chief of Police.
1. Whenever the Chief of Police is absent and unable to manage the operations of the agency without having appointed an acting Chief of Police, the position of acting Chief of Police devolves first by rank, then by time-in-grade.
  2. Acting Chief of Polices are authorized to carry out provisions of LEOBR, as well as other powers, authority, and duties conferred upon the Chief of Police, except;
    - a. Promoting or demoting any member of the agency without the authorization of the Chief of Police and the Vice President for Finance and Management; and
    - b. Making all but temporary transfers. Temporary transfers will be considered permanent only if or when approved by the Chief of Police.
- C. The rank order of the sworn employees of the agency in descending order is:
1. Chief: Chief of Police and Director of Public Safety; The highest-ranking officer. As a general manager, the Chief is responsible for the administration and operation of the department under the authority of the MSU Board of Regents and the President of the University.
  2. Deputy Chief: Deputy Chief of Police; the Principal Deputy of the Department.
  3. Captain
  4. Lieutenant;
  5. Sergeant;

6. Corporal;
7. Private First Class / Detective First Class; and
8. Private.

### **1.200 FUNCTIONAL COMMUNICATION, COORDINATION, & COOPERATION**

- A. All personnel will encourage, support, and participate in the reasonable and prudent exchange of information between agency personnel, units, and functions. Mechanisms and processes used to facilitate the exchange of information include, but are not limited to:
1. Electronic mail accessible to all agency personnel;
  2. Patrol briefings;
  3. Investigators periodically attending patrol squad briefings;
  4. Incident Summaries;
  5. Structured staff meetings;
  6. Staffing of draft directives throughout the agency;
  7. Incident or special event briefings; Organizational and individual memberships in professional organizations;
  8. Access to on-line records, reports, and summaries; and
  9. Direct communications between employees and to the Chief of Police on a weekly or as required.

### **1.202 CHIEF OF POLICE AND DIRECTOR OF PUBLIC SAFETY**

- A. The Chief of Police is the chief executive law enforcement officer of the Police Force of Morgan State University and answers directly to the Executive Director of Campus & Public Safety, Vice President for Finance and Management and or his or her designee.
- B. Consistent with a position description issued by Human Resources, the Chief of Police, as the agency's chief executive law enforcement officer, is responsible for the overall management and administration of the Police Force, including operational efficiency, budgeting, planning, emergency management, responding to the needs and inquiries of the public, and maintaining interactions with appropriate county, state,

and federal public safety agencies. The Chief is authorized to create or administer policy intended to supervise and guide all subordinate officers. The Chief is authorized to issue written Directives or Special Orders to provide policy and guidance to all members in order to carry out the mission of the agency.

### **1.204 PATROL OPERATIONS**

The Patrol Operations consists of, but is not limited to, the units, personnel, and functions of:

- A. Patrol Operations Commander;
- B. Patrol Squads;
- C. Special Events;
- D. Public Safety Aides
- E. Security Guards

### **1.206 PATROL OPERATIONS COMMANDER**

The Patrol Operations Commander reports to the Chief of Police or his designee and has responsibilities that include, but are not limited to:

- A. All matters pertaining to the efficient and effective administration and command of the Patrol Operations; and
- B. Overall responsibilities for special event planning and assignment of personnel for events such as athletic events, community social events, parades, motorcades, public demonstrations, or other events that result in the need for crowd, traffic, or crime control; and
- C. Administering the agency's security escort program, to include its staffing, operational oversight, and statistical reporting of related activities.

### **1.208 PATROL SQUADS**

- A. Patrol squads are organizational components of the Patrol Operations and are primarily responsible for providing continuous police services to the community.
- B. Patrol squad supervisors report to the Patrol Operations Commander and have overall supervisory responsibilities that include, but are not limited to the efficiency, discipline, appearance and general good conduct of personnel under their command, in addition to general police duties and problem solving.

- C. Patrol officers report to their patrol squad supervisors and have duties and responsibilities that include, but are not limited to, uniformed patrol, maintenance of public order, discovery and reporting of hazards, responding to citizens' needs for services, investigating crimes and incidents, problem solving, crime prevention, arresting offenders, directing traffic and traffic control, providing emergency services, and reporting information to appropriate organizational units or personnel.

### **1.210 COMMUNITY CRIME REDUCTION UNIT**

- A. The Community Crime Reduction Unit is an organizational component of the Operations Support Operations. It is under the command of a supervisory ranked officer who reports to the Deputy Chief of Police or his designee (Operations Support Operations Commander.)
- B. The Community Crime Reduction Unit has functional duties and responsibilities that include, but are not limited to:
1. Basic criminal investigations;
  2. Criminal intelligence;
  3. Victim / witness assistance, even though certain initial services are provided by patrol and other agency personnel;
  4. Crime prevention and community involvement;
  5. Security surveys;
  6. Legal process control;
  7. Liaison with the university community; and
  8. Community services

### **1.300 SECONDARY EMPLOYMENT**

Employees are allowed to have secondary employment while off-duty. However, employees do not have a right to secondary employment. Any secondary employment must be requested and approved in writing in accordance with this directive.

### **1.302 RESTRICTIONS AND LIMITATIONS**

- A. Secondary employment for Police personnel will not be authorized or permitted for those jobs or tasks that include, but are not limited to:
1. Wearing any portions of the agency's issued uniform or using any supplies or equipment issued or provided by this agency;
  2. Causing employees to work, excepting agency scheduling needs, operational emergencies, court appearances, etc.;
    - a. More than 16 hours in combination of duty and secondary employment hours in any calendar work day;
    - b. More than 30 secondary employment hours in any six day calendar work week or 24 hours secondary employment hours in any five day calendar work week; or
    - c. More than 12 hours in any calendar regular day off;
  3. Accident reconstruction, evaluation, and expert opinions or court testimony offered within this state;
  4. Private investigation;
  5. Civil process service;
  6. Bail bonding;
  7. Debt collection;
  9. Vehicle repossessions;
  10. Towing and impounding vehicles;
  11. Jobs where the employee's access to agency or other criminal justice system records, files, or information is a factor;
  12. In a sales capacity where the employee's position is known and may reasonably have the effect of appearing coercive or where the purchase of items may appear to be required in order for a favored attitude by the employee toward the purchaser;
  13. Employment where alcohol is dispensed for on-site consumption and duties involve;
    - a. Bartending or serving alcohol; or

- b. Dispensing package goods.
- B. Secondary employment authorizations will be denied, prohibited, or withdrawn when they involve:
- 1. Employees working during hours when they are scheduled as on-duty with the agency;
  - 2. Conduct inconsistent with the values, directives, ethics, or reputation of the agency;
  - 3. The creation of real or potential conflicts of interest;
  - 4. Employees on one-day sick slip requirement;
  - 5. Evidence indicating that secondary employment might be, or is, impairing employees' ability to perform their duties, obligations, or responsibilities; or
- C. Secondary employment as a police officer with other agencies may be approved consistent with the provisions and restrictions of this directive when:
- 1. Officers are certified separately through the other agencies; and
  - 2. Liability waivers are executed by the other agencies.
- D. Secondary employment is:
- 1. Prohibited for officers attending entry-level training; and
  - 2. Generally precluded during employees' initial probationary periods.
- E. The secondary employment cannot be conditioned on the actual or potential use of the law enforcement powers conferred upon employees by virtue of their university employment. Employees must comply with Authorized Handguns relating to wearing or carrying their agency issued firearm, weapon, police identification, and badge while performing any secondary employment.
- F. Employees engaging in secondary employment act as agents for their secondary employers. As such, liability protection, Worker's Compensation coverage, and other civil protections provided during the course of their normal employment may not be available to employees working secondary employment.
- G. Employees will not call in sick in order to work secondary employment during hours they are supposed to be on duty.
- H. Employees appearing in court or administrative proceedings resulting from secondary employment will do so on their own time.

1. On-duty employees must take leave to appear for trials or hearings.
2. Employees appearing in secondary employment related court or administrative proceedings will not appear in uniform or voluntarily identify themselves as employees of the agency unless requested to do so as part of the administrative or judicial proceeding.

### **1.304 AUTHORIZATION**

- A. Employees must obtain written authorization from the Chief of Police before engaging in secondary employment.
- B. Requests should be initially submitted at least seven business days in advance of anticipated start dates for secondary employment.
  1. In exigent circumstances, employees requesting secondary employment approval may bypass those staffing levels that are unavailable in order to obtain tentative approval.
  2. Although the prompt staffing of secondary employment requests is an operational goal of this directive, nothing will interfere with the needs of the agency to ensure secondary employment is appropriate and compatible with the agency's mission and values.
- C. The Chief of Police has the ultimate authority to approve or reject requests for secondary employment and notify requesting employees of the decisions.
- D. Secondary Employment Requests will be completed and promptly staffed through employees' chains of command to the Chief of Police.
  1. Requests will contain the:
    - a. Names, addresses, and telephone numbers of proposed employers;
    - b. Job titles and descriptions of duties to be performed; and
    - c. Anticipated duration of employment.
  2. Requests for secondary employment in the military must also include:
    - a. Branch of the military involved;
    - b. Length of commitment considered;
    - c. Proposed or new MOS, if applicable; and
    - d. Probable yearly schedule and obligation of service.

3. Immediate supervisors are responsible for:
  - a. Reviewing Secondary Employment Requests and conducting inquiries to verify request information;
  - b. Reviewing requesting employees' sick leave usage and most recent performance evaluation.
  - c. Determining if the proposed secondary employment meets agency criteria;
  - d. Recording their findings and recommendations; and
  - e. Forwarding requests to the appropriate commander.
4. Commanders will review requests and supervisors' endorsements, add their comments and recommendations, and submit requests to the Chief of Police.
5. Requests for secondary employment that are denied will contain written, objective based explanations for such denials.
6. The staffing of requests for secondary employment will be conducted fairly and without favoritism or bias.
7. The Chief of Police will submit completed Secondary Employment Requests to the operations commander.
8. In the event secondary employment involves business relationships with third parties, employees must reasonably disclose that information necessary for the agency to determine if the secondary employment meets published standards, is appropriate, or involves conflicts of interest.
9. All secondary employment permissions expire at the end of each January. Employees desiring continued secondary employment should submit renewal requests no later than the second week in January.
10. Employees must promptly resubmit secondary employment requests any time there are substantive changes in their secondary employment duties or responsibilities.
11. Employees must notify the Chief of Police in writing when secondary employment ends.
12. Excepting for approved leave, supervisors will not knowingly rearrange schedules; allow late arrivals or early departures, etc. of subordinates to facilitate their secondary employment positions.

13. Employees directed to work overtime or called in for emergencies or on days off will report as ordered despite being on approved secondary employment.
14. Employees should call upon the police agency of primary jurisdiction for the area when police services are needed during the course of employees' secondary employment.
15. The directives of this agency are applicable to all off-duty personnel. However, employees working secondary employment as officers with other agencies are governed by the directives of those secondary employing agencies when they are on-duty with those agencies.
16. Employees sustaining injuries during the course of their secondary employment must:
  - a. Promptly report, or cause to be reported, their injuries to the Chief of Police; and
  - b. Within 48 hours submit, or cause to be submitted, written reports of their injuries to the Chief of Police.
17. Approved secondary employment may be modified, suspended, or terminated to assure compliance with this directive and to assure that employees devote their full time and effort to the satisfactory and efficient performance of their primary employment.
18. Supervisory or administrative ranked officers ordering emergency modifications, etc. to employees' secondary employment will:
  - a. Detail circumstances leading to secondary employment suspensions on agency complaint forms for submission to the Deputy Chief of Police.

### **1.308 GROOMING STANDARDS**

- A. All employees will adhere to grooming standards as applicable to their job classes.
- E. Sworn or uniformed employees will wear only such uniforms, badges, rank insignia, accouterments, equipment, etc. as prescribed in agency directives.
- F. All employees will present a neat, clean, and professional appearance and demeanor excepting those officers specifically involved in covert or investigative activities wherein deviation is operationally necessary.
- G. Supervisors are responsible for monitoring their employees, inspecting them daily, and ensuring they adhere to grooming, appearance, and uniform standards.
- E. Only the Chief of Police may approve exceptions to agency grooming standards.

### **1.310 HAIR STYLE STANDARDS**

- A. These hair standards apply to all sworn or uniformed employees.
- B. Hair will:
  - 1. Be neat, well groomed, and clean;
  - 2. Not bunch out to the front, side, or rear of headgear;
  - 3. Not interfere with the normal wearing of uniform hats or give the appearance that uniform hats do not fit properly;
  - 4. Not have tracks, designs, or sculptures cut in it;
  - 5. Not have decorations, pins, clips, etc., except those that blend naturally into the hair and are necessary to hold hair in place, i.e., bobby pins.
- C. Hairpieces or wigs worn on duty must conform to the same standards stipulated for natural hair.
- D. Hair coloring or frosting is permitted. Extreme or unnatural colors are prohibited, e.g., blue, pink, purple, green, etc.
- E. Male's hair:
  - 1. When properly combed, will not touch the eyebrows or touch the shirt collar when officers are standing or sitting erect; and
  - 2. Will be tapered or blocked in the back and may cover the top one-quarter of the ears.
- F. Female's hair:
  - 1. When properly combed, will not touch the eyebrows or hang down beyond the back, bottom edge of the shirt collar when officers are standing or sitting erect; and
  - 2. May cover the top one-quarter of the ears.

### **1.312 FACIAL HAIR**

- A. These facial hair standards apply to all sworn or uniformed employees.
- B. Sideburns must:
  - 1. Be neatly trimmed;

2. Be of even width and not flared;
  3. Not extend below the lowest point of the ear opening; and
  4. End with a horizontal line formed as employees face directly ahead.
- C. Employees must be clean-shaven while on-duty with exceptions noted.
- D. Males are permitted to have a mustache provided they:
1. Do not extend sideways past the caliper lines of the face;
  2. Do not extend downward over the top line of the upper lip;
  3. Are combed or groomed straight down; and
  4. Do not interfere with the fit or function of emergency equipment such as protective masks.
- E. Sworn or uniformed employees who are being treated for facial skin disorders such as pseudo folliculitis of the beard (PSB) may request medical accommodations through their respective chains of command to the Chief of Police to wear beards on a temporary or long-term basis.
1. Requesting employees are responsible for providing the agency with copies of medical documentation positively diagnosing the medical condition, the need for employees to wear beards, and the anticipated length of time beards will be necessary.
  2. Beards permitted under this accommodation must be neatly trimmed and not longer than one-quarter inch unless otherwise specified by employees' health care providers.
- F. Sworn or uniformed employees may request religious accommodations through their respective chains of command to the Chief of Police for hair and facial hair grooming exceptions on a temporary or long-term basis.
1. Requests must minimally contain original, signed correspondence from requesting employees' clergy members attesting to the religious basis or need for the accommodation and any time limits.
  2. Commanders will review requests and submit their written recommendations to the Chief of Police.

3. Beards permitted under this accommodation must be neatly trimmed and not longer than one-quarter inch unless otherwise explained by employees' clergy members.
- G. Re-evaluations will be ordered on a yearly basis for long-term medical or religious accommodations.
- H. For the safety of employees and in compliance with Occupational Safety and Health Administration standards, employees who have been granted beard accommodations may be required to shave when there are heightened probabilities that they will be in, are in, or are about to enter situations where the use of protective masks is required, and where the inability to safely use masks could endanger the employees or others.
- I. Employees with either form of beard accommodation will not ordinarily be required to shave merely for training exercises using protective masks. However, employees will be required to shave if there are actual dangers of exposures to toxic environments.

#### **1.314 FINGERNAILS**

- A. All employees' fingernails will be clean, neatly trimmed, present a professional appearance, and maintained at lengths that will not interfere with, hinder, or obstruct employees' duties and responsibilities.
- B. Officers and aides are restricted from wearing all but clear or neutral color nail polish.
- C. Jewelry will not be worn on fingernails.

#### **1.316 PERSONAL ACCESSORIES**

- A. Personal accessories may be worn at employees' own risk so long as they present a professional appearance, do not cause a safety hazard, and do not interfere with, hinder or obstruct employees' duties and responsibilities.
- B. The following permissions and restrictions apply to officers and aides.
  1. Necklaces may be worn, but must not be visible.
  2. Rings are limited to one per hand, with none allowed on thumbs.
  3. Bracelets are not allowed, except for Medic-Alert, or other similar purpose bracelet.
  4. One wrist watch or pocket watch may be worn.

5. Only females are permitted to wear earrings.
  - a. Only one earring may be worn per ear, centered on the earlobe.
  - b. The only earrings that are authorized are post or stud types and must not be greater than one-quarter inch in diameter.
6. Body piercings, other than for earrings, and tattoos will not be visible to the public while employees are on-duty.
7. Glasses and sunglasses may be worn.
  - a. Prescription glasses will be worn according to prescribed needs.
  - b. Mirrored or highly reflective glasses and sunglasses are prohibited.
  - c. Sunglasses with dark lenses may be worn when needed. Employees should remove sunglasses when talking to citizens unless otherwise precluded because of bona fide safety considerations or the sunglasses have prescription lenses.
  - d. Frames for glasses and sunglasses must be black, silver or gold toned, or other suitable neutral color and conservatively designed.
  - e. Black elasticized or braided fabric or rope style glasses retainer straps are permitted except with dress uniforms.

### **1.318 RELIGIOUS ITEMS**

- A. Except as described herein, on-duty officers and aides may not visibly wear religious apparel or items if they do not meet the standards of agency directives.
- B. Officers and aides may request religious accommodations through their respective chains of command to the Chief of Police.
  1. Requests must minimally contain original, signed correspondence from requesting employees' clergy members attesting to the religious basis or need for the accommodation and any time limits.
  2. Commanders will review submitted requests and submit their written recommendations to the Chief of Police.
  3. The Chief of Police will determine whether or not to grant accommodations after reviewing documents submitted.
  4. Re-evaluations will be ordered on a yearly basis for long-term accommodations.
- C. Employees are not prohibited from wearing religious items simply because the items are religious in nature if wear is permitted of similar items of a nonreligious nature. An

example would be wearing a ring with a religious symbol that otherwise meets the uniform standards for jewelry and is not worn in a work environment where rings are prohibited because of safety concerns.

D. Employees may wear religious headgear while in uniform if the headgear:

1. Is black and **does not** contain any writing, symbols, or pictures;
2. Is of a style and size that it can be completely covered by standard departmental headgear;
3. **Does not** interfere with the proper wear or functioning of protective clothing or equipment; and
4. Is not being worn in place of departmental headgear when headgear is required.

#### **1.400 LAW ENFORCEMENT CODE OF CONDUCT**

A. Officers who take the office of a police officer must adhere to principles of the Law Enforcement Code of Conduct as follow:

##### **Law Enforcement Code of Conduct**

###### Primary Responsibilities of a Police Officer

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

###### Performance of the Duties of a Police Officer

*A police officer shall perform all duties impartially, without favor or affection or ill will and without regard to status, sex, race, religion, political belief or aspiration. All citizens will be treated equally with courtesy, consideration and dignity. Officers will never allow personal feelings, animosities or friendships to influence official conduct. Laws will be enforced appropriately and courteously and in carrying out their responsibilities, officers will strive to obtain maximum cooperation from the public. They will conduct themselves in appearance and deportment in such a manner as to inspire confidence and respect for the position of public trust they hold.*

###### Discretion

*A police officer will use responsibly the discretion vested in his position and exercise it within the law and departmental policies and procedures. The principle of reasonableness will guide the officer's determinations, and the officer will consider all surrounding circumstances, and the guidance of supervision, in determining whether any legal action shall be taken. Consistent and wise use of discretion, based on professional policing competence, a sensibility and a sensitivity to the needs of the community, will do*

*much to preserve good relationships and retain the confidence of the public. There can be difficulty in choosing between conflicting courses of action. It is important to remember that a timely word of advice rather than arrest-which may be correct in appropriate circumstances-can, be a more effective means of achieving a desired end.*

#### Use of Force

*A police officer will never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances. The use of force should be used only with the greatest restraint and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every police officer will refrain from unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person. Confidentiality Whatever a police officer sees, hears or learns of that is of a confidential nature will be kept secret unless the performance of duty or legal provision requires otherwise. Members of the public have a right to security and privacy, and information obtained about them must not be improperly divulged.*

#### Integrity

*A police officer will not engage in acts of corruption or bribery, nor will an officer condone such acts by other police officers. The public demands that the integrity of police officers be above reproach. Police officers must, therefore, avoid any conduct that might compromise integrity and thus undercut the public confidence in a law enforcement agency. Officers will refuse to accept any gifts, presents, subscriptions, favors, gratuities or promises that could be interpreted as seeking to cause the officer to refrain from performing official responsibilities honestly and within the law. Police officers must not receive private or special advantage from their official status. Respect from the public cannot be bought; it can only be earned and cultivated. Police officers will not engage in any act of insurrection.*

#### Cooperation with Other Police Officers and Agencies

*Police officers will cooperate with all legally authorized agencies and their representatives in the pursuit of justice. An officer or agency may be one among many organizations that may provide law enforcement services to a jurisdiction. It is imperative that a police officer assist colleagues fully and completely with respect and consideration at all times.*

#### Personal-Professional Capabilities

*Police officers will be responsible for their own standard of professional performance and will take every reasonable opportunity to enhance and improve their level of knowledge and competence. Through study and experience, a police officer can acquire the high level of knowledge and competence that is essential for the efficient and effective performance of duty. The acquisition of knowledge is a never-ending process of personal and professional development that should be pursued constantly.*

#### Private Life

*Police officers will behave in a manner that does not bring discredit to their agencies or themselves. A police officer's character and conduct while off duty must always be exemplary, thus maintaining a position of respect in the community in which he*

*or she lives and serves. The officer's personal behavior must be beyond reproach.*

#### **1.402 APPLICABILITY OF DIRECTIVES**

- A. Directives contained in this Manual are applicable to all agency employees during the conduct of their duties and responsibilities.
- B. Agency employees will comply with all applicable agency directives even when they are off-duty.

#### **1.404 COURTESY**

- A. The practice of courtesy in all official contacts encourages understanding and appreciation. While the urgency of situations might preclude ordinary social amenities, discourtesy under any circumstance is indefensible. Employees will treat citizens, superiors, subordinates, and peers with courtesy and respect for their personal dignity.
- B. Officers will be referred to by rank when on duty and particularly in the presence of community members.
- C. Officers will be respectful to peers, superiors, subordinates, and citizens, at all times.
- D. Officers will not speak negatively, or in a derogatory manner, or in any defaming manner about peers, superiors, subordinates, and citizens, at any time, even if the person being spoken about is not present.

#### **1.406 COMPLIANCE WITH ORDERS**

- A. The agency is an organization with a clearly defined hierarchy of authority. This is necessary because the obedience of lawful commands issued by superiors is essential for the safe and prompt performance of police operations. All employees will perform their duties as required or directed by law, rule, regulation, policy, or by order of superiors.
- B. Employees will not be insubordinate by deliberately failing or refusing to obey lawful orders given by superiors.
- C. Orders from superiors to subordinates must be clear, understandable, civil, and issued in pursuit of agency business. Orders relayed from superiors, including orders relayed from superiors by employees of the same or lesser rank, will be followed as if issued by superiors directly.
- D. Superiors will not knowingly issue unlawful orders.
- E. Employees are not required to obey unlawful orders. Responsibilities for refusing to obey orders rest with employees who will be immediately required to justify their actions of refusal and producing information that clearly express the unlawful nature of the order.

- F. Employees receiving unlawful orders will, at first opportunity, report to the supervisor of the employee who issued the order. This report will ask for relief from such orders and will contain incident facts and the unlawful orders believed issued.
- G. Upon receipt of orders conflicting with previous orders, employees affected will advise persons issuing second orders of these facts. Responsibility for countermanding original orders rests with individuals issuing second orders. If so directed, latter commands will be obeyed first. Orders will be countermanded or conflicting orders will be issued only when reasonably necessary for the good of the agency.
- H. Employees in doubt as to the nature or details of orders or assignments will seek clarification from supervisors by going through the chain of command. Questions will receive a timely response.
- I. Questions about orders shall only be for clarity, not as a means to outwardly disagree with the orders, cause disruption to agency business, or to undermine supervision.
- J. Employees will not contact other agency members about orders that they have received from supervision.
- K. The immediate supervisor may seek guidance from higher ranked members of the department.

#### **1.408 ABUSE OF POSITION**

Employees will not seek or accept personal advantages that might reasonably be interpreted as attempts to influence them in the conduct of their university duties. Such personal advantages may be gifts, personal loans, advances or accommodations, financial or other, not readily available to other persons on similar terms.

#### **1.410 IMPROPER TRANSACTIONS**

Employees will not buy or sell anything from or to complainants, suspects, witnesses, defendants, detainees, or other persons involved in cases which have come to their attention or which arose out of their agency employment thereby creating personal advantages not readily available to others similarly situated. The Chief of Police may authorize exceptions.

#### **1.412 GIFTS, GRATUITIES, LOANS, FEES, REWARDS, BRIBES, ETC.**

- A. Agency employees will not solicit or accept any gifts, gratuities, loans, fees, rewards, or other considerations benefiting employees or the agency, if it may be reasonably inferred that the actions were made to:
  - 1. Influence actions of an official nature;
  - 2. Affect the performance or non-performance of official duties; or

3. Affect directly or indirectly the interests of the persons, organizations, or businesses involved.
- B. Unauthorized gifts, gratuities, loans, fees, rewards, or other things falling into these categories coming into possession of employees will be forwarded to the Deputy Chief of Police or his designee together with written reports explaining the circumstances connected therewith.

#### **1.414 PERSONAL PREFERMENT**

Employees will not seek the influence or intervention of persons outside the agency for purposes of personal preferment, advantage, transfer, or advancement.

#### **1.416 TESTIMONIALS AND ENDORSEMENTS**

- A. Employees will not use their official positions, official identification cards, or badges for identification as agency employees in connection with testimonials or advertisements of commodities or commercial enterprises without prior approval of the Chief of Police or specific designee.
- B. Agency uniforms, vehicles, equipment, facilities, and on-duty personnel will not be used for commercial purposes without approval of the Chief of Police or specific designee.

#### **1.418 ASSOCIATIONS**

Employees will avoid regular or continuous associations or dealings with persons that would bring discredit upon the agency or with persons involved in criminal behavior, except as may be necessary in connection with official duties or where unavoidable because of other personal relationships.

#### **1.420 NATIONAL COLORS AND ANTHEM**

- A. Uniformed employees will render full military honors and employees in civilian dress will render proper civilian honors to the national colors and anthem at appropriate times.
- B. Employees in uniform will render military salutes to the flag when it is carried by color bearers in marching formations or when being hoisted or lowered from flagstaffs during ceremonies.
- C. During the rendition of the national anthem, employees in uniform will face the flag and render military salutes at the first note of the anthem and retain their position until the last note. Employees in civilian clothes will place their right hand over their heart at the first note of the anthem and retain this position until the last note.

### **1.422 REPORTING TO ASSIGNMENTS / RELIEF**

- A. Employees are to report immediately to their assignments without delay unless authorized by competent authority.
- B. Employees are to remain on duty and at their assignments until properly relieved by other employees or until dismissed by competent authority.

### **1.424 INTOXICANTS, DRUGS, & NARCOTICS**

#### Prohibited Conduct

#### A. Employees are prohibited from:

- 1. Abusing alcohol or drugs;
- 2. Committing a controlled dangerous substance offense;
- 3. Committing an alcohol driving offense;
- 4. Working under the influence of alcohol;
- 5. Working under the inappropriate influence of prescription drugs or over-the-counter drugs; and
- 6. Working under the influence of a controlled dangerous substance.

#### B. Officers will not drink intoxicating beverages while armed.

#### C. Employees will not drink intoxicating beverages on-duty except in performance of police duties, and then only in context of police duties and with specific consent of administrative ranked officers.

#### D. Employees will not be under the influence of intoxicating beverages while on-duty except for bona fide job related reasons without specific consent of administrative ranked officers.

#### E. Employees, whether on-duty or off-duty, will not purchase or consume intoxicating beverages while in uniform, or recognizable parts of issued uniforms.

#### F. Unless authorized by the Chief of Police, employees will not store or bring into any police facility or vehicle intoxicating beverages, controlled substances, narcotics, or hallucinogens except those items that are evidence or are to be used in the course of authorized police business.

- G. Employees will not operate agency vehicles after consuming alcoholic beverages except for bona fide job related reasons without specific consent of administrative ranked officers.
- H. Use of intoxicating beverages on property owned, operated, leased, or under control of the MSU will be consistent with state law, agency directives, and university regulations.
- I. Employees will not possess any narcotic, hypnotic, amphetamine, barbiturate, hallucinogenic drug, tranquilizer medication, or other controlled dangerous substance except in the performance of their lawful duties or if prescribed by licensed health care practitioners.
- J. Use of any narcotic, hypnotic, amphetamine, barbiturate, hallucinogenic drug, tranquilizer medication, or other controlled dangerous substances by agency employees is prohibited unless uses are in accordance with lawful prescriptions obtained from licensed health care practitioners.
- K. Employees are responsible for the timely notification of their unit commanders whenever they are taking prescription or over-the-counter medications that have the potential for rendering them unable to perform their assigned duties and responsibilities.
- L. Shift supervisors are responsible for making notifications to their appropriate supervisors or the Chief of Police if employees are not physically or mentally fit for duty.

#### **1.426 PRESENCE AT UNAUTHORIZED PLACES**

- A. Employees will not be present at any place while on-duty except for legitimate purposes. Employees will not use keys to access areas except in the normal course of duties or with permission of controlling agents of facilities. Mere presence in unauthorized places or areas is prima facie evidence of a violation of this section.
- B. Employees will comply with university regulations governing the use of university facilities. However, it is recognized that the agency maintains exceptions with other university components relating to the use of certain facilities. Use of facilities in these situations must be in accordance with written agreements or permission from controlling agents of the facilities.

#### **1.428 LEAVING THE UNIVERSITY AREA**

- A. On-duty officers must, when needing to leave the immediate vicinity of the agency primary jurisdiction, request permission from supervisory or administrative ranked personnel, and if approved, inform Communications when they leave and return to the area.
- B. On-duty officers must, when leaving the immediate vicinity of the agency primary jurisdiction, after receiving permission from supervisory or administratively ranked

personnel, must record on their run sheet the time that they leave, mileage out, and destination. Additionally, said officer must record the time that he or she has returned to the primary jurisdiction, and the mileage in onto their run sheet.

### **1.430 ADDRESS & TELEPHONE NUMBERS**

Employees are required to have working, reliable telephone service. Employees will ensure their notification information is updated within 24 hours of changes in addresses, telephone numbers, or emergency notification information.

### **1.432 USE OF AGENCY ADDRESS**

Employees will not utilize the agency's mailing address as their private mailing addresses, addresses for purposes of motor vehicle registrations, or addresses on their drivers' licenses.

### **1.434 REPORTING FOR DUTY**

- A. Employees will report for duty at times and places designated by assignments or orders and will be physically and mentally fit to perform their duties.
- B. Employees reporting for duty will be equipped for the proper performance of their duties.
- C. Judicial subpoenas and administrative notices constitute orders to report for duty.

### **1.436 IDENTIFICATION**

Employees will carry their badges, police identification cards, MPTC certification cards, and handcuffs or other approved restraining devices on their persons at all times when they are armed and/or on duty, except when impractical or inconsistent with duty assignments.

### **1.440 PROVIDING NAME AND IDENTIFICATION**

- A. Employees will politely give their names, ranks, agency identification numbers, and supervisors' names to persons when requested to do so, unless such actions are jeopardize police operations or assignments.
- B. Officers are not to point to their name tags as an attempt to give their names.

### **1.442 UNAUTHORIZED USE OF IDENTIFICATION**

Employees will make every effort to ensure the security and safekeeping of their police identifications and badges at all times. Employees will not lend to other persons their identification cards, badges, or other forms of police identification, or permit them to be photographed or reproduced without the approval of the Chief of Police.

#### **1.444 RECOMMENDING ATTORNEYS & BAIL BONDSMEN**

Employees will not suggest, recommend, advise, or otherwise counsel retention of specific attorneys or bail bondsmen to persons coming to their attention as a result of agency business.

#### **1.446 NEGLECT OF DUTY**

- A. Employees will not engage in any activities or personal business that would cause them to neglect or be inattentive to their duties.
- B. Employees will remain awake while on duty. If unable to do so, they will contact supervisors who will determine proper courses of action.

#### **1.448 INJURY OR ILLNESS REPORT**

- A. All employees will immediately report to their supervisors any health conditions that might adversely affect employees' abilities to perform their duties. This includes notifications of prescription or over-the-counter medications that might adversely affect employees' performance.
- B. Employees will not feign illness or injury, falsely report themselves as ill or injured, or otherwise deceive or attempt to deceive the agency as to the condition of their health.

#### **1.450 PERFORMANCE LEVEL**

- A. Employees will maintain competence to perform their duties and to assume responsibilities of their assignments. They will perform their duties commensurate with standards established by the agency.
- B. Unsatisfactory performance may be demonstrated by lack of knowledge, un-willingness or inability to perform assigned tasks, failure to conform to established requirements for positions or ranks, or by failure to take appropriate actions when required.
- C. Unsatisfactory evaluations or a record of repeated infractions of agency orders or directives is prima facie evidence of unsatisfactory performance.
- D. Actions taken as the result of unsatisfactory performance levels will be consistent, as applicable, with agency directives, University regulations, or LEOBR.

#### **1.452 LOITERING**

- A. Employees are not permitted to loiter while on-duty.

B. Off-duty employees will not disrupt the activities of on-duty personnel.

#### **1.454 PUBLIC STATEMENTS & APPEARANCES**

- A. Employees will not address public gatherings, appear on radio or television, prepare articles for publication, act as correspondents to publishers, or otherwise appear in public or present themselves as representing the agency without the approval of the Chief of Police. Employees are prohibited from representing the University or Department in any form of literature, websites, or electronic communications without the prior written consent of the Chief of Police. The use of the University name, Departments name in part or in whole is strictly prohibited without the expressed written consent of the agency Chief of Police.
- B. Employees are prohibited from using their official capacities, titles, or positions to endorse products, organizations, programs, or services without the permission of the Chief of Police.
- C. Employees are prohibited from representing themselves in official capacities, either in or out of uniform, before hearing or licensing boards, when their appearances before such boards are not official acts required of them as employees of the agency or authorized by the Chief of Police.

#### **1.456 CIVIL ACTIONS**

- A. Employees will initiate notifications along their chain of command to the Chief of Police within one business day when, as the result of their job performance or affiliation with the agency or the university, they become aware of their:
1. Being subpoenaed;
  2. Becoming party to or filing civil actions; or
  3. Needing to be deposed, answer interrogatories, provide affidavits, etc.
- B. Employees will not:
1. Make statements, or otherwise furnish information regarding incidents or allegations of liability against the agency, the university, or the state without notifying and receiving permission from the Chief of Police or agency counsel;
  2. Compromise, discharge, or settle against the agency's, the university's, or state's interest without consent of the Chief of Police or agency counsel; or
  3. Enter into financial understandings for appearances as witnesses prior to trials except in accordance with other directives or law.
- C. Employees when summonsed, requested, or voluntarily offer to testify, write correspondence, or make statement on behalf of criminal defendants or civil litigants will:

1. Initiate notifications along their chain of command to the Chief of Police within one business day of their being summonsed, requested, or volunteering;
2. Advise requestors of employees' needing to be summonsed or subpoenaed, unless actions are voluntary; and
3. Make no voluntary references to their position or employment with the agency, the university, or the state.

### **1.458 ETHICS**

- A. Sworn members are personally and professionally responsible for compliance with all laws and agency rules and regulations. They cannot consider themselves exempt from any law or regulation based on any situational basis, either work-related or off-duty.
- B. Sworn members cannot engage in any misconduct, either on or off-duty, that might discredit themselves or this agency. Police misconduct is impropriety in public office, either by commission or omission and is understood to include:
  1. Malfeasance
  2. Misfeasance
  3. Nonfeasance.
- C. Definitions.
  1. Corrupt Practices: Conduct by sworn members that involves profiting from their misuse of authority of office, usually for personal gain for themselves or others, including bribery, extortion, fraud and perjury.
  2. Gratuities: Gifts, advantages or favors, solicited or unsolicited, by sworn members of any rank, from a citizen or other public official, that may tend to influence or compromise the member's duty performance, so that future considerations may be reasonably expected by the citizen-benefactor; a *quid-pro-quo* arrangement.
  3. Noble Cause Intent: The phenomenon of officers who engage in misconduct or commit a criminal act, in the belief that the end result will justify their actions.
  4. Malfeasance: The intentional commission of a prohibited act.
  5. Misfeasance: The improper performance of a required act.

6. Nonfeasance: Failure to perform a required act.
- D. Sworn members are responsible for their actions, both on and off-duty and they are required to fully cooperate with any official inquiry into their work performance and behavior.
  - E. Sworn members shall treat other MSUPD members and, both sworn and civilian, and members of the University Community, and private citizens in a civil, professional and collegial manner. Harassment and discrimination, either in or out of the workplace, directed at either coworkers or private citizens, is expressly prohibited.
  - F. Sworn members shall not accept gratuities. This proscription applies to all sworn ranks and positions—No exceptions.
  - G. All sworn members, particularly those in command positions, must avoid any possible conflicts of interest, which might discredit themselves or this agency.
  - H. Corrupt practices, regardless of any presumed “noble cause intent,” will not be tolerated on the part of any sworn member.
  - I. Sworn members can use any reasonable means to protect themselves or to effect compliance with a lawful enforcement action. Excessive use of force is strictly prohibited.
  - J. Sworn members shall be constantly cognizant of the unique role that discretion plays in their authority as law enforcement officers, along with its corollary of confidentiality with regard to both agency matters and the public’s right to privacy.
  - K. Although this policy was primarily created for sworn members, it is also applicable to civilian employees as well.
  - L. Employees will be truthful when answering questions relating to their duties or employment that is asked of them except in the furtherance of a bona fide police duty.
  - M. Employees will not knowingly or deceptively make any false statements, reports, or records relating to their employment except in the furtherance of bona fide police duties.
  - N. Employees will not misrepresent fact by submitting inaccurate or improper statements, reports, or records relating to their duties or employment except in the furtherance of bona fide police duties.

**1.460 AGENCY INFORMATION**

- A. Employees will treat official business, evidence, records, documents, and photographs of the agency as confidential. Information regarding official business will be disseminated in accordance with directives.
- B. Employees will not divulge identities of persons giving confidential information except as authorized by proper authorities or release items of evidence, documents, photographs, etc., to news media or others outside the criminal justice system without the expressed permission of applicable bureau commanders or the Chief of Police.
- C. Officers will not give interviews to any media outlet for any reason without the expressed written consent of the Chief of Police or his designee.

**1.462 HARASSMENT**

- A. Agency employees will not engage in any illegal harassment that has the effect of unreasonably interfering with persons' work performance and/or creating an intimidating, hostile, or offensive work environment.
- B. All agency employees are responsible for compliance with Morgan State University's Policy and Procedures on Racial, Ethnicity or Religious Harassment / Discrimination. These policies contain procedures that include, but are not limited to:
  - 1. Prohibition of improper discrimination in the work place; and
  - 2. Means by which improper discrimination can be reported, even if offending parties are in complainants' chains of command.
- C. All agency employees are responsible for compliance with the USMH Policy on Sexual Harassment and the university's Policy and Procedures on Sexual Harassment. These directives contain policies and procedures that include, but are not limited to:
  - 1. Prohibition of sexual harassment in the work place; and
  - 2. Means by which sexual harassment can be reported, even if offending parties are in the complainants' chains of command.
- D. Methods of investigating and disposing of illegal harassment allegations will be consistent with due process systems applicable to respondent employees' job classifications, i.e., investigations involving sworn employees will be conducted consistent with LEOBR.

**1.464 COMPLIANCE WITH LAWS**

- A. Employees will obey laws of the United States and local, state and foreign jurisdictions in which they are present.

- B. Misdemeanor, (excepting minor parking violations), and felony convictions will be prima facie evidence of violations of this section.

#### **1.466 SUPERVISORY & ADMINISTRATIVE RESPONSIBILITIES**

- A. Supervisors and administrators are responsible for their subordinates' job performance and adherence to agency rules, regulations, policies, orders, directives, and procedures.
- B. Supervisors and administrators are responsible and accountable for the maintenance of discipline and will provide leadership, supervision, and example to ensure efficiency of agency operations.
- C. Authority and functions may be delegated to subordinates, but responsibilities remain with supervisors or administrators who make assignments. Supervisory and administrative personnel remain answerable and accountable for all job related failures on the part of their subordinates when they were aware potential failures and did not take appropriate actions to correct deficiencies.
- D. Supervisory and administrative personnel will not undermine or communicate to subordinates their disagreement or non-support of agency directives or initiatives. To do this undermines, or is prejudicial to, the good order, efficiency, or discipline of the agency and is conduct unbecoming of a superior.

#### **1.468 TIMELINESS**

- A. Agency employees are expected to complete tasks for which they are responsible in reasonable and prudent time frames or as otherwise specifically directed by orders, laws, regulations, or directives.
- B. Agency employees will seek the assistance and guidance of supervisory or administrative ranked personnel as necessary to clarify time frame performance expectations.

#### **1.470 RESPONSIBILITY FOR ACTIONS**

- A. Agency employees who initiate operational or administrative actions and activities are responsible for ensuring all required, necessary, or appropriate actions are conducted thoroughly, accurately, and on a timely basis.
- B. Agency employees will seek the assistance and guidance of supervisory or administrative ranked personnel as necessary to clarify what actions must be taken consistent with initiated activities.

### 1.500 USE OF FORCE

The purpose of this policy is to establish guidelines for the proper use of force and to determine when the use of deadly force is the appropriate action.

- A. It is the policy of MSUPD that officers use the least amount of force that is reasonably necessary to control an incident, to affect an arrest, or to protect themselves or others from personal harm or death. The degree of force used by the officer should be progressive along a continuum that spans from verbal commands to deadly force.
- B. It is the policy of MSUPD that the use of deadly force is authorized **only** under the following circumstances:
  - 1. In defense of self or another when the officer has reasonable cause to perceive an immediate threat of death or serious physical injury.
  - 2. To prevent the escape of a suspect of a violent felony whom the officer has probable cause to believe will pose a significant threat of death or serious physical harm to other officers or the public.
- C. It is against MSUPD policy to fire warning shots.
- D. It is the policy of MSUPD to train and qualify sworn personnel in the use of any firearm and other tools used to apply force (e.g., police batons, mace or pepper spray, stun guns, etc.).

### 1.504 USE OF FORCE GUIDING PRINCIPLES AND DEFINITIONS

- A. This policy directs officers to report to their immediate supervisor and complete a use of force report for: Any use of deadly or non-deadly force by an officer, including reports by another member of the agency who witnessed the force used by an officer.
  - 1. Any encounter with a citizen whereas the citizen is believed to be injured prior to contact with said citizen.
  - 2. Any application of a tool used to apply force.
  - 3. Any discharge of a firearm by an officer while on-duty or acting as an officer of the law while officially off-duty. *Note: Reports are not required for the discharge of firearms during training or authorized practice.*
  - 4. Any use of force where the suspect claims to be injured.
- B. This policy suggests that every use of force and discharge of firearm be reviewed to determine if an unwarranted use of force was applied.

- C. When circumstances allow, officers should communicate to the suspect their identity, purpose and intention of using force.

Definitions:

A. **Deadly Force:** The use of force which is intended to, or likely to cause death or serious physical injury. For the purposes of this policy, deadly force will also include the intentional striking with any vehicle.

B. **Non-Deadly Force:** The use of force which is applied to affect an arrest or protect the officer or others from attack, physical resistance, harm, or death but is not intended or expected to cause death.

C. **Probable Cause:** A conclusion based upon information known to the officer at the time which leads to the belief that a violent crime has been, is being, or is about to be, committed by a particular individual.

D. **Serious Physical Injury:** Bodily injury which causes death creates a substantial risk of death, serious or permanent disfigurement, or results in the long term or permanent impairment of an organ or limb.

## 1.600 EMERGENCY VEHICLE PURSUIT OPERATION

The purpose of this policy is to establish guidelines for the operator of an emergency vehicle driving in excess of posted speed limits and counter to traffic control devices in an effort to apprehend a vehicle operator who is attempting to avoid capture. When these guidelines are applied by officers in the field, their decision to engage in, continue, or terminate a vehicular pursuit will be less arbitrary.

### 1.602 VEHICLE PURSUIT

- A. It is the policy of MSUPD to allow officers to engage in vehicular pursuits of fleeing suspects only (add) for such crimes as homicide and manslaughter, officers are to follow the vehicle long enough to collect the plate number and model, etc. when the potential harm associated with pursuits is less than the potential harm the suspect may cause if not immediately apprehended. Before deciding to initiate pursuit, officers must consider:
1. The ability to apprehend the suspect without vehicular pursuit (i.e., by knowing the suspect's identity, by using police helicopters communications or other equipment, by the strategic positioning of other area officers, etc.);
  2. The nature of the offense;
  3. The driving ability of the officer;

4. Whether marked versus unmarked vehicles;
  5. The performance characteristics of the police vehicle;
  6. The characteristics of the roadway;
  7. The weather conditions;
  8. The location and neighborhoods, and;
  9. The density of vehicle and pedestrian traffic.
- B. It is the policy of MSUPD that officers will not be subject to disciplinary action when they decide not to engage in a vehicle pursuit.
- C. It is the policy of MSUPD that the initiation of a vehicular pursuit is authorized when a suspect uses a vehicle to elude apprehension, and the following has occurred:
10. Any violent arrestable offense resulting in or threatening death or serious physical harm, or;
  11. Driving in a manner which would indicate the driver is under the influence of alcohol or drugs or presents a threat to public safety.
- D. It is the policy of MSUPD that the pursuing officer shall notify their supervisor and/or dispatcher that a pursuit is about to begin.
- E. The policy of MSUPD prohibits vehicular pursuits:
1. When non-departmental personnel are in the police vehicle.
  2. When a supervisor orders the pursuit terminated.
  3. When the danger of pursuit outweighs the necessity to immediately apprehend the fleeing suspect.
- F. It is the policy of MSUPD that a pursuit shall terminate if the officer in a pursuing vehicle has been involved in a collision involving a personal injury.

#### **1.604 VEHICULAR PURSUIT DEFINITIONS**

- A. Vehicular pursuit: Any active attempt by a police officer in a vehicle to apprehend a fleeing suspect attempting to avoid apprehension. For the purposes of this policy, pursuit includes blocking and capture strategies (as well as new technologies) when there is an inherent danger.

- B. Violent Arrestable Offense: Any offense, to include assault, where the suspect intentionally caused or attempted to cause serious physical injury to another, and hit-and-run, which would result in the arrest of the suspect.

### **1.606 VEHICULAR PURSUIT GUIDING PRINCIPLES**

- A. This policy directs officers to report to their immediate supervisor any and all occurrences of vehicular pursuit. Supervisors may require written reports detailing the circumstances before, during and after the pursuit.
- B. The on-duty supervisor of the officer engaged in the pursuit should monitor the situation and direct the officer to terminate the pursuit whenever the supervisor believes the risk to public safety is higher than failure to apprehend the suspect.
- C. Pursuits should be limited to two fully-marked vehicles with operable emergency equipment and radio communication. The secondary vehicle will communicate updates on the status, location, and direction of the pursuit, via radio communications.

### **1.700 EVIDENCE**

The purpose of this policy is to establish guidelines for the collection, documentation and handling of physical evidence. It is the policy of MSUPD to collect and preserve all relevant evidence, including exculpatory evidence, in a manner which ensures its integrity and suitability for presentation in court.

### **1.704 COLLECTION**

- A. It is the policy of MSUPD to have responding officers secure and preserve the crime scene as quickly and safely as possible. Dependent upon the nature of the scene, officers shall make use of additional officers, barricades, barrier tapes or ropes and signs to secure and preserve the integrity of the scene and any potential evidence.
- B. It is the policy of MSUPD to utilize an expert evidence technician or specially-trained evidence recovery team if these resources are reasonably available.
- C. It is the policy of MSUPD to recover all relevant physical evidence at all known crime scenes.
- D. It is the policy of MSUPD to ensure a suitable level of crime scene supervision when considering the seriousness of the crime, the complexity of the scene, the type of evidence to be identified and/or collected, the experience of available personnel and other related factors.
- E. It is the policy of MSUPD to make appropriate equipment available for evidence

collection and preservation at all crime scenes. This shall include but is not limited to:

1. Materials necessary for fingerprint recovery and preservation,
2. Photography equipment (cameras and appropriate film, batteries, lights, flashes, etc.),
3. Sketching equipment (graph paper, templates, pencils, erasers, measuring tapes, rulers, etc.).

F. It is the policy of MSUPD that a proper chain-of-custody for all cataloged evidence shall be accurately and consistently maintained by recording all changes of custody for each piece of evidence. To this extent, each recorded transfer of evidence will stipulate the time and date of the transfer as well as the name of the receiving officer or police employee. It will also be the policy to minimize the number of evidence transfers.

G. It is the policy of MSUPD that all evidence preservation containers shall be cataloged and stored in a secure location which will allow their immediate retrieval when necessary.

H. It is the policy of MSUPD that all evidence be properly maintained until it is no longer legally relevant. If police custody of an item is no longer necessary, it shall be returned to its legal owner or subjected to proper disposal.

## 1.706 EVIDENCE COLLECTION GUIDING PRINCIPLES

Preservation and Documentation:

1. Upon recovering a piece of evidence, an officer or evidence technician shall record the time and place of this recovery in an offense or incident report.
2. All recovered evidence will be preserved in plastic or paper bags or otherwise appropriate containers.
3. When collecting and handling evidence, officers should be particularly careful and protect themselves against blood borne pathogens.

### 1.706.02 Evidence Definitions

A. **Physical Evidence:** Any substance, material or item found or recovered in connection with a criminal investigation.

B. **Chain of Custody:** The continuity of the custody of physical evidence from the time of collection to the time of disposal.

C. **Crime Scene:** The space immediately surrounding the area where a crime has

occurred.

**D. Evidence Technician:** Those police personnel who have been specially trained in the identification, recovery and preservation of physical evidence.

## **1.800 TRAINING STANDARDS**

The purpose of this policy is to establish general standards necessary for adequate police officer training. It is expected that adequately trained officers will enhance the efficiency of accomplishing the goals of police work as well as provide for improved community/police relations.

### **1.802 TRAINING POLICY**

A. It is the policy of MSUPD that all recruit officers will be competently trained in the required knowledge, skills and abilities associated with the daily circumstances of police work before they are actively used in enforcement activities or are able to make arrests. Generally, initial training will take place in an academy or classroom setting and will meet the standards of the Maryland Police Training Commission. Typical areas of initial instruction will include but are not limited to:

1. Administrative Duties
2. Constitutional and Statutory Law
3. Routine Patrol
4. Traffic Enforcement
5. Criminal Investigation
6. Report Writing
7. Community Policing
8. Crisis Intervention
9. Emergency Medical Care
10. Prisoner Processing
11. Firearms Training
12. Driver Training

## 13. Physical Education

## 14. Use of Force and Self Defense

- B. It is the policy of MSUPD that academic training of the recruit officer will be supported with a period of field training. During Field Training, all trainees will be paired with an experienced officer. Throughout the period of field training, the Field Training Officer will supply periodic reports to the Commanding Officer on the progress of the new officer. At the conclusion of the Field Training, the Field Training Officer will recommend to the Commanding Officer if any remedial training is necessary.
- C. It is the policy of MSUPD that proficiency in the use of firearms for all officers will be determined by periodic qualification. At a minimum, the requirements for qualification will meet the standards established by the Maryland Police Training Commission.
- D. It is the policy of MSUPD to insure training is consistent with the needs of the officers. That is, as technology or criminal tendencies change, members will be made aware of, and trained in these areas to effectively enforce the law.

**1.804 TRAINING GUIDING PRINCIPLES**

- A. Recruits scheduled for training must attend all training sessions and be punctual unless there is illness or other reasonable excuses. In-Service officers have the same requirements during their subsequent training.
- B. Because of the requirements of police work, it is mandatory that officers be trained in Cardiopulmonary Resuscitation (CPR) and first aid.

## 1.804.04 Definitions

- A. **Recruit:** Any officer candidate who has not completed all academy requirements necessary to become a certified police officer with the agency.
- B. **Field Training Officer:** The officer to whom a recruit officer is assigned for practical training during routine patrols.
- C. **Field Training:** A period of training, subsequent to academic training, which takes place during normal enforcement activities. These assignments are used to familiarize the new officer with the circumstances surrounding routine police work while under the supervision of a Field Training Officer.

**1.900 HANDLING OF JUVENILES**

The purpose of this policy is to establish guidelines for the proper disposition of juvenile cases.

- A. It is the policy of MSUPD that officers will use discretion to make use of the least forceful and intrusive alternative available consistent with maintaining public safety, order, and individual liberty. In particular, as in cases involving minor offenses, officers will consider releasing the juvenile offender to the custody of a parent or legal guardian at the scene of the incident before transporting the juvenile to a police facility and formally processing the juvenile.
- B. It is the policy of MSUPD to insure the constitutional rights of juveniles, including rights against self-incrimination and search and seizure, are never compromised and shall be completely protected at all times.
- C. It is the policy of MSUPD that, during the temporary detention period, a juvenile must be separated by sight and sound from all adult offenders who may also be in the custody of the police.
- D. It is the policy of MSUPD that a juvenile must not be transported together with adults who have been charged with or convicted of a crime unless the court has waived its jurisdiction and the child is being proceeded against as an adult.
- E. It is the policy of the MSUPD that any juvenile status offender shall be held in non-secure custody.

#### **1.904 HANDLING OF JUVENILES GUIDING PRINCIPLES**

- A. Constitutional rights against self-incrimination must be read and explained to the juvenile (and the juvenile's parent or guardian where possible) prior to each custodial interrogation. Only a juvenile can waive his or her rights. This may be done in the presence of a custodial adult (e.g., parent, guardian, Juvenile Services representative). No one, including his parents, should be permitted to influence or force the juvenile to waive his or her rights. Interviews with the juvenile offender should be conducted in a non-threatening manner and in the presence of at least two (2) officers. Additionally, a juvenile's parents or guardian, or a representative from Juvenile Services, may be present throughout all stages of the interview.
- B. The parents or legal guardian of a juvenile who has been taken into custody should be notified of the custody and surrounding circumstances as soon as possible.
- C. When a juvenile has been taken into custody, the length of detention should be limited to only that amount of time which is immediately necessary, and not to exceed six hours for the purposes of identification, processing, or transfer to another facility.
- D. Officers should only take custody of a status offender (a child in need of supervision) when there is sufficient reason to believe that the juvenile will run away if not taken into custody immediately, or there are exigent circumstances. Under such circumstances, status offenders shall be detained separately and transported separately from

delinquent offenders.

E. When the officer has taken a juvenile into custody and it is deemed necessary to further detain him pending a hearing, there must be an immediate contact with the local Department of Juvenile Services Intake Coordinator for authorization. That division will make the decision to release or detain the juvenile.

F. Formal processing should be considered when the delinquent act in question:

1. Would be a felony if committed by an adult.
2. Involved the use of weapons.
3. Involved an aggravated assault or battery.
4. Was related to gang activity.
5. Was committed by a juvenile currently under probation or parole.
6. Was committed by a juvenile who has repeatedly committed delinquent acts within the past 12 months.
7. Later investigation reveals that parental supervision has been inadequate.

G. Photographing and Fingerprinting a Juvenile:

1. Juveniles under the age of 14 years should not be photographed and fingerprinted unless it is authorized by the arresting officer's supervisor.
2. Juveniles 14 years or older should be photographed and fingerprinted for any felony or the following misdemeanors:
  - a. Narcotics offenses.
  - b. Unauthorized use of a Motor Vehicle.
  - d. All sex offenses.

(All other misdemeanor offenses would require authorization by the arresting officer's supervisor.)

H. Maryland state law requires notification of the appropriate public school superintendent within 24 hours, or as soon as possible, when a juvenile enrolled in a public school is charged with a crime of violence or any weapons charge (to include pepper spray). See *Education Article of the Annotated Code of Maryland 7-303*.

### 1.904.02 Juvenile Definitions

- A. Juvenile: Any person under the age of 18 years.
- B. Status offender: A juvenile who has committed an act which would not be a crime if committed by an adult (e.g., runaway, truancy, alcohol prohibitions, etc.).
- C. Delinquent Child: A juvenile offender who is charged with an offense which, if committed by an adult, would be a crime.
- D. Non-Offender (Child in need of assistance): A juvenile subject to juvenile court jurisdiction usually under abuse, dependency, or neglect statutes and not because of delinquent behavior.

## 2.100 DOMESTIC VIOLENCE INVESTIGATIONS

The purpose of this policy is to establish guidelines for handling cases which involve violence among domestic partners.

- A. It is the policy of MSUPD that domestic violence will be handled as a crime without regard for the relationship between the victim and the offender or the probability of prosecution by the victim.
- B. It is the policy of MSUPD to dispatch at least two officers, when available, to each case that involves allegations of domestic violence. The officer who is first to respond will be the primary officer to handle the case until he or she is relieved of this duty by a supervising officer.
- C. It is the policy of MSUPD that, when dispatched to a reported case of domestic violence, officers will act in a pro-active fashion with an emphasis towards arresting domestic abuse offenders and protecting victims. Officers will arrest domestic abuse offenders without warrants when there is probable cause to believe the following, as set forth in the *Annotated Code of Maryland, Criminal Procedures Article, §2-204*:
  - 1. The battered person is the offender's spouse, or the abuser and the victim share a residence, and;
  - 2. There is evidence of physical injury, and; Unless immediately arrested, the abuser will elude apprehension, cause physical injury or property damage, or will tamper with, dispose of, or destroy evidence, and;
  - 3. A report to the police was made within 48 hours of the alleged incident.
- D. It is the policy of MSUPD that, when officers have determined that an assault has occurred, the health and safety of the victim should be assessed immediately, and if appropriate, medical assistance provided. Subsequent to this, priority should be

given to the following:

1. Arrest the assailant if it is possible to do so in accordance with Section C of this policy.
2. Secure the crime scene and preserve any available evidence.
3. Request a crime lab technician to respond to the scene of the crime.
4. Interview any witnesses.

## **2.102 DOMESTIC VIOLENCE INVESTIGATIONS GUIDING POINTS**

- A. Before leaving the scene of a domestic assault, the officers should provide information to the victim indicating the availability of legal remedies to prevent further violence as well as the availability of local support services. *See also, Family Law §§ 4-501- 515.*
- B. Officers who respond to cases involving domestic abuse **MUST** complete a written incident report before the end of their shift.
- C. Officers should determine that an incident of domestic violence actually occurred based on the preliminary investigation, and not rely on the nature of the call for service broadcast by the dispatcher.

### **2.102.02 Domestic Violence Definitions**

- A. Probable Cause: A conclusion based upon information known to the officer at the time which leads to the reasonable belief that a crime has been, is being, or is about to be committed by a particular individual.
- B. Domestic Violence (Also, Domestic Assault or Domestic Abuse): Any act of violence between two people who are either married or living within the same resident

## **2.200 SEXUAL ASSAULT INVESTIGATIONS**

The purpose of this policy statement is to establish guidelines to govern the conduct of sexual assault investigations

- A. It is the policy of MSUPD that the health and safety of a sexual assault victim is of paramount importance. The victim's physical condition and mental state should be immediately assessed and appropriate medical attention provided, if required.
- B. It is the policy of MSUPD to contact the Baltimore City Police department when possibly dealing with a Sexual Assault case. According to an established mutual aid agreement, Baltimore City Police Department shall be the lead agency handling sexual assault investigations.

- C. It is the policy of MSUPD that the first officer to respond to a sexual assault has three primary responsibilities:
1. Physically protect and the victim.
  2. Identify, isolate, and protect the crime scene.
  3. Conduct a quality preliminary investigation.
- D. It is the policy of MSUPD that the investigating officer shall candidly inform the victim what will be expected of him/her in the ensuing criminal investigation and any possible court appearances.
- E. It is the policy of MSUPD to respect and protect the identity and confidentiality of the sexual assault victim.

## **2.202 SEXUAL ASSAULTS INVESTGATIONS**

- A. Officers investigating sexual assaults will not, at the onset of a sexual assault investigation, routinely request victims to undergo a polygraph examination merely to pre-assess the credibility of their account. The use of a polygraph examination of the victim shall only be sought after the completion of a thorough investigation of all
- B. The available evidence relating to the reported incident.
- C. Polygraph examinations of sexual assault victims shall only be considered when the investigating officer has reasonable and articulable suspicion that a relevant and important part of the victim's report or testimony is false.
- D. Investigating officers will clearly and patiently explain to sexual assault victims the availability of appropriate victim assistance programs and services within their jurisdiction.
- E. Investigating officers will explain to sexual assault victims the purpose and availability of judicial Peace Orders and Protective Orders.

### **2.202.02 Sexual Assault Definitions**

- A. Protective Orders are available for persons who have a relationship with the abuser: current or former spouse; cohabitant; have a child in common; relative by blood, marriage or adoption; or a victim, parent, stepparent, child or stepchild (of victim or abuser) who has lived with the abuser at least ninety days of the year before a Protective Order is sought. Vulnerable adults also may qualify for protective orders.
- B. Peace Orders are not available for persons who qualify for Protective Orders. They are available for victims who have been subjected to serious bodily harm and/or are in fear if imminent serious bodily harm and are not related to the suspect-abuser. For

example: persons who have been victimized by a neighbor, stranger, or someone with whom they are involved in a dating relationship may qualify for a Peace Order.

- C. Victims Assistance programs are available in all Maryland counties and Baltimore City. They include 24-hour telephone "Hotlines," crisis intervention, counseling, therapy, and professional service referrals. Most are free-of-charge.
- D. On first contact with a sexual assault victim, a law enforcement officer shall give the victim a copy of a pamphlet describing victims' rights, services, and procedures, before and after the filing of a charging document other than an indictment or information in circuit court. See: *Annotated Code of Maryland, Criminal Procedure Article §11-104(b) and §11-914.*

## **2.300 INVESTIGATION OF MISCONDUCT**

The purpose of this policy is to establish guidelines for receiving and investigating complaints and allegations of misconduct by police officers. Guidelines for disciplinary action will also be suggested.

- A. It is the policy of MSUPD to receive all complaints of misconduct courteously, record all complaints on a standard form 95, and to investigate each complaint seriously and professionally. All members of the Department are authorized to receive complaints in writing, by telephone, and through personal communication. This information will then be recorded and immediately forwarded to Chief of Police and or his designee. The degree of seriousness of the allegation or complaint will determine the course of the investigation. Less serious circumstances may be delegated to the officer-in-question's immediate supervisor. Serious allegations (including, but not limited to those involving corruption, misuse of force, breach of civil rights, untruthful statements, criminal misconduct, etc.) will be investigated thoroughly by the designated supervisor or an investigator assigned by the Chief of Police.
- B. It is the policy of MSUPD that, members of the Department who have witnessed a violation of departmental regulations by a member of their own agency, by an act of commission or omission, shall report this violation as soon as possible to their immediate supervisor. The immediate supervisor must notify the Deputy Chief of Police or his designee as soon as possible. Additionally, members are required to report as soon as possible to their immediate supervisor all criminal and hazardous traffic violations for which they are themselves charged.
- C. It is the policy of MSUPD to fully investigate all charges of misconduct alleged against members of other law enforcement agencies and to notify the officer's parent agency of the alleged misconduct.
- D. To ensure all members of the department apply only the appropriate level of force, it is the policy of MSUPD that all reports of the use of force will be reviewed thoroughly by MSUPD. In a similar fashion, all reports of on-duty officers discharging

a firearm away from a firing range will be reviewed.

- E. It is the policy of MSUPD to establish a progressive continuum of disciplinary action to be used when instances of misconduct are identified. This continuum will range from verbal and written reprimands to suspensions or termination of employment.
- F. It is the policy of MSUPD that, disciplinary procedures and actions will be applied to all officers in accordance with the *Law Enforcement Officers' Bill of Rights* and other personnel and human resources policies. (See *Annotated Code of Maryland, Public Safety Article, §§ 3-10 – 3-113*).

### **2.302 MISCONDUCT GUIDING PRINCIPLES**

- A. The officer in charge of the investigation will report to the Chief on the issues of the investigation and the results of the completed investigation in a timely manner.
- C. For some violations of Departmental regulations, it may be appropriate to use remedial training or counseling services as non-punitive sanctions with the assent of the Chief of Police.
- D. All complaints or allegations of misconduct must be treated as confidential information whenever possible.
- E. When complaints are received anonymously, effort should be made to identify the complainant where possible.
- F. Summary punishments may be imposed when the accused officer agrees to waive his or her rights to a disciplinary hearing and the Chief of Police agrees to the imposition. Summary punishments may range from a letter of reprimand as the least severe punishment to three days without pay or a fine of \$150.00 as the most severe.

### **2.400 INTER-AGENCY NOTIFICATION**

The purpose of this policy is to establish guidelines for the notification of other Maryland law enforcement agencies whenever a member of their agency is the subject of law enforcement action, including but not limited to criminal arrest.

- A. It is the policy of MSUPD to subscribe to the provisions of the ***Policy of Cooperation*** as developed by the Legal Advisors Committee of the Maryland Chiefs of Police Association.
- B. It is the policy of MSUPD to notify the on-duty ranking member of any law enforcement agency whenever a member of that agency has been arrested or the subject of a criminal warrant or summons, provided such notification **does not** compromise any on-going criminal investigation.

- C. It is the policy of MSUPD to notify the on-duty ranking member of any Maryland law enforcement agency whenever a member of that agency has been identified as the aggressive party in a domestic violence incident, regardless of the immediate or subsequent decision of the victim to seek an Ex Parte or Protective Order or initiate or participate in criminal prosecution.
- D. It is the policy of MSUPD to initiate an internal investigation whenever this agency is notified by another Maryland law enforcement agency that a member has been arrested or the subject of a criminal warrant or criminal summons, or identified as the aggressive party in a domestic violence incident.

## **2.500 MANAGEMENT OF INFORMANTS**

The purpose of this policy is to establish guidelines for managing and monitoring all contact with confidential informants.

### **Informants**

- A. It is the policy of MSUPD to make use of confidential informants only to seek information which could further an ongoing investigation, prevent ongoing criminal activity, aid in the apprehension of a criminal suspect, seize illegal goods, or otherwise assist in law enforcement activities. Before any contact may begin with an informant, approval must be given by the officer's commanding officer.
- B. It is the policy of MSUPD to maintain a secure file, separate from other departmental records, for each active confidential informant. This file will be used to monitor the activity of the informant, to contain descriptive information about the informant (including a photograph, known addresses, aliases, etc.), to maintain an activity log and list of officer contacts, and to record all information regarding compensation and the utility of any information gathered by use of the informant.
- C. It is the policy of MSUPD that, no informant will be permitted to violate any criminal or motor vehicle law in connection with gathering information, and such violations will be investigated for prosecution.
- D. It is the policy of MSUPD that, compensation in the form of plea bargaining must only be conducted by, in the company of, or with the expressed approval of a representative from the State's Attorney's office.
- E. It is the policy of MSUPD that, the use of juvenile informants (i.e., 17 years of age or younger) is allowed when permission has been granted from the officer's supervisor and the juvenile's parents, guardian, or legal custodian.

## **2.502 INFORMANT GUIDING PRINCIPLES**

- A. The use of juvenile informants should be avoided whenever possible.
- B. The identity of a confidential informant should be maintained as confidential. The disclosure of an informant's identity should be avoided; however, the informant should be advised that the possibility exists that his/her identity and capacity may be divulged.
- C. When an informant's information has been determined to be unreliable or has no utility, the informant should be deactivated from police use; however, this **does not** limit the ability to activate an informant once reliability has been reestablished.
- D. The informant must agree to a search of his/her person and vehicle before and after the specific operation in which he/she is assisting.
- E. The informant **MUST** sign a waiver of liability against the Department which states the inherent risk associated with working as an informant. Also, this signing should be witnessed by at least two officers and the on duty supervisor.

## **2.600 RELEASE OF INFORMATION**

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

### **2.602 STRUCTURE OF INFORMATION RELEASE**

- A. It is the policy of MSUPD to release information to the public in a timely and accurate fashion by assigning the duty of controlling and disseminating public information to one office or officer.
- B. It is the policy of MSUPD that, in the absence of a designated Public Information Officer, unit commanders will control the release of public information only with the permission of the Chief of Police or his designee.

### **2.604 RESTRICTIONS ON RELEASE OF INFORMATION**

- A. It is the policy of MSUPD that the following information is **NOT** to be released:
  - 1. The identity of victims of sex-related crimes.
  - 2. The identity of a suspect for whom a warrant or summons has not been issued or indictment returned.

3. The existence or contents of any confession, admission, or statement of the accused.
  4. The identity, comments, expected testimony or credibility of any witness.
  5. Any statements regarding the innocence or guilt of the accused, the merits of the case, the possibility of a plea, or the value of evidence when these statements are based upon an officer's own opinion.
  6. The identity of a juvenile arrestee who has not been waived by the Court as an adult. (Also, refer to section II, B.3)
  7. The identity of a deceased person before next-of-kin has been notified.
  8. Information regarding special enforcement tactics that have been planned in advance (e.g., raids, stake-outs, or special assignments, etc.) except where it may be beneficial to release such information in advance (e.g., DWI, seatbelt, and out-of-state license plate checkpoints).
  9. Any information which could impede the enforcement of the law or an on-going investigation.
  10. Any information which is legally privileged.
  11. Any information which violates or jeopardizes the constitutional rights of an accused person.
  12. Any information that could jeopardize the safety of an officer, victim, witness or informant.
  13. Any information that could cause embarrassment or harm to a victim or witness (e.g., name or address of a suspected abuser living in the same residence as the victim).
- B. Upon request, the following information MAY be released, after authorization from the Chief of Police or his designee:
1. The type of event or crime and where it occurred.
  2. The name, age, city of residence, and other background information of a charged suspect.
  3. The charge upon which an arrest has been made. Circumstances of the arrest. Custody status.

4. Dates of hearings. Identifying photographs, only if they are available and do not contain police identification data.
- C. It is the policy of MSUPD to release information in regards to criminal offenses committed by juvenile delinquents only as follows:
1. Any distinctly identifying information, such as name or address, will NOT be released.
  2. A juvenile's age, sex, city of residence, and the details of the offense MAY be released.
  3. Only those traffic offenses which have been committed by juveniles over the age of 16 years and not subject to penalties of incarceration shall be available for release.
  4. The release of information regarding juvenile defendants who are charged as adults will follow the guidelines established for adult defendants.
- D. Release to Media Representatives. All releases of University records are governed by the Maryland Public Information ACT (MPIA)
- E. Although it is important to release information in a timely manner, priority must be given to the security of a crime scene or disaster area. In this sense, the preservation of any evidence and the safety of bystanders, police officers, and media representatives should take precedence over the access to a scene or the dissemination of information.

## **2.704 PRISONER TRANSPORT**

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

- A. It is the policy of MSUPD to take the necessary precautions to protect the safety of the prisoner, the transporting officer and the community. This shall include, but is not limited to, the following actions:
1. Restrain the prisoner with handcuffs or flex-cuffs utilized to the rear and other restraining devices where necessary.
  2. Search the prisoner thoroughly even if he or she has been searched previously.
  3. Search the transporting vehicle for contraband and inspect for safety.
  4. Secure the prisoner into the vehicle by using a seat-belt and shoulder harness. (See section B below).

5. Maintain close guard over the prisoner at all times.
  6. Remove the prisoner from the scene without delay.
- B. It is the policy of MSUPD to restrict the transport of multiple prisoners in the following manner:
1. Juvenile prisoners will not be transported in the same vehicles as adult prisoners.
  2. Juvenile “status” offenders will not be transported with juvenile “delinquent” offenders.
  3. Male and female prisoners will not be transported in the same vehicle.
  4. Communication between prisoners will not be allowed without the transporting officer’s permission.
  5. Whenever possible, two officers will transport female prisoners.
- C. It is the policy of MSUPD to limit prisoners’ ability to communicate while in transport by not allowing prisoners to communicate with or come in physical contact with any non-prisoner while in custody. Also, prisoners will not be allowed to exercise their right to counsel during transportation, and officers will not question a prisoner unless the prisoner has been properly notified of his or her *Miranda* rights.
- D. It is the policy of MSUPD to require police officers to communicate via radio to the dispatcher their approximate location, travel destination, time and mileage readings, and category (such as, adult male or juvenile female) of the prisoner before prisoner transportation begins.
- E. Officers must secure in advance alternate sources of transportation for prisoners with special circumstances. For instance, disabled, sick, or injured prisoners may need to be transported in vehicles other than standard patrol cars or departmental vans and will need alternative modes of transportation.

## **2.706 REPORTING REQUIREMENTS**

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

- A. It is the policy of MSUPD to have officers complete a report, at least by the completion of their current shift, when incidents such as the following have occurred:

1. An officer has responded to a crime.
  2. A citizen has reported a complaint against any officer. The officer receiving the complaint must:
    - a. Not inform the officer who is being complained against about the complaint.
    - b. Keep the complaint confidential.
    - c. Obtain contact information from the citizen.
    - d. Inform their immediate supervisor.
  3. An officer has responded to a criminal case by initiating an investigation.
  4. An officer has responded to a motor vehicle accident involving death, serious personal injury, or property damage.
  5. An officer has responded to an incident, which could be considered a racial, religious, or ethnic hate crime.
  6. An officer has responded to an incident involving a domestic assault.
  7. An officer has responded to an incident involving the death of a person not due to natural illness.
  8. An officer has applied the use of force or when a suspect or arrestee has complained of an injury sustained during arrest or transport.
  9. An on-duty officer has discharged a firearm in a circumstance other than during training.
  10. An officer has been involved in a high-speed pursuit.
  11. An officer has initiated an arrest.
  12. Illness or medical report.
  13. All required Involuntary Detention reports or Investigate and Release Reports.
- B. It is the policy of MSUPD that all officers will report the occurrence or clearance of less serious events to the dispatcher and have this account act as a complete report. Accounts must be recorded on the Officer's run sheet.
- C. When an officer is unsure of the necessity of completing a written report, the officer

should defer to the recommended course of action that is deemed appropriate by his or her immediate supervisor.

## **2.800 OFF-DUTY FIREARMS**

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

- A. It is the policy of MSUPD to comply with all regulations promulgated by the Maryland Police Training Commission regarding training and qualification with duty and off-duty weapons.
- B. Officers may only carry one firearm on their person at any given time.
- C. It is the policy of MSUPD that authorization to carry any off duty firearm must be approved by MSUPD.
  1. Firearms to be used as off-duty weapons must carry departmentally-approved ammunition, and come from a designated list of Departmentally-approved weapons.
  2. It is the policy of MSUPD that Officers may carry departmentally issued firearms while off duty.
  3. It is the policy of MSUPD to allow officers carry to non-departmentally issued weapons while off-duty provided that they have submitted a request to MSUPD and have had that request approved by the Chief of Police or his designee.
  4. Officers carrying firearms while off-duty, must have their weapons concealed at all times and have on their person their badge department identification Card, MPTC credentials to identify themselves as a police officer.
  5. Officers carrying firearms while off-duty must NOT be intoxicated or consume intoxicating substances, including prescribed and over-the-counter medication.
  6. Officers who decide to carry concealed weapons while off-duty are limited to using those weapons which have formally have been approved by MSUPD. Officers approved to carry firearms while off-duty are restricted to carrying these weapons only while they are in the State of Maryland unless they are traveling to a state within which it is lawful for off-duty officers to carry firearms.
  7. The officer must qualify at least once annually with the secondary weapon even if the make and model are identical to the on-duty weapon.
  8. Officers carrying firearms while dressed in civilian clothing, must have their

weapons concealed at all times and have on their person their badge department identification Card, MPTC credentials to identify themselves as a police officer.

- D. It is the policy of MSUPD that, firearms approved for second or off-duty use must be protected from theft and damage at all times.
- E. It is the policy of MSUPD that, unless required by the department, all second and off-duty firearms, and their corresponding ammunition, must be purchased at the officer's own expense.
- F. It is the policy of MSUPD to require all issued weapons and approved off-duty weapon, be stored safely at all times. All weapons not under the immediate control of the officers shall be stored unloaded, in a secure location and separate from ammunition.
- G. Officers are limited to only one off duty weapon.
- H. Off duty weapons will be double action and limited to the following:
  - 1. 40 Caliber.
  - 2. 9mm Parabellum.
  - 3. 38 Caliber (Wheel gun only).
  - 4. 45 Caliber.

## **2.900 COMPUTERS AND ELECTRONIC DATABASES**

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

- A. It is the policy of MSUPD that, departmental computers are used only for appropriate police business.
- B. It is the policy of MSUPD that, software which is not purchased by the agency, or obtained or approved by the agency data coordinator, may not be used on any agency computer.
- C. It is the policy of MSUPD that, each employee shall consider all computer databases or electronic files the property of the Department and shall treat each as confidential information unless such files are intended for public dissemination.
- D. It is the policy of MSUPD not to allow any program or data file, to be copied unless specifically authorized by the Chief of Police or his designee.
- E. It is the policy of MSUPD to store copies of files and programs on a routine basis at an

alternative drive or location. Critical information is that which if damaged, lost, or altered would significantly impede the continued operation, or the effectiveness of the installation or the agency.

- F. All computer generated reports, report forms, and written reports are the property of MSUPD and must not be copied or duplicated for any reason without the consent of the Chief of Police or his designee, and only then for the purpose and business for MSUPD.

### **3.100 DOCUMENTATION OF CALLS FOR SERVICE**

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

- A. It is the policy of MSUPD to maintain information on each call for service.
- B. It is the policy of MSUPD to review records of calls for service for the purposes of determining patterns of calls, efficient application of resources and the quality of service.
- C. All officers will document all of their calls for service, and all post inspections, building inspections, and other assignments on their run sheets. At a minimum the following information will be maintained for each call for service:
  - 1. A record of who placed the call (when available).
  - 2. A record of from where the call was placed.
  - 3. A record of the time when the call was received.
  - 4. A record of the purpose of the call.
  - 5. A record of the manner in which the call was disposed and by whom.

### **3.200 MULTI-JURISDICTIONAL TASK FORCES**

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

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

- A. It is the policy of MSUPD to ensure that any multi-jurisdictional task force operation in

which it may participate has a direct benefit for its citizen population.

### **3.300 NEEDLE STICK INJURY**

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

- A. It is the policy of MSUPD that in the event of a needle stick injury to agency personnel, the following procedures will be employed within a maximum two (2) hour time-frame following the actual or suspected injury:
  - 1. Encourage/induce the wound to bleed. Wash with soap and hot water, and then swab the wound area with alcohol or agency-approved antiseptic towelettes.
  - 2. Seek immediate attention at Mercy Medical Center, located at 301 St. Paul Place, Baltimore Maryland 21202, which is this agency's designated medical facility for examination and treatment of blood borne pathogen exposure. If serious injury was sustained, respond to the nearest hospital for treatment.
- B. Request medical evaluation of the risk of HIV/AIDS or other infections caused by blood borne pathogens.
- C. Request HIV/AIDS prophylaxis treatment of infection by blood borne pathogens after consultation with treating physician.
- D. Notify the appropriate supervisor.
- E. It is the policy of MSUPD that a full and complete administrative report will be completed by the injured member's supervisor concerning any actual or suspected Needle Stick injuries. All agency records of incidents involving employees potentially exposed to HIV/AIDS shall be retained in a secure repository with limited access and maintained in compliance with applicable privacy laws.
- F. It is the policy of MSUPD that agency personnel will exercise due caution, and whenever possible, wear suitable protective leather gloves, when engaged in any of the following activities:
  - 1. Searching of all arrestees and suspects, male or female, adults or juvenile— No exceptions.
  - 2. Handling hypodermic needles or syringes, and other similar objects, including collecting and packaging these items as evidence.
  - 3. Placing needles, syringes and other similar objects in an agency-approved puncture-resistant container for evidence/property collection and transporting

purposes.

- G. It is the policy of MSUPD that if an agency member sustains an actual or suspected Needle Stick injury as the result of an on-duty interaction with a suspect or another person, the agency will request and encourage that individual to submit to a blood test at MSUPD, the agency-designated medical facility.
- H. It is the policy of MSUPD that, all sworn members and supervisors will ensure that they have a sufficient supply of approved puncture-resistant containers and antiseptic towelettes in their agency vehicles before beginning their duty-tour.
- I. It is the policy of MSUPD that, Mercy Medical Center the agency-designated medical facility will provide all necessary post-exposure testing and treatment, including individual and family counseling for the affected member.
- J. Medical test results of all agency members sustaining Needle Stick or other percutaneous injury will be confidential and will not be revealed to any other person or entity without the affected member's written permission.
- K. Members who test positive for HIV infection or other communicable disease, shall be treated by the agency in a manner that is in full accordance with federal, state, and local laws with respect to employees with physical conditions that may affect their work performance and do not pose an additional safety and health threat to themselves, the public, or members of the agency.

### **3.302 NEEDLE STICK INJURY DEFINITIONS**

- A. AIDS: AIDS is a virus known as human immuno-deficiency (HIV), an infectious disease that alters the body's immune system by destroying white blood cells that fight infection and disease and render the victim vulnerable to a variety of serious, eventually terminal ailments. There is presently no cure for HIV.
- B. Blood borne Pathogens: A pathogen is a germ or virus in human blood that is transmitted from one person to another by an exchange of blood or other body fluids containing blood.
- C. Needle Stick Injury: Any breaking of the skin (percutaneous) by a hypodermic needle or syringe, or similar sharp object that might transmit blood borne pathogens.
- D. Percutaneous: Through the skin, as by a cut or a puncture.

### **3.400 INVESTIGATIVE & ENFORCEMENT TRAFFIC STOPS**

The purpose of the policy is to establish guidelines for conducting constitutionally valid investigative and enforcement traffic stops.

- A. It is the policy of MSUPD that, all *opt to instruct officers to use their* investigative and enforcement traffic stops will be *personal judgment in assessing race* based upon articulable and constitutionally valid suspicions.
- B. It is the policy of MSUPD that, a record system will be established to track investigative.
- C. It is the policy of MSUPD that, all sworn members will receive periodic training on an as needed basis to reinforce previous training and/or to develop new skills to enhance police-citizen contacts.
1. Investigative stop: A stop based on reasonable articulable suspicion or knowledge of criminal activity. Information may originate with another officer or by independent investigation.
  2. Enforcement stop: A stop initiated as a result of an observed violation of the criminal or traffic code.
  3. Reasonable and articulable suspicion: Actions taken by the officer must be reasonable under the existing circumstances and based on the officer's knowledge the time. Officers must be able to point to and describe the specific factors that raised suspicions and led him or her to take action in connection with the traffic stop.
  4. *When* or "pretext" stop: The U.S. Supreme Court has determined that a law enforcement officer who observes a traffic violation may stop the violator, even though the true reason for the stop is the officer's interest in investigating whether the motorist is involved in other criminal activity. The constitutional reasonableness of a traffic stop does not depend on the actual motive of the individual officer. These types of traffic stops are known as *when* or "pretext" stops.
  5. Seizure: In the context of traffic stops, a seizure takes place when an officer makes an investigative or enforcement stop. Seizures during all traffic stops are subject to Constitutional constraints.
  6. Subsequent seizure: This form of seizure occurs when the original reason for the stop has been satisfied and the officer continues to detain the motorist and passenger(s). Once the underlying basis for the initial stop has concluded, a police-driver or police-passenger encounter which implicates the Fourth Amendment is constitutionally permissible only if
    - a. the driver and passenger(s) consents to the continuing intrusion, or
    - b. the officer has, at a minimum, a reasonable, articulable suspicion that criminal activity is afoot.

### **3.402 DEPARTMENT CONCERNING INVESTIGATIVE AND ENFORCEMENT TRAFFIC STOPS**

- A. MSUPD officers have a duty and authority to investigate suspicious activities that may be associated with the violation of criminal and motor vehicle laws. This duty does not include pursuing hunches or stereotyping, but is limited to reasonable articulable factors which would likely lead any knowledgeable, reasonable officer to the same conclusion, i.e. that a violation is occurring or has occurred. This duty does not preclude an officer from following the orders and supervision from the officer's supervisors and administrators.
- B. Any consideration, to any degree, of a person's race, ethnicity, age, or gender in law enforcement actions, including traffic stops, is absolutely prohibited. The only exception to this standard would occur if one or more characteristics were part of a specific lookout for a specific suspect. This applies to passengers as well as drivers.
- C. The recording and evaluating of statistical data is a management tool to be used, where appropriate, as a basis for counseling and training, and, if deemed necessary, further administrative inquiry. Police management will review and evaluate traffic stop data on a regular or periodic basis for patterns of prohibited activity.
- D. The record system will include data such as: race, ethnicity, age and gender of person stopped, suspicions of the officer that led to the contact, any enforcement action taken as a result of the contact, duration of the stop and any evidence or property seized as a result of the stop.

### **3.500 INTERVIEWS AND INTERROGATIONS**

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

- A. It is the policy of MSUPD that, the conduct of police interviews and interrogations should be fair, competent, and totally objective. It is extremely important that this practice should also be perceived as non-coercive and unbiased by the courts and the general public.
- B. It is the policy of MSUPD that, interviews and interrogations comply with all constitutional requirements, applicable state and local laws and strictly adhere to agency investigative procedures.
- C. It is the policy of MSUPD to accurately and completely record or otherwise document the conditions, content, and conclusions of any interview or interrogations. This agency acknowledges the advantages of electronic recording whenever investigative and environmental conditions allow.

### 3.5.02 INTERVIEW AND INTERROGATION DEFINITIONS

- A. Interview: A purposeful and non-accusatory conversation with a victim, a complainant, a witness, or even a possible criminal suspect. The atmosphere is non-custodial and the interviewee should feel that he/she is free to end or terminate the interview and leave at any time.
- B. Interrogation: During an interrogation, the person being questioned by the police is not free to leave, and police questioning or conduct is specifically designed to elicit incriminating responses implicating the person in criminal activity. All custodial interrogations shall be preceded by issuance of the *Miranda* warning.
- C. Electronic Recording: The practice of audio recording and/or videotaping an interview or interrogation. It is a violation of Maryland law to audio-tape any conversation without the consent of all parties.
- D. Custody: A suspect is considered to be in custody if, under similar circumstances, a reasonable person in the suspect's position would feel that his/her liberty to move about freely or leave was being restrained in any way.

### 3.504 INTERVIEWS

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

non-custodial interviews of crime victims, witnesses and associated individuals may also be electronically recorded.

- G. Any interview that is electronically recorded must have the express consent of all parties. Persons being interviewed should sign a consent form.

### **3.506 INTERROGATIONS**

- A. Custodial interrogations of criminal suspects shall always be preceded by *Miranda* warnings, using the agency pre-printed form. If at any stage of the custodial questioning, the suspect indicates that s/he wants to stop talking or to consult with an attorney before continuing, the questioning shall stop.
- B. Interrogations should be pre-planned and investigating officers should have a clear understanding of the issues to be covered. This ordinarily includes an understanding of the evidence available, victim/witness accounts, offense elements, possible alibis and defenses, and applicable laws.
- C. Interrogations should, whenever possible, be conducted by two officers. Prior to the interrogation each officer should have a clear understanding of the respective roles each will perform.
- D. If a confession to a criminal act is obtained, officers should prepare a written statement to that effect and endeavor to have it reviewed, acknowledged as accurate, and signed by the suspect.
- E. Where practical and when available, consideration should be given to recording the entire interrogation on videotape. This consideration should be given regardless of whether the interrogation is conducted in the field or in a police facility.
- F. If the interrogation is to be electronically recorded, the suspect should first sign a consent form. Covert or surreptitious electronic audio recordings of interviews and interrogations are prohibited by Maryland law.
- G. Under no circumstances are interrogating officers allowed to utilize physical force or any physically inhumane or abusive coercion against a suspect to make him or her provide incriminating information. The use of physical force or employment of torture techniques or psychological coercion during an interrogation is unconstitutional.
- H. MSUPD Officers, have no authority to offer promises of leniency or special consideration as inducements for admissions or cooperation. This subtle form of coercion is prohibited.
- I. Information developed through interrogations and/or confessions should be corroborated to the fullest extent possible by information and evidence available

through other investigative means.

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

### **3.508 SPECIAL CASES/JUVENILE INTERVIEW / INTERROGATION**

- A. Juveniles have the same *Miranda* rights as adults. A juvenile suspect may waive *Miranda* and make a voluntary statement during a custodial interrogation, but whether the statement is voluntary depends on factors such as: age; experience; education; background; intelligence; capacity to understand his or her rights and the consequences of waiving them; and presence of a parent during the interrogation.
- B. Although police are not specifically required to tell a juvenile that he or she has a right to speak to his or her parents, it is advisable to do so. Parents' absence from the interrogation does not automatically invalidate the statement, but at least one Maryland court has held that a 10-year old is entitled to parental guidance, unless the State could demonstrate he had the mental capacity to understand the significance of his *Miranda* rights and the consequences of waiving them.
- C. Interrogation of juveniles should be limited to a reasonable time-duration with opportunities for periodic rest breaks. The number of officers participating in the interrogation of a juvenile should be limited.

### **3.600 DOMESTIC VIOLENCE BY LAW ENFORCEMENT OFFICER**

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

- A. It is the policy of MSUPD, that whenever a member of this agency learns of an incident of domestic violence, either alleged or proven, by any sworn law enforcement officer, the matter shall be reported, investigated and handled no differently than if the officer were a civilian.
- B. It shall be the policy of MSUPD, that if a sworn member of this or any other law enforcement agency is suspected to be the primary aggressor in a domestic violence incident, the investigating officer will notify a supervisory officer who will immediately respond to the scene.
- C. It is the policy of MSUPD, that after a comprehensive preliminary investigation at the scene of the alleged domestic violence incident, if the investigating supervisor has **probable cause** to believe that the involved officer was the primary aggressor in a domestic violence incident, the preferred enforcement response is a physical arrest of

the officer, regardless of rank or position, or obtaining an arrest warrant if the officer has left the scene

- D. It is the policy of MSUPD, that following an arrest of an officer for domestic violence, his or her issue and off-duty handgun (if any) will be seized, along with any other firearm(s) in proximity to the crime scene.
- E. It is the policy of MSUPD that the arrested officer will be suspended by the investigating supervisory officer and the officer's badge, MPTC certification card and agency ID card will be collected.
- F. It is the policy of MSUPD that if the officer is a member of this agency, the investigating supervisor will notify the Internal Affairs Unit or an officer who is designated to conduct an internal investigation.
- G. It is the policy of MSUPD that whenever a police officer-involved domestic violence call does not result in an arrest, the investigating supervisory officer shall submit a written report explaining why no arrest was effected or why an arrest warrant was not obtained.
- H. When the involved officer is from another jurisdiction, the on-scene officers and supervisor shall follow the same procedures required for this agency. A supervisor from the officer's agency must be notified and requested to respond to the scene.
- I. If the involved officer has left the scene, the on-scene supervisor shall make arrangements for application of an arrest *certain criteria*. Warrant, if probable cause exists.
- J. If the involved officer is a member of this agency's command staff, the on-scene supervisor shall immediately notify the Chief Executive. If the Chief Executive is the involved officer, the on-scene supervisor shall immediately notify the Deputy Chief of Police and the Vice President for Finance and Management, who has direct oversight for the Chief Executive.
- K. If both parties in the incident are police officers, the inquiry should focus on identifying the primary aggressor and determining probable cause.
- L. The investigation should include determining if any protective or peace orders are in force concerning the involved officer, the violation of which could result in additional criminal charges.

- M. The Commanding Officer of the involved officer will make arrangements to liaison with the victim and ensure that all available victim assistance services are explained.
- N. The Commanding Officer will also designate a supervisor to be the agency's principal contact person for the victim.
- O. Command will conduct an in-depth assessment of the incident to assess the involved officer for appropriate possible remedial referrals, duty assignments and/or administrative actions.
- P. If the involved officer is subject to both a criminal and an administrative investigation, the inquiries will be kept strictly separate, and preferably conducted by different individuals.
- Q. All personnel involved in the investigation of officer-involved domestic violence must be instructed to only exchange information on a strict need-to-know basis.

### **3.602 DEFINITIONS, DOMESTIC VIOLENCE BY LAW ENFORCEMENT OFFICER**

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

### **3.700 THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS): A FORMAL RECOGNITION**

The purpose of this model policy is to outline and explain NIMS and its interrelationship with the established Incident Command System (ICS). Federal law mandates that all U.S. law enforcement agencies comply with NIMS national homeland security policies, procedures and protocols.

By the end of fiscal year 2006, federal funding for state, local and tribal law enforcement preparedness grants will depend upon compliance with NIMS. NIMS has been endorsed by the U.S. Department of Homeland Security and officially implemented by Presidential Directive on 1 March 2004. NIMS is designed to enable local law enforcement to respond to critical emergency incidents, not necessarily limited to terrorist events, in a standardized manner, in close cooperation with other emergency service and public safety providers. NIMS represents a core set of doctrine, principles, terminology and organizational processes to enable effective, efficient, and collaborative incident management at all levels. ICS was developed in 1970 in California as an emergency management tool in coordinating fire service response to a devastating wildfire. It has since evolved into the prototype of a public safety process to coordinate incident management for a wide range of disasters and catastrophic events. NIMS was subsequently adopted in Maryland by an Executive Order of Governor Robert L. Ehrlich, Jr., which mandated that NIMS was the State standard for incident management and that all state governmental agencies must adopt this system for command and control of emergency incidents in cooperation with local jurisdictional response partners

- A. It is the policy of MSUPD that all members will cooperate fully with NIMS and ICS doctrine and procedures that are compliant with law and agency procedures.
- B. It is the policy of MSUPD that all members will participate in the recommended ICS training programs developed and coordinated by the Federal Emergency Management Agency (FEMA).
- C. It is the policy of MSUPD that all members will cooperate fully with designated public safety emergency responders in all strategic and tactical operations, including training.

### **3.702 DEFINITIONS**

- A. NIMS Integration Center (NIC): Situated at the U.S. Department of Homeland Security's FEMA, located at Emmitsburg, Maryland. The center provides strategic direction and oversight for NIMS.
- B. NIMS Implementation Plan: For fiscal year 2005, a federal template that can be used for local planning and compliance purposes. It consists of four distinct phases:
  - 1. Initial staff training, including completion of FEMA's independent NIMS and ICS study courses;

2. Formal recognition and endorsement of NIMS ICS;
  3. Evaluation of plans, policies and procedures that require conformance to NIMS doctrine;
  4. Actual modification of emergency responses strategies and tactics to comply with NIMS standards.
- C. ICS Training: FEMA training courses, which include Introduction, Basic, Intermediate, and Advanced ICS.
- D. ICS Organization: Five major functions: Command, operations, planning, logistics, and finance & administration. In NIMS ICS, an intelligence function can be established for gathering, analysis and sharing of incident-related information.

#### VI. Internet Sources:

### **3.800 EYEWITNESS IDENTIFICATION**

The purpose of this policy is to establish guidelines for obtaining accurate eyewitness identification, consistent with the Annotated Code of Maryland, Public Safety Article, and Section

Eyewitness identification is one of many tools used by law enforcement in the investigation of crime. This investigative tool is vigorously challenged by defense attorneys. Therefore, it is critical that eyewitness identification be conducted in a professional, structured manner, and supported by written documentation and physical evidence. It is also important to point out that the responding officer may not be the first person to interview a witness. Reporting persons are witnesses, and they may have been interviewed once (albeit briefly) by a dispatcher or call taker. Those personnel should also be familiar with this policy to ensure that as much accurate information as possible is to be gathered.

- A. It is the policy of MSUPD to avoid any action that would be unduly suggestive during any eyewitness identification process.
- B. It is the policy of MSUPD that all eyewitness identification be conducted in a structured, professional manner designed to clear the innocent as well as identify suspects in criminal offenses.
- C. It is the policy of MSUPD that a criminal investigation will not be concluded or otherwise cease based solely on eyewitness identification. Investigations will continue until all physical evidence has been collected and examined, all witnesses identified, and all reasonable leads explored.

- D. It is the policy of MSUPD that a witness will participate in one and only one type of eyewitness identification. The types of eyewitness identification are:
1. Viewing a Mug Book
  2. Participating in the preparation of Composite
  3. Participating in a Show Up
  4. Participating in a Live Line Up
  5. Viewing a Photo Line Up
- E. It is the policy of MSUPD that any identification or non-identification, of a suspect be documented in writing, along with any comments by the eyewitness concerning the identification or non-identification.
- F. It is the policy of MSUPD that any photograph of an individual identified by an eyewitness be retained as evidence and handled as such.

### **3.802 DEFINITIONS EYEWITNESS I.D.**

- A. MUG BOOK: A collection of photographs of previously arrested individuals known or suspected to be involved in certain type crimes. Mug Books are frequently used when there is no clear suspect and other reliable sources have been exhausted.
- B. COMPOSITE: Renderings or recollections of a witness describing a suspect's appearance. Composites may be completed by an artist, computer program, or Identikit, which features a variety of different facial features.
- C. SHOW-UP: The display of a single suspect to a witness in an effort to obtain an identification.
- D. PHOTO LINE UP: 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.
- E. LIVE LINE UP: A live display of the suspect, along with other individuals whose physical characteristics resemble the suspect's description or appearance at the time of the incident.

### **3.900 STOP PROCEDURES, CUSTODIAL PROCEDURES, RELEASE PROCEDURES**

It is the policy of the MSUPD to enforce the laws of the State of Maryland, the policies of the University and maintain public order, and protect the life and property of citizens while at all times acting within the bounds of Constitutional, statutory and professional

obligations. To balance enforcement with legal restraint all members of the MSUPD must understand the legal framework governing the exercise of their legal authority to stop, detain, search and seize persons and items in the course of their duties. All members will act within these legal boundaries, and will adhere to all reporting requirements.

In 2002, the Maryland General Assembly, in an attempt to identify any patterns of racial profiling, required reporting of all self-initiated traffic stops to a central authority, designated by statute. This statute compels all law enforcement officers to report all such stops, and requires all law enforcement agencies to compile this information and transmit this data to a central repository.

### 3.902 DEFINITIONS – STOP, CUSTODIAL, RELEASE, PROCEDURES

- A. **Field Interview / Citizen Contact** -A term describing a non-custodial interview which may include questions addressed to a citizen. During the interview, the citizen may not be detained against their will, and is, at any time, free to terminate the interview and walk away.
- B. **Frisk** - The external feeling or patting of the clothing of another person. It is the running of hands over another person's outer garment.
- C. **Non-Custodial Contact** - An interview or conversation with a citizen that is entirely voluntary on the part of the citizen. During a non-custodial contact, the citizen may be questioned, but may not be detained against their will, and is, at any time, free to terminate the interview and walk away.
- D. **Reasonable Suspicion or Belief** - This is the minimal basis for a stop. It is defined as being more than unsupported suspicion but less than that which amounts to probable cause. The reasonable suspicion in justifying a stop of a citizen, at its foundation, is the belief that the suspect has committed, is committing, or is about to commit a crime. A member must be able to articulate reasonable suspicion or belief.
- E. **Search** - Implies "INVASION AND QUEST" to discover an item or items hidden from view. By definition, a search is an endeavor to find, discover or bring into view that which is concealed.
- F. **Self-Initiated Traffic Stops** - When a motor vehicle is stopped and the driver is detained for any period of time for a violation of the Maryland Vehicle Law. Traffic stops do not include checkpoints or roadblocks, stops based on the use of radar, laser, and/or stops of multiple vehicles due to a traffic accident or emergency situation requiring the stopping of vehicles for public safety purposes.
- G. **Stop / Involuntary Detention** - A stop is a physical or verbal action that involves the delay, hindrance, or holding of a person. During a stop, the person is involuntarily detained, and can be restrained from leaving. A stop is a custodial contact and requires authority to detain.

**\*NOTE**

There are two categories of citizen-police contacts: non-custodial and custodial. Non-custodial contacts, generically referred to as “field interviews,” do not involve the detention, limitation of freedom, or restriction of movement of a citizen.

H. **Custodial contacts** - Custodial Contacts herein referred to as “custodial stops,” and otherwise called “involuntary detentions” or simply, “stops,” result from an officer having reasonable suspicion or belief that a crime has been, is being, or is about to be committed, and the detention of that person is necessary for investigative reasons. If during the custodial stop, the officer has reasonable grounds to believe that the person possesses a weapon, and the immediate safety of the officer or others is in danger, the officer may pat down (frisk) the outer garment of the person in order to determine if a weapon is present.

I. **NON-CUSTODIAL CONTACTS** - During the course of normal, routine duties, an officer may interview any citizen by initiating a conversation. As with all people, an officer may ask a person questions and be inquisitive. Asking a person’s name, address, and purpose for being at a location are all permissible questions, provided that the person is not being involuntarily detained, is free to refuse to answer the questions, and the questions are not intended to elicit an incriminatory response.

**At no time, during a non-custodial contact, shall any officer unduly detain a person nor shall any officer deprive a person freedom of movement in any significant manner.**

1. Examples of non-custodial contacts include, but are not limited to:

- a. A complainant or victim reporting a crime to the officer.
- b. A witness who is questioned regarding observations of, and circumstances surrounding, a crime.
- c. When an officer engages in conversation with a citizen.
- d. When an officer approaches a citizen, and asks their name, address, purpose for being at a certain location, and any pertinent follow-up questions.
- e. When an officer invites a citizen to a District or Unit to be voluntarily interviewed concerning an incident.

F. As long as such questions are asked while the person is not in custody, is free to not answer, and is free to leave; an **Explanation and Waiver of Rights, Form 069**, is not required, and the officer is under no reporting requirement. Such conversations and questions are considered “field interviews/citizen contacts,” and since they have no

force of compulsion, they are considered non-custodial contacts.

G. If, at any time during the non-custodial contact, an officer develops reasonable suspicion or belief that a crime has been, is being, or is about to be committed, and the person being spoken to is no longer free to leave, the non-custodial contact ceases and becomes a custodial stop. (See Custodial Stops in this Order.)

### **3.904 NON-CUSTODIAL STOPS REQUIRED ACTION**

#### **Member (OFFICER)**

A. Normal contacts between the citizen and the police which amount only to an investigatory noncustodial contact or field interview are permissible with no mandatory reporting. The manner of approach and tone of voice in which the citizen is approached will be one of unfailing courtesy. The demeanor of the police officer is an important factor when determining whether or not the contact is voluntary/non-custodial.

B. When conducting a field interview or a non-custodial contact, be guided by the fact that, absent cause for an actual stop, the person is free at any time to terminate the interview, not answer any questions, and to leave.

C. Upon concluding the interview, a Citizen/Police Contact Report is not mandatory for all field interviews/non-custodial contacts. But, when documentation of the interview is in the best interest of the citizen, the member, the Department, or when directed by supervision, complete a Citizen/Police Contact Report.

D. If at any time during the interview (non-custodial stop) the person wishes to leave, do not restrict their freedom of movement, do not stop them from leaving, and do not compel the person to answer any questions. Unless you have reasonable belief that a crime has been, is being, or is about to be committed, you lack legal authority to detain the person.

**NOTE:** If you have reasonable suspicion or belief that a crime has been, is being, or is about to be committed, detain the person and be guided by "Custodial Stops" below. Submit all completed Citizen/Police Contact Reports to your supervisor prior to the end of your shift.

#### **\*Supervisor**

E. Review all Citizen/Police Contact Reports and ensure compliance with this Order.

F. Verify review of all Citizen/Police Contact Reports by signing in the supervisory section on the front of the report.

#### **Commanding Officers**

- G. Conduct such training as is necessary to ensure that members under your Command are sufficiently knowledgeable of their legal authority to conduct non-custodial contacts/field interviews.
- H. Ensure all Citizen/Police Contact Reports are entered into the "Stop Ticket" database on a timely basis.

### **3.906 CUSTODIAL STOPS: INVOLUNTARY DETENTION AND STOP AND FRISK**

#### **INVOLUNTARY DETENTION**

- A. An officer with reasonable suspicion or belief that a crime has been, is being, or is about to be committed, has the authority to conduct the custodial stop of a person. The standard for stopping a person for investigative purposes is at minimum reasonable suspicion, which is more than mere suspicion, but less than probable cause. A custodial stop is, by its very nature, involuntary, and involves the delay or hindrance of a person's freedom of movement.
- B. During the custodial stop, the officer has the authority to question or interview the person for investigative purposes, but any questioning designed to elicit evidence of a crime or incriminating information must be preceded by an Explanation and Waiver of Rights in accordance with General Order "Interrogations." In such instances, officers are empowered to reasonably restrict a person's movements in reasonable prevention of harm to the officer and/or others.
- C. The mere fact that the person was handcuffed during the investigation **does not** preclude release as herein provided. However, you must clearly explain, in the narrative of your documents, the particular reasons that handcuffs were necessary, such as if the person was combative and or you felt your safety was reasonably in jeopardy, or there was no other effective means of controlling the person or situation.

#### **3.906.02 AUTHORITY TO STOP**

- A. The following circumstances should be considered in determining whether reasonable suspicion or belief exists to justify a stop. This list is not all inclusive and circumstances will vary in each case.
  - 1. The appearance and/or demeanor of the person suggest that the person is not a law-abiding citizen.
  - 2. The actions of the person appear to be related to a criminal activity.
  - 3. The hour of the day or night.
  - 4. The neighborhood may suggest the person is not lawfully present, considering the

hour.

5. The clothing of the person bulges in a manner suggesting a concealed weapon.
6. Proximity to a known crime scene and types of crime suspected based upon the officer's knowledge that a recent crime has been committed and that the person can be connected to that crime.
7. The officer's prior knowledge, including:
  - a. Person's prior record information from an informant or third party. Any overheard conversation or knowledge gained in some other way that the person is, or has been, connected with a crime. Person is known by the officer to be disposed to violence.
  - b. There must be adequate observation or investigation by the officer, or information in possession, before the stop of a person upon **REASONABLE SUSPICION**. A mere "hunch" or "intuition" is not sufficient; nor should a person be stopped merely because that person is found near the scene of a crime or has a prior criminal record.

B. The following guidelines should be observed in making an authorized **STOP**:

Clear identification of the officer:

1. By being in uniform.
2. By announcing their identity as a police officer and at the same time displaying their badge AND identification card, and other police credentials.
3. Courtesy shall be used throughout the stop.
4. Carefully consider the rights of the person.
5. The length of time spent in conducting the stop should be reasonable.
6. Maintain self-control and professionalism in any controversy that might arise.
7. Such a stop is custodial. (Any questioning of the person designed to elicit an incriminating response is not permitted without providing an Explanation and Waiver of Rights as guided by General Order #3.906.)

### **3.906.04 AUTHORITY TO QUESTION / INVOLUNTARY DETENTION**

A. A person who has been stopped may be questioned for:

1. Name and address.
  2. Explanation of actions.
- B. The person may not be compelled to answer these or any other questions. If the person refuses to answer the officer's questions or to identify themselves, the person may be questioned further, but, **may not be unduly detained nor may the person be deprived of freedom of movement in any significant manner unless the officer is either prepared to make a formal arrest in accordance with the legal requirements for an arrest without a warrant, or is prepared to articulate the circumstances justifying an involuntary detention.**
- C. The failure or refusal to answer questions **does not** bar a "frisk," if the officer reasonably suspects that the individual possesses a weapon. (See Authority to Frisk under the Stop and Frisk section of this Order.)
- D. Questions should be confined to the person's identity and present actions. They shall not be designed to elicit admissions or confessions without an advisement of rights. Questions, such as, "What is your age?" "Why are you here?" and, "Where are you going?" are permissible.
- E. Inquiries shall be conducted in a courteous manner, and the length of time involved shall be of a reasonable duration.

### **3.906.06 REQUIRED ACTION DURING CUSTODIAL STOPS**

1. Do not involuntarily detain any person without reasonable suspicion or belief that a crime has been, is being, or is about to be committed.
2. Involuntarily detain persons only for such time as is necessary to dispel or confirm reasonable suspicion or belief of criminal activity.
3. Immediate Notification of a supervisor is **mandatory** for any one of the following circumstances:
  - a. When the detained person was injured as a result of police contact, or
  - b. complained of injury; and/or When the detained person was transported from the initial place of contact; and/or When the detention lasts for 10 minutes or more; and/or
  - c. When the detained person was handcuffed and/or an arrest technique was used.
  - d. Upon determining that probable cause exists that a crime has been or is being committed, conduct an arrest consistent with existing policies. Or

4. If an investigation by the officer or any supervisor determines that the individual detained is to be released:
  - a) Immediately release the person.
  - b) Obtain from the person, all necessary information to complete the required reporting. (See 4c of this order).
  - c) Complete an Investigate and Release report also known as Involuntary Detention Report, on a standard MSUPD incident report form.
  - d) Do not compel the person to cooperate.
  - e) Complete the Involuntary Detention Report as accurately as possible with the information known at the time.
  - f) Do not detain the person any longer than necessary or subject them to undue public embarrassment or humiliation.
  - g) Extend every reasonable means of assistance to the person to include transportation if the person had been taken from the initial scene of contact.
  - h) Explain to the person the reason for your actions.
  - i) Provide the Citizen (yellow) Copy of the Citizen/Police Contact Report to the person.
  - j) Submit all reporting for the Involuntary Detention to your supervisor prior to the end of your shift.

**NOTE:** ALL self-initiated car stops require the completion of a Citizen/Police Contact Report. (The narrative section of the report is not required to be completed for these stops.)

F. Supervisor upon notification from a subordinate of an Involuntary Detention:

1. Review the circumstances surrounding the incident.
2. Ensure that proper criteria for detention and release have been met.
3. Ensure subordinate completes a Citizen/Police Contact Report for the Involuntary Detention. (See Reporting Criteria below.)

### G. Commanding Officer

1. Conduct such training as is necessary to ensure that members under your Command are sufficiently knowledgeable of their legal authority to conduct custodial stops.
2. Ensure all Citizen/Police Contact Reports are entered into the "Stop Ticket" database on a timely basis.
3. Forward all Citizen/Police Contact Reports to Headquarters Section without undue delay, consistent with current policy.

### **3.906.08 REPORTING CRITERIA – INVOLUNTARY DETENTION: Member**

For all Involuntary Detention types of custodial stops that do not result in an arrest, adhere to the following reporting requirements:

1. Complete a Citizen/Police Contact Report in its entirety. In the "Primary Reason for Stop" section, check the "Investigation" box, or other appropriate indicator.
2. In the "Action(s) Taken" section:
3. Check the "Involuntary Detention" box; and
4. Check the "Other" box and enter the crime or incident under investigation and/or the reason for the Involuntary Detention.
5. Obtain a Central Complaint Number (CCN), and record that number in the "CC#" box.
6. If multiple individuals were involuntarily detained for the same crime/incident, a separate Citizen/Police Contact Report shall be completed for each person, but utilize the same CCN for each Citizen/Police Contact Report.
7. Ensure the narrative section contains the following:
  - a) The person's physical and clothing descriptions.

**NOTE:** If the person refuses to cooperate with personal information, indicate on the Involuntary Detention Report that the person "refused" to provide personal information.

- b) The crime or incident under investigation.
- c) The location and time of offense.

- d) Any witnesses' names and addresses.
- e) The reason and circumstances for stopping the person.
- f) The circumstances leading to the exclusion of this person as a suspect.
- g) The date, time and location of the release.
- h) Include any assistance offered/provided to the person.
- i) Describe in detail, the reason for the original arrest, seizure or detention and subsequently the reason for releasing the person.
- j) The name and assignment of the supervisor contacted.

**NOTE:** If the citizen has an injury prior to police contact, or sustains or complains of an injury as a result of police contact, also complete an Injured Person (Miscellaneous Incident) Report. When required, comply with General Order "Use of Force." When needed, continue the narrative on Citizen/Police Contact Report Continuation.

**Ensure the CCN and the numerical identifier on the Citizen/Police Contact Report are transferred onto the Continuation Report(s).**

F. If, during the detention, the person is arrested, a Citizen/Police Contact Report is not required. Complete the appropriate Crime/Incident Report, Form 008, and in the narrative section of the Crime/Incident Report, incorporate the reasons and the circumstances that lead to the suspect's arrest.

**NOTE:** ALL self-initiated car stops require the completion of a Citizen/Police Contact Report. (The narrative section of the report need not be completed for these stops.)

Supervisor

- A. Upon receipt of an Involuntary Detention Report, review the report ensuring accuracy and compliance with this policy and procedure.
- B. Note that you have personally reviewed the circumstances of the event by signing below the narrative section of the report, to include date, time and location signed.

### **3.907 STOP AND FRISK**

A. An officer with reasonable suspicion or belief that the stopped person may have committed, is committing or is about to commit a crime, may ask the person for their name, address and an explanation of their actions. **No authority to frisk exists unless there is first the authority to stop, but even then a frisk is not lawful in every case in which the authority to stop exists. The authority to frisk is**

**justified only when the officer reasonably suspects that the person lawfully stopped is possibly armed, and presently dangerous to the officer or to another person.**

- B. Officers must be prepared to articulate in writing that they had sufficient grounds for reasonable suspicion of criminal activity by the suspect, and that the officer had reason to believe the suspect was a threat to the safety of the officers or other persons so as to sanction a search for weapons.
- C. Once the determination has been made that the officers or other persons are in danger, all that is necessary is a **FRISK**, an external feeling or patting of clothing, such as would reveal a weapon of immediate danger to the officers or others. In instances in which a weapon is produced as the result of a frisk, the courts will scrutinize closely all the circumstances relied upon for justifying the stopping and frisking. If officers should stop and frisk anyone, they must be prepared to articulate in writing and to explain to a court of law, in detail, the reasons for their actions in each case.

#### D. Authority to Frisk

No authority to frisk exists unless there is authority to stop, nor is a frisk lawful in every case in which an authority to stop exists. A frisk is justified only when officers suspect that they or other persons are in danger. This claim is not to be used as a pretext for obtaining evidence. **A frisk that is permissible is a patting down of the outside of the suspect's clothing for the discovery of deadly or dangerous weapons and for no other purpose.** If the frisk fails to disclose a weapon, no further search may be made, but if the "frisk" indicates an object that could be a weapon, officers are authorized to search that part of the suspect's clothing containing such object, but may search no further.

However, if the object felt and found in the course of search is a deadly weapon and the evidence is that possession thereof is a violation of law, the officer **shall arrest the suspect for a crime committed in his presence** and then make a further search of the suspect and their immediate surroundings and seize anything in the nature of contraband, instrumentalities, fruits of crime or evidence.

If the suspect is carrying an object such as a handbag, suitcase, or sack, which may conceal a weapon, the officer should not open the object, but may pat down or feel it for weapons. The officer should see that the object is placed out of reach of the suspect so that its presence will not represent any immediate danger to the officer.

Officers have a duty to cease and desist from any further frisk when they fail to detect a weapon by an external feeling or patting down of the suspect, or when an object they believe to be a weapon is found not to be a weapon.

**NO FRISK IS APPROPRIATE UNLESS OFFICERS REASONABLY SUSPECT THEY OR OTHER PERSONS ARE IN DANGER.**

In determining whether reasonable suspicion or belief exists sufficient to support the frisking of the suspect, factors to be considered are those listed under the "Authority to

Stop” and:

- a. The type of crime suspected - whether or not it is a crime of violence or one involving the use of a deadly weapon.
- b. Reasonableness of the officer’s fears for their or other’s safety. If the officer must deal with more than one suspect, or if the officer does not have help at hand, the situation may constitute a greater danger than otherwise.
- c. Any other information provided to the officer as to the suspect’s potential for violence.

When officers have knowledge or information regarding the above factors and/or any other information sufficient to justify a reasonable suspicion that the person stopped is presently armed and dangerous, they may frisk such person. **THERE SHOULD BE A COMBINATION OF THE ABOVE FACTORS, AS ONE IN ITSELF MAY NOT BE SUFFICIENT TO JUSTIFY A FRISK.**

#### **REQUIRED ACTION - STOP AND FRISK**

##### **Member**

- A. Establish reasonable suspicion or belief to perform a Stop and Frisk. Use Stop and Frisk procedures solely for the protection and safety of members and others, and only under such circumstances as detailed in this Order.
- B. **DO NOT** use Stop and Frisk procedures merely to harass any individual or group of individuals.
- C. Exercise all due caution, restraint, and sensitivity. The manner of approach and tone of voice in which the citizen is approached will be one of unfailing courtesy.
- D. Notification of a supervisor is **mandatory** for any of the following circumstances:
  1. When the detained person was injured, or complained of injury, as a result of police contact.
  2. When the detained person was transported from the initial place of contact.
  3. When the detention lasts for 10 minutes or more.
  4. When the detained person was handcuffed and/or an arrest and control technique was used.
  5. If a Stop and Frisk did not result in an arrest and/or discovery of a dangerous weapon:

- a. Complete a Citizen/Police Contact Report. (See mandatory Reporting Criteria under this section.)
- b. Obtain all necessary information from the person. Do not compel the person to cooperate. Complete the report as accurately as possible with the information known at the time. Any refusals must be documented in the report.
- c. Explain to the person the purpose and motivation for the Stop and Frisk at the conclusion of the inquiry and after all safety concerns are satisfied.
- d. If the person does not meet the criteria for lawfully possessing the weapon, arrest the person.
- e. Complete the Citizen/Police Contact Report and the appropriate Crime/Incident Report.
- f. Conduct state and local warrant checks on the suspect.
- g. Investigate any weapon seized with National Crime Information Center (NCIC).
- h. If the suspect is a second or multiple offenders, notify the Assistant State's Attorney, at least seven (7) days prior to trial, regarding the prior convictions. Document on a separate Supplement Report, Form 007, the name of the Assistant State's Attorney notified, and date and time notified.
- i. Provide the person the Citizen (yellow) Copy of the Citizen/Police Contact Report.

### **3.907.02 REPORTING CRITERIA - STOP AND FRISK**

#### **Member**

- A. Adhere to the following reporting requirements for all Stop and Frisk situations:
  1. Complete a Citizen/Police Contact Report in its entirety. In the "Primary Reason for Stop" section, check the "Stop and Frisk" box, or other appropriate box.
  2. In the "Action(s) Taken" section, check all boxes that apply.
  3. Obtain a CCN, and record that number in the "CC#" box. Continue the documentation of the Stop and Frisk on the Citizen/Police Contact Report. The narrative section shall include, but is not limited to:
- B. The reason and circumstances surrounding the Stop and Frisk

1. The subject's soundex number.
2. The subject's social security number.
3. The reporting officer's signature, rank, sequence number, date and time report was signed.
4. If a handgun was found during the Stop and Frisk, include in the narrative section of the report the aforementioned requirements and the following:
  - a. The caliber, make, type, and serial number of the handgun and the results of the weapon(s) check.
  - b. The charges placed on the defendant.
  - c. Other final results of the Stop and Frisk.

**NOTE: A Citizen/Police Contact Report is mandatory for all instances where a person is stopped and frisked, whether or not an arrest is affected or a civil or criminal citation is issued.**

C. Submit all completed Citizen/Police Contact Reports and, when necessary, related Crime/Incident Reports to your supervisor by the end of your tour of duty.

#### **D. Permanent Rank Supervisor**

1. Review all Citizen/Police Contact Reports to ensure Stop and Frisk criteria are met.
2. Upon approval, provide your signature, rank, sequence number, date and time signed at the end of the narrative section of the Citizen/Police Contact Report.

#### **E. Operations Commander**

1. Establish a separate file to include copies of all Crime/Incident Reports resulting from Stop and Frisk situations.
2. Ensure all Citizen/Police Contact Reports are entered into the "Stop Ticket" database on a timely basis.
3. Conduct such training as is necessary to ensure that members under your Command are sufficiently knowledgeable of their legal authority to conduct Stop and Frisks.
4. Forward all Citizen/Police Contact Reports relating to Stop and Frisk to the Central Records Section without undue delay, consistent with current policy.

**F. Operations Commander**

1. Complete a Maryland State Police Firearms Report whenever a Stop and Frisk Report is received where no firearm was recovered. Forward the report to: Superintendent Maryland State Police Pikesville, Maryland. 21208-3899.
2. Collect and forward, on a daily basis, copies of all submitted reports relating to Stop and Frisks involving recovered firearms, to the attention to the appropriate entity at the Baltimore City Police Department.
3. Retain all Involuntary Detention and Stop and Frisk Reports indefinitely.
4. Ensure that the procedures of this Order remain within the entrance level and in-service training curricula. Also, that these procedures are the subject of Roll Call Training sessions as may be appropriate to ensure on-going awareness.

**G. Deputy Chief of Police**

1. Ensure a Maryland State Police Firearms Report is completed for each firearm recovered, and forward daily to:

Superintendent Maryland State Police Pikesville, Maryland. 21208-3899

**H. Communication of Policy**

Supervisors shall be responsible for communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication and is to be read at all roll calls for five consecutive days and posted on Departmental Bulletin Boards.

**4.200 BIKE PATROL**

The agency has and utilizes specially equipped bicycles to complement the fleet of police vehicles in the conduct of routine and directed patrol activities, selective enforcement, and special events.

**4.202 PROGRAM ADMINISTRATION**

- A. The patrol operations commander is the overall operational commander of the bicycle program and will designate a supervisory ranked officer to serve in an ancillary capacity as the agency's bicycle program coordinator (BPC).
- B. The training coordinator is responsible for arranging training and skill development for bicycle program officers.
- C. The Department has bicycle program responsibilities that include, but are not limited to:
  1. Developing, for submission to patrol's commander; maintenance, inspection, and assignment protocols;

2. Working with respective commanders on the selection, training, and skill development of bicycle operators;
  3. Supervising and inspecting bicycle activities;
  4. Preparing and disseminating any related analytical reports;
  5. Coordinating bicycle use for other than routine program activities; and
  6. Disseminating lists of authorized operators.
- D. Opportunities to participate in the bicycle program will be distributed and filled consistent with **Specialized Assignments**.
- E. Officers must have evaluation ratings of "Meets Expectations" or better in all categories of their most recent evaluation as a basic qualification for the bicycle program.
- F. Only entrance level, International Police Mountain Bike Association (IPMBA) certified instructors will conduct on-bike training.
- G. Officers will not conduct any program activities until they have:
- H. Passed a fitness for bicycle duty physical examination paid for by the agency; and
- I. Successfully completed IPMBA police cyclist training (IPMBA-PC); or
- J. Pending assignment to IPMBA-PC training, demonstrated essential skill proficiency to certified instructors.

#### **4.204 PROGRAM OPERATION**

- A. Bicycles will not be operated in ice, snow, freezing rain, or any other weather conditions that would unnecessarily compromise the safe operation of bicycles or health of bicycle operators.
1. Officers may choose to not operate bicycles when the temperature and/or wind chill index drops below 28° F.
  2. Supervisory or administratively ranked personnel may order bicycle operations when the temperature and/or wind chill index drops below 28° f based upon circumstances and/or conditions that justify the deployment of bicycle patrols.
- B. Off-duty use of agency bicycles is prohibited without specific approval of the Deputy Chief or the Chief.

- C. Officers conducting routine bicycle operations will patrol singly unless otherwise specifically authorized by supervisory or administrative ranked officers.
- D. Transporting passengers on agency bicycles is prohibited.
- E. Officers conducting routine bicycle operations may be counted toward minimum mandatory patrol staffing levels unless such usage would be constrained due to the lack of multi-passenger capabilities.
- F. Bicycle program officers are also responsible for:
  - 1. Participating in safety presentations, crime prevention presentations, and organized rides as assigned;
  - 2. Responding to calls as assigned;
  - 3. Operating their bicycles with due regard for the safety of all persons; and
  - 4. Performing other duties as assigned.

#### **4.206 EQUIPMENT**

- A. Employees will not operate, modify, maintain, or tamper with agency bicycles unless authorized by the BPC.
- B. All bicycles will be similarly equipped. All changes, alterations, or modifications to standard equipment must be approved in writing by the BPC and maintained in individual bicycle maintenance files.
- C. Supplies and equipment to be carried at all times are:
  - 1. Victim witness assistance guides;
  - 2. Bicycle tire tube and repair tools;
  - 3. First aid kit and CPR mask;
  - 4. MATS summons book;
  - 5. SERO book;
  - 6. Warning/FI book; and
  - 7. Flashlight.
- D. Officers are permitted to wear the agency's authorized bicycle uniform consistent with **Bicycle Uniform**:
  - 1. During the conduct of all bicycle program activities;

2. When splitting their duties between bicycles and other assignments;
3. During special events and traffic control where bicycle use is an integral component of their assignments;
4. During other activities or assignments as individually and specifically authorized by the Director, patrol's bureau commander, or BPC.
5. Officers will wear their issued helmets, with chin straps fastened, at all times while upon their bicycles.
6. Bicycles will be secured when unattended by chain and padlock, u-lock or, in exigent circumstances, with handcuffs or leg irons.

#### **4.208 MAINTENANCE**

- A. The BPC is responsible for facilitating and maintaining records of all bicycle maintenance.
- B. Bicycle officers have maintenance duties and responsibilities that include, but are not limited to:
  1. Inspecting their bicycles before and after each use;
  2. Conducting minor maintenance and repairs within the scope of their training;
  3. Submitting repair and maintenance requests to the BPC;
  4. Ensuring their bicycles are clean and properly stocked as directed;
  5. Providing proper care and use of their issued bicycle program equipment; and
  6. The timely reporting of any malfunctions or damages that affect the safe operation of bicycles to on-duty patrol supervisory personnel and the BPC.

#### **4.300 EXTRADITION**

- A. When an individual arrested on local charges is found to be wanted in another state, the State's Attorney will be contacted to determine whether to prosecute locally or proceed with the extradition procedure as follows:
  1. If local prosecution is waived, a Maryland Fugitive Warrant will be obtained.
  2. If the accused waives formal extradition, he/she must sign A Consent to Waive of Extradition Form DCCR-31 supplied by the court before a court of record.

- The courts will supply waiver forms. The subject may then be turned over to the demanding state.
3. If the accused refuses extradition notify the demanding state to obtain a Governor's Warrant from their state.
- B. The accused will be taken before a court in connection with the fugitive charge. He/she may then be committed to jail for a period of 30 days to await a Governor's Warrant or be released on bond with the following conditions:
1. Appearance before the court at the time specified on the bond.
  2. Surrender for arrest upon the issuance of a Governor's Warrant or Rendition.
- C. At the expiration of the initial 30 day period, the accused will be required to reappear before the court. If the Governor's Warrant has not been received, the officer should request an additional 60 days extension on behalf of the demanding state.
- D. Upon receipt of the document by the Governor from the demanding state, a Governor's hearing will be scheduled and the following will occur:
1. The arresting officer, or a representative, will appear at the hearing.
  2. If the Governor's Warrant is issued, the accused will be required to reappear before the court. If the warrant has not been received, the officer should request an additional 60 days extension on behalf of the demanding state.
- E. Upon receipt of the document by the Governor from the demanding state, a Governor's Hearing will be scheduled and the following will occur:
1. The arresting officer or a representative will be required to appear at the hearing.
  2. If the Governor's Warrant is issued, the accused can be taken into custody and taken before a judge of court record. If the accused does not make an application for a writ of habeas corpus, the judge will remand the accused to the custody of the demanding state's authorities.
- F. If local prosecution is decided upon, the following procedures will be followed:
1. Obtain a Maryland Fugitive Warrant.
  2. Proceed with the bond hearing on the local charge/s only.
  3. Do not proceed with the bond hearing or arraignment on the fugitive warrant as this warrant will be filed as a detainer until the local charges are adjudicated, or upon completion of sentence.
  4. After the above steps have been completed, routine extradition procedures will be initiated.
- G. Extradition Policy for Charges Originating from MSUPD Investigation
1. All extradition requests will be approved by the Baltimore City States Attorney's Office prior to entry into MILES/NCIC.
  2. If the request is not approved, the fugitive will be entered as will not extradite.

3. If an extraditable fugitive is apprehended in another state, the Baltimore City States Attorney's Office will be notified for approval to proceed with extradition procedures.
4. Upon approval, the apprehending jurisdiction will be requested to apply for a Governor's Warrant and any other procedures related to their local extradition proceedings.

## **5.000 BODY ARMOR POLICY**

It is the policy of MSUPD to maximize officer safety by use of body armor. The MSUPD will provide personal body armor (bulletproof vest) to each police officer. The following procedures provide guidance in the use of the equipment.

### **A. Uniformed Patrol Officers**

1. All uniformed patrol officers will wear the department issued body armor at all times while in uniform, unless specifically exempted by these regulations or granted a temporary exemption by the Chief of Police.
2. While attending court on official duty an officer must wear his or her departmentally issued body armor if attending court in any MSUPD uniform.

### **B. Administrative Personnel**

Uniformed personnel assigned to administrative duties that generally require them to remain in police headquarters may elect not to wear the body armor. However, when those personnel respond to any call for service or perform any normal patrol duties, they shall wear the body armor.

### **C. Detectives/Plain Clothed Personnel**

1. Detectives and plain clothed personnel will not be required to wear body armor at all times. When serving a warrant, making arrests, or participating in surveillance details, multiagency task forces, covert operations and other activities of elevated risk, those personnel will don their body armor. The armor will be worn under the officer's clothing.
2. It is suggested that detectives/plain clothed personnel carry their body armor in an equipment bag or attaché case to ensure that it is available when needed.

### **D. Off-duty personnel**

When normally off-duty, if personnel participate in any police activity, they must wear their personal body armor, just as they would if on duty.

### **E. Specialized body armor**

When appropriate, the department may issue specialized body armor. Specialized body armor includes bullet resistant "raid" jackets or tactical armor. When police

officers are wearing this type of armor, they will not be required to wear personal body armor. This section does not allow uniformed patrol officers to substitute specialized armor for their personal body armor.

**F. Body Armor at Training**

All personnel, regardless of rank, assignment shall wear body armor whenever:

1. When they are at any type of ballistics training, exercise or drill.
2. Whenever they are present at a range whether they are participating in the training or not.
3. All officers will use body armor whenever at the range while on the firing line and or participating in live fire/simulation shooting.
4. Officers are permitted to wear their departmental body armor underneath their clothing whenever they are off duty.

**G. Care of the Equipment**

Each officer will be responsible for the proper care of assigned body armor. The manufacturer's care instructions that were issued with the body armor should be followed by the officer.

**6.000 MOBILE DATA TERMINALS**

**PURPOSE**

The Morgan State University Police Department will use wireless communication technologies through Mobile Data Terminals (MDT's) to enhance the operations and security of the agency. Employees assigned, or who have access to, a Mobile Data Terminal shall use the system in conformance with the rules and procedures outlined in this policy.

The MDT, using the Capital Wireless Information Net (CapWin), is designed to enhance the officers' ability to access and utilize information found in MVA, MILES, and NCIC through the Maryland Electronic Telecommunication Enforcement Resource System (METERS) in a mobile environment. Additionally, this network system will allow two-way communications between officers and other police agencies.

**POLICY**

- A. It shall be the policy of the Morgan State University Police Department to use the MDT system to support the agency's operations and activities. It is the responsibility of each employee to ensure that this technology is used for proper business purposes and in a manner that does not compromise confidential, protected, restricted or other sensitive information. Any unauthorized use or misuse of the mobile data terminals or access and/or information available via the systems available for law enforcement purposes will result in disciplinary action.

The Deputy Chief of Police or his designee is responsible for the support and operation of the MDT Program, to include training, maintenance and repair of all equipment. This will also include communication and interaction between federal, state and local agencies that support the MDT Program.

- B. MDT usage is restricted to those agency employees who have been trained in the proper use of the equipment and who have been certified to access the systems available.
- C. The Deputy Chief of Police or his designee is designated as the MDT Program Coordinator, who will be responsible for the daily administration of the MDT Program. Additionally, he/she will conduct random administrative security checks of the MDT system to ensure that all necessary security procedures are being followed.

#### **6.100 MDT USER RESPONSIBILITIES**

- A. MDT users shall attend all scheduled MDT related training as required. This includes CapWin training, CJIS/NCIC training, etc.
- B. MDT users are responsible for maintaining all current certifications, which allow access to CJIS/NCIC and other databases retrievable by an MDT. Problems with access to these systems will be reported immediately to the Deputy Chief of Police.
- C. Users' passwords to access the MDT's CapWin system and CJIS/NCIC shall not be shared or made known to any other individual. Users who have reason to believe that their password has been compromised shall immediately notify the Deputy Chief of Police and change their password utilizing the established procedures. Any attempt by any member to utilize an MDT or gain access to CJIS/NCIC with another employee's password is strictly prohibited and will result in disciplinary action.
- D. Responses from inquiries to CJIS/NCIC are protected information. Officers are not permitted to use these systems for their own use, and information received through these computer systems will only be used for official criminal justice purposes. Officers will not initiate any inquiry outside those purposes necessary to complete an agency objective. Officers will ensure that unauthorized persons, to include passengers or offenders located in the vehicle, do not view responses from these systems.
- E. For officer and equipment safety, the MDT should always be secured in the vehicle mount designed for that vehicle.

## **6.200 GENERAL MDT USAGE**

- A. Safe operation of vehicles equipped with an MDT is paramount. Common sense and safe driving practices dictate that the officers will focus their attention on safe operation of the vehicle and will utilize the MDT only when it is safe to do so.
- B. Officers assigned to any patrol unit with an MDT will log into the CapWin network at the beginning of each shift. The MDT will remain on and logged into at all times while the officer is on duty. The Communications Center will also log into CapWin which will allow police communications personnel where appropriate to transmit correspondence via the messaging system instead of using the radio. Currently, the MDT's only have the capabilities outlined above. Neither the CAD nor Records Management systems are available via the MDT.
- C. All police related calls for service will be transmitted over the radio in order for all on-duty personnel to be knowledgeable of calls for service to which personnel respond. When clearing a call for service, the officers will use their radio to provide Communications with a disposition.
- D. By their nature, traffic stops require a high level of attention by the officer(s) conducting the stop. Because of this, the MDT will not be used to notify communications or other officers of a traffic stop. While on the stop, the officer may use the MDT to perform records checks through various computer systems if they feel doing so does not create a risk to the officer. If it is more prudent to request a PCO run checks through METERS, rather than the officer, the on-duty PCO, if trained, shall complete these checks.
- E. Officers must remember that a positive response through the MDT is no different than any other computerized system. All HITS must be confirmed with the entering agency before any property can be seized or any person can be arrested. All hit confirmations will be performed through Communications in accordance with CJIS protocols.
- F. All employees will comply with all Morgan State University's policy for all computer systems.

## **6.300 SOFTWARE/HARDWARE MAINTENANCE**

- A. All MDT's, data and software maintained or used by the Morgan State University Police Department are for official use only. No employee will use or cause to be used any MDT for personal gain or benefit of any kind. Only software purchased or acquired by the agency will be installed on an MDT upon approval by the Chief of Police. All software and hardware installation, modification, or deletion shall be done by authorized IT personnel. Users are not permitted to download or install software (i.e., games, music, screen savers, wallpaper, etc.) without the written approval of the University's IT department and the Chief of Police.

- B. If any equipment needs to be serviced, repaired or reprogrammed, a request will be sent to the Deputy Chief of Police. All MDT repairs shall be done by authorized personnel/technicians.
- C. MDT users shall report all system related problems to their Squad supervisor prior to the end of their tour of duty. The Squad supervisor shall determine if the problem is isolated to that MDT or is system-wide. Supervisors shall report all system-wide problems to the Deputy Chief of Police as soon as the problem is discovered.
- D. If a vehicle is taken out of service due to an accident or prolonged maintenance, the MDT must be removed from the vehicle by the on duty first line supervisor and then given to the Deputy Chief of Police for storage.

#### **6.400 CARE OF EQUIPMENT**

- A. The MDT's will be securely locked into place on the docking station while the computer is in a vehicle. The key for the locking system will be kept with the vehicle. The MDT will only be removed from the vehicle during times when the patrol unit will not be used for an extended period.
- B. Although the terminal is a ruggedized model, care must still be used in handling the computer. Avoid exposing the computer to moisture, including rain and snow, as well as beverages. Beverages consumed within the patrol unit will require a lid to prevent spillage within the vehicle and possible damage to the MDT.
- C. The MDT is capable of operating in extreme temperatures; however, it may not function properly until it returns to an ideal operating range. In extreme cold, the computer may not function until the unit warms up. In the extreme heat of summer, the unit may not work properly until the ambient temperature of the vehicle has cooled.
- D. Care should be used in cleaning the screen of an MDT. An anti-static cleaning cloth should be used to clean the screen. Another cleaning method is the use of a soft cotton cloth lightly moistened with water. No cleaning solution shall ever be used to clean the screen or computer housing.
- E. As the MDT's have a touch-screen system option, an operator will use only a fingertip or the stylus pen that is provided with the terminal. Under no circumstances will an ink pen be used on the screen. The use of an ink pen will cause damage to the screen.
- F. Supervisors will be responsible for inspecting each MDT during the weekly inspection process. The supervisor shall check the hardware and software for functionality. The results of the inspection shall be documented on the vehicle inspection form.

## **6.500 ELECTRONICALLY TRANSMITTED CORRESPONDENCE**

- A. All electronic messaging/correspondence is the property of the Morgan State University Police Department. Any electronic message that is sent through the MDT system may be retrieved by authorized personnel later, even though it may have been deleted from the assigned employee's computer. Electronic messages are not a protected form of communication and may be subject to a discovery motion in a criminal/civil case or an internal investigation.
- B. Users shall have no expectation of privacy, express or implied, of any information sent over or stored on issued MDT's or the Mobile Data Network. This agency will control all access to any and all information stored in these devices, networks and/or systems at all times.
- C. Offensive, demeaning or disruptive messages are prohibited. Any message containing slang or language that could be construed as offensive, disrespectful or sexual harassment against any person or group will not be tolerated. All transmissions are recordable and retrievable.

## **6.600 OPERATING PROCEDURES FOR WIRELESS MOBILE COMPUTING DEVICES**

MDT users will be mindful of regulations governing the use of the device. The user will deactivate the device in areas where radio devices are prohibited or when it may cause interference or danger. Any restrictions on use pertaining to cell phones and two-way radios will apply to an MDT; e.g., transmitting within 200 yards of a bomb threat, other area restrictions, etc.

## **7.000 POLICE SEGWAYS**

The purpose of this General Order is to provide guidelines for the operation, procedure and responsibilities for the safe and efficient utilization of all Morgan State University Police Department (MSUPD) issued Segways.

### **7.100 POLICY**

The Segway personal transportation device is both an effective and efficient device allowing the user to travel further, faster and carry more than would be possible on foot. The device is both technologically advanced and easy to use, and when controlled in the correct manner, can provide substantial benefits to the Morgan State University Campus. However, as with all vehicles, inappropriate use can lead to problems including personal injury and/or damage to both the machine and University property. This policy is intended to provide clear guidelines for the use of this on the University campus.

## **7.200 SEGWAY PATROL ADMINISTRATION**

### **A. Selected Enforcement**

The MSUPD has and utilizes specially equipped Segways to complement foot patrols in the conduct of routine and directed patrol activities, selective enforcement and special events.

### **B. Operators**

The MSUPD Segway Patrol Program utilizes trained and certified police operators who perform Segway activities as part of their normal duty assignments.

### **C. Program Coordinator**

1. The Segway Program Coordinator will be the Research and Planning and Education and Training designee.
2. The duties and responsibilities of the Segway Program Coordinator are approved by the Deputy Chief include:
  - a. Developing special operation procedures pertaining to Segway maintenance, inspection and assignment, selection, training, skill development and certification of Segway operators.
  - b. Supervising and inspecting the Segway operation activities of authorized operators.
  - c. Preparing and disseminating any required or requested analytical reports pertaining to Segway patrol operations.
  - d. Recommending to the Director of Public Safety the transfer of members from the Segway patrol unit for poor performance or physical inability to meet unit requirements.
  - e. Coordinating with the Director of Public Safety or designee, for use of Segway patrol units for other than routine Segway program activities.

### **D. Uniforms and Equipment**

1. Operators are required to wear the uniform of the day, or for those currently assigned to the bike unit, a bike uniform may be worn.'
2. Only Department issued helmets meeting ASTM F1492 code will be worn, with the chinstraps securely fastened.
3. Eye protection shall be worn at all times while operating the Segway. Operators shall not wear sunglasses during periods of darkness or reduced visibility.
4. Operators are required to carry their Department issued radio and carrying case. Due to the size of the Segway storage compartment, there is no equipment that must be attached to it, kept in or on it, this shall include police radios.

### **E. Training and Certification**

1. No person is permitted to operate a Segway on campus unless they are fully trained or currently undergoing supervised training.
2. Training shall include watching the Segway Training DVD.

3. Practical training is to be conducted by a certified Segway instructor, and a new operator is required to undertake a minimum of three (3) hours training before they are permitted to operate solo. It is acknowledged that additional training may be required depending on the confidence of the trainee and the instructor.
4. Recruitment/Selection
  - a. The opportunity to become a member of the Segway patrol is available to any member who can fulfill the following criteria:
  - b. Application – Interested officers shall submit an Administrative Form 95 through the chain of command to the Director of Public Safety. Members shall include any previous Segway riding experience, type and level of training.
  - c. Selection Process – The candidate will be evaluated on past Performance Evaluations and medical history. A history of injuries which may be aggravated by Segway duty, especially neck, back or knee injuries will be taken into strong consideration as well as driving records for on-duty traffic accidents.
  - d. Candidates with a history of injuries resulting from neck, back or knees will need medical clearance to be considered.
  - e. Interview of Potential Candidates
    1. Candidates will discuss riding experience, review Segway patrol information including videotapes, learning objectives, and requirements prior to becoming members assigned to the Segway Patrol Program.
    2. The final stage of the process shall include the successful completion of a certified Segway training class.

## **7.300 PROGRAM OPERATIONS**

### **A. Administration**

Operators conducting routine Segway operations may be counted toward mandatory minimum staffing, at the discretion of the Shift Commander.

### **B. Enforcement**

1. Operators will maintain high visibility when conducting Segway program operations, and will perform routine patrols around the University Campus, parking garages, and lots.
2. Segway patrol officers shall handle on-view calls for service and, if necessary, respond to calls for service as back-up officers.

### **C. Operation during Emergency/Responding to Emergency Situations**

Officers must keep in mind that although it is important to respond swiftly to emergencies, it is equally important to reach the destination safely. To this end, extreme crowded sidewalks, schools, intersections and other such locations where a potential danger may arise to the public or to any member of the MSUPD.

**D. Standards for Emergency Responses**

1. While operating a Segway with the pedestrian alert audible alarm, and warning devices activated, officers shall comply with the following minimum standards:
  - a. Stop before entering an intersection when a red signal is displayed.
  - b. Slow to safe speed when a green signal or a flashing yellow signal is displayed.
  - c. Stop before entering an intersection when four-way pedestrian walk signals are displayed.
  - d. When approaching an intersection controlled by a stop sign, the operator shall stop before entering the intersection.
2. When approaching an uncontrolled intersection or an intersection controlled by yield signs the police officer shall:
  - a. Slow to a safe speed before entering the intersection.
  - b. Comply with all other requirements applicable to uncontrolled intersections or intersections controlled by yield signs.
3. When responding to an emergency call for service, no Segway shall be operated in an unsafe manner.

**E. Using Pedestrian Alert Warning Device**

In the interest of safe performance, officers operating Segways shall make minimum use of pedestrian alert warning devices. When responding to calls for service that require emergency response, the call shall be dispatched consistent with Calls for Service of the Police. Police officers may activate pedestrian alert equipment when in the opinion of the operator, an emergency exists or is imminent, or the use of the pedestrian alert equipment is necessary for the operator, pedestrian safety, protect life or render necessary police service. The pedestrian warning device is only intended to alert those on the sidewalk of your presence.

**F. Prohibitions**

1. Operational prohibitions include operating in ice, snow, heavy rain, freezing rain or any other weather conditions that would unnecessarily compromise the safe operation of Segways or the health of Segway operators.
2. Operators shall patrol assigned posts and on days when weather prohibits the utilization of Segways, the Patrol Supervisor will reassign the officers; when reassigned, the Segway patrol officers shall wear the uniform of the day, (not the bicycle patrol uniform).
3. In addition, off-duty use without specific approval from the Director of Public Safety, on Segways and operating Segway patrols on days and shifts that are not specifically established by the Deputy Chief or designee are also prohibited.
4. Operators are not permitted to smoke while riding the Segway.
5. Discharging a firearm at or from a Segway is prohibited.
6. Operators shall not conduct traffic stops while operating the Segway, however Operators may write parking citations.

**G. Annual Requirements**

1. Annually, the Research and Planning and Education and Training designee will ensure all members of the Segway unit meet the following required retraining in order to maintain their position as a member of the Segway unit:
2. Demonstrate proper lifting technique for the Segway.
3. Define/Recognize a Safety Shutdown.
4. Demonstrate proper turning techniques of the Segway (turn in place, turn while moving).
5. Demonstrate starting/stopping technique.
6. Ensure members of the Segway Patrol Program satisfactorily complete a prescribed obstacle course with a properly equipped Segway in two (2) minutes.
7. Remain stationary for one (1).

**H. Record Keeping**

1. The Research and Planning and Education and Training designee will provide the Deputy Chief with the names of Segway operators who meet and/or fail to meet required MSUPD Segway Patrol Program standards. This documentation will be kept in the employee's training file.
2. Segway operators will perform other duties as assigned.

**I. Equipment/Operations**

1. Prior to operating any Segway, the operator shall conduct a thorough inspection of the Segway to ensure that all necessary equipment and lights are present and functioning.
2. The Police Segway is equipped with a High Visibility Lighting Device and an audible pedestrian warning device which are only intended to be utilized to safely and effectively light the member's path and audibly announce a police presence.
3. The equipment shall not be used to announce the Police Segway as an emergency vehicle.
4. Operators should keep both hands on the handlebar except to operate the radio or when giving hand signals.
5. When dismounting, operators shall activate the internal security system and secure the info key.
6. Operators shall bring the Segway to a halt in a safe location, out of the flow of traffic to use the radio. Only under exigent circumstances will an operator utilize a portable radio while in motion.

**J. Maintenance**

1. Segway operators shall perform minor repairs and /or adjustments to assigned Segways as required, however major repairs will be performed by an approved Segway repair facility.

2. MSUPD owned Segways will be sent to an approved Segway repair facility for maintenance checks annually or 1500 miles.

**K. Securing the Segway**

1. All departmental Segways will be stored in the Bike room at a designated location and charged upon the completion of the operators shift.
2. Upon dismounting the Segway for extended periods, Operators shall activate the security function which includes an alarm.
3. The security function is intended for use when you remain in the general area of the Segway, and are able to respond to the alarm.
4. If you must leave your Segway unattended in a location that is not secure, activate the security function with the Info Key Controller and use a lock.
5. The security function discourages tampering but is not an anti-theft mechanism. Officers shall keep the Segway in plain sight at all times.

**7.400 REGULATIONS**

**A.** Operators shall comply with provisions of House Bill 869, Chapter 546 under Vehicle Laws-Electronic personal Assistive Mobility Device. Transportation Article 11-176 (Vehicle), 21-1206 (Carrying Articles), 21-1208 (Securing EPAMD), 21-1209 (Throwing Object), 21-1210 (Wearing Earplugs).

**B.** Operators are considered foot patrol officers with increased mobility and, as such shall comply with the applicable provisions of PFM 2.0 (Duties and Responsibilities), PFM 3.2 Conduct (Duties and Responsibilities), PFM 3.7 (Reports and Communication), and PFM 6.21 (Emergency Pursuits).

**7.500 LIMITATIONS/DISCLAIMER**

**A.** Operators must weigh at least 100 pounds and no greater than 250 pounds, with full duty equipment on to operate s Segway.

**B.** Due to the Segway having an operational height of 6-8 inches from ground level. Operators must consider all safety hazards on Campus to include but not limited to height restrictions such as the following: low tree limbs, low signage, and door jams.



## **8.000 MEDICAL POLICY**

### **A. Policy**

It is the policy of the Morgan State University Police and Public Safety Department to maintain an efficient and effective medical leave system. All members of the Department are required to be capable of performing the full duties and responsibilities of the position for which they were hired.

### **Responsibilities of Immediate Supervisor**

1. Ensure the maintenance of Medical Leave Data for all members including time lost due to:
  - Illness.
  - Injury.
  - Elective surgical procedures.
  - Maternity.
  
2. Maintain Medical Leave Data for each member including:
  - Number of days absent (excluding regularly scheduled days off).
  - Date reported on Medical Leave.
  - Date returned from Medical Leave.
  - Whether compensable or non-compensable illness, injury or elective surgery.
  - Cumulative number of days on Medical Leave.

### **C. ANNEX A**

### **Responsibilities of Members**

1. If you are physically incapable of reporting to duty because of an illness, injury or elective surgical procedure and you wish to be placed on Medical Leave:
  - Notify the supervisor on duty at your assignment via the dispatcher at extension 3103 at least two (2) hour before your scheduled tour-of-duty, unless exigent circumstances exist, and request to be placed on Medical Leave status.
  - If you are detailed from your assignment, also notify the Unit to which you are detailed.
  - Call only on the first day of Medical Leave.
  - Provide the following information to the supervisor:
    - Your address and telephone number where confined even if different than what is on file at your assignment.

- The expected return to duty date, if known. If you do not return to work on the expected date of return, a second call is to be made to your assignment repeating the aforementioned information.
  - Once the dispatcher is notified by an employee whom wishes to request Medical Leave, the dispatcher in turn will complete the Absent / Tardy Form and place a corresponding CAD number in the upper left corner of the form.
2. When on Medical Leave, you must remain at home. If you must leave home, adhere to the following before you leave, and when returning home:
- Notify your Command/detailed assignment; and,
  - Go only to the below listed places.
    - Medical facility.
    - Pharmacy.
    - Polling place.
    - Place of worship.
    - Retail outlet which sells primarily food.
    - Other places in the event of exigent circumstances.

#### **9.000 THREAT ASSESSMENT POLICY: PURPOSE**

- A. The agency's Threat Assessment Management (TAM) program is a uniform procedure for addressing threats or other concerning behavior generating a concern for the personal safety of community members while on the campus of Morgan State University.
- B. The TAM program will be coordinated by a supervisory officer designated by the Chief of Police as the Threat Assessment Program Coordinator.

#### **9.100 DEFINITIONS**

- A. Targeted Violence is any incidence where a known or knowable attacker selects a particular target prior to a violent attack.
- B. Concerning Behavior is any range of behaviors falling along a spectrum that, due to their nature or severity, affect or potentially affect the campus or the workplace, generate a concern for personal safety, or result in physical injury.
- C. Threats are inappropriate behaviors, verbal or nonverbal communications, or expressions that lead to the reasonable belief that an act has occurred or may occur that may lead to the reasonable belief that an act has occurred or may occur that may lead to physical harm to the party making threats, to others, or to property.

#### **9.200 GENERAL**

- A. Violence is a process as well as an act. Careful analysis of violent incidents shows that violent acts often are the culmination of long-developing,

- identifiable trails of problems, conflicts, disputes and failures.
- B. Traditional law enforcement activities aim at apprehending and prosecuting perpetrators of violence after the commission of their crimes. MSUPD endeavors to proactively identify potential acts of targeted violence and attempts to reduce or recommended actions to reduce a threat. Members of the agency, when presented with information or concerns about a possible future violent crime, must understand their responsibilities, authority, and tools.
  - C. It is important to understand the following concerning threats
    1. Some persons who make threats ultimately pose threats
    2. Many people who make threats do not post threats
    3. Some persons who pose threats never make threats; and
    4. Being a threat is not the same as making a threat

### **9.300 DOCUMENTATING BEHAVIOR**

- A. Officers will document behavior that is reported or deemed threatening. Certain acts also require preliminary investigation. Examples include the following:
  1. Acts of violence;
  2. Threats, whether direct, indirect, implied, or veiled;
  3. Harassment;
  4. Homicide/suicidal thoughts or actions;
  5. Intimidation;
  6. Stalking or unwanted pursuit; and
  7. Mental health concerns, including voluntary or involuntary commitment.
- B. Other behavior that may require documentation and preliminary investigation include:
  1. Weapons on campus;
  2. Belligerence or angry outburst;
  3. Preoccupation with violent themes;
  4. Apparent obsession with someone or something;
  5. Domestic disputes; and
  6. Intention destruction or property

### **9.400 PRELIMINARY INVESTIGATIONS**

- A. Threat assessments will be performed by sworn officers of the agency.
- B. Officers will take appropriate initial action based on the nature of the call.
- C. Officers will attempt to find the following indicators of risk of violence:
  1. Involvement of/possession of/access to Weapons or Weapons Training;
  2. Escalating Aggression, which includes an increase concerning behavior that increases in frequency, intensity, or physical contact;
  3. Negative mental Status, which may indicate a mental disorder such as depression, paranoia, suicidal or homicidal thoughts.
    - a. This may include feelings of injustice, humiliation, and anger.

- b. Offices should recognize that negative mental status may be the result of drug or alcohol use.
  4. Negative Member Status, which may be indicated by unemployment, termination, suspension, disciplinary action, negative performance review, unstable employment, demotion, being passed over for promotions or pay raises, or ejection or sanctions from a group.
  5. Personal Stressors, as related to relationships, physical health, financial status, legal issues, family concerns, coping styles and support system availability.
  6. History of Violence and Conflict, which can be detected by a criminal history, direct communication, or being a victim of or a witness to family violence.
- D. Officers should search for necessary information about a suspect by checking databases and other resources available to them. These may include, but are not limited to:
  1. Criminal History;
  2. NCIC;
  3. RMS check;
  4. Social networking web sites;
  5. Statements/interviews from victims or witnesses;
  6. Statements/interviews of others, such as:
    - a. co-workers;
    - b. friends;
    - c. suite-mates;
    - d. supervisors;
    - e. resident life staff
- E. Officers will include information concerning these checks in their report narratives.
- F. The Preliminary investigations will include the collection of evidence or property that corroborates the incident, including but not limited to:
  1. email messages;
  2. letters or papers;
  3. Instant Messaging message; and
  4. Any other item that may be of evidentiary value.
- G. The preliminary investigation must be worked until complete. If an officer will be on days off, the case may be handed over to a Case Management Officer or an officer on another squad that is working in the interim.

### **9.500 THREAT ASSESSMENTS**

- A. Threat assessments may be managed by trained Case management Officers and will be coordinated through the Threat Assessment Program Coordinator or Assistant Coordinator.
  1. Unique TAM numbers will be assigned to cases where a full threat assessment is conducted.

2. The TAM numbers will be recorded in a database as determined by the TAM Program Coordinator.
  3. Where a full threat assessment is not conducted, the original report CCN will be used.
- B. Cases requiring a full threat assessment will involve a more in-depth investigation. This may include, but is not limited to:
1. Contacting law enforcement agencies where the suspect lives or lived;
  2. Conducting a canvas of the suspect's neighborhood to question them about the suspect's behavior.
  3. Using the PAVE system to provide an analysis of the potential for the case to escalate to violence.

### **9.600 PAVE**

- A. PAVE is one tool in the overall assessment of a case to aid in determining if a situation is likely to become violent.
- B. PAVE does not predict behavior and does not profile people. It determines dangerousness with a given contact. This varies from case to case because dangerousness is situational.
- C. Only trained Case management Officers may use the PAVE system.

### **9.700 PROGRAM COORDINATION**

- A. The TAM Program Coordinator will review reports in the RMS on a least a weekly basis.
- B. Reports that stand out as possible candidates for further investigation will be assigned to a Case Management Officer for follow-up to determine if a full threat assessment is warranted.
- C. These assignments will be documented in a database to track the number of cases targeted.
- D. If a determination is made that a case requires a full threat assessment, a Case Management Officer will be assigned to work the case. This may be done in conjunction with the reporting officer.
- E. Appropriate coordination with campus resources should be used to help resolve the case.

### **9.800 WORKING WITH THE CAMPUS COMMUNITY**

Threat Assessments may require other departments on the University to act in support of the victim. These may include:

- A. Academic Affairs, if the victim needs a change in classes;
- B. Department of residence Life, if the victim needs a change in housing;
- C. Business Services, if the victim needs a change in parking location;
- D. Counseling Center, if the victim is a student and needs counseling;
- E. Faculty/Staff Assistance Program, if the victim is an employee and needs counseling;

- F. Office of Student Affairs, if the suspect is a student and the student behavior is a violation of the Code of Student Conduct.

**9.900 BEHAVIOR EVALUATION and THREAT ASSESSMENT (B.E.A.R) TEAM INVOLVEMENT**

- A. The University has a multi-disciplinary team of campus personnel who meet on a regular basis to address issues of threats and concerning behavior. It operates out of the Office of Student Affairs. Members include key personnel from:
  - 1. Office of Student Affairs;
  - 2. Counseling Center;
  - 3. Mental Health Unit of the Health Center; and
  - 4. Department of MSUPD
- B. The TAM Program Coordinator is a standing member of the B.E.A.R team and represents the agency.
- C. The TAM Program Assistant Coordinator acts as the alternate member of the B.E.A.R. Team.
- D. B.E.A.R. team communications will be kept confidential and communicated only to persons who have a need to know.