SHERIFF'S PREFACE

The "Policies and Procedures Manual" contains the operational orders established by the Dorchester County Sheriff’s Office to maintain the safety of our staff while we provide public safety and law enforcement services to our citizens and stakeholders. These policies represent our commitment to service and reflect our organizational values of service, integrity, accountability, and professionalism. Recognizing the need for uniformity, effectiveness, and efficiency, all Dorchester County Sheriff’s Office personnel are required to be familiar with the written policies and procedures contained in this manual. This manual represents our intent to identify roles, responsibilities, underlining principles and philosophies on how we should conduct ourselves as we go about our daily tasks and duties. Written policies and procedures are necessary to clearly define our agency's position and provide guidelines with which our personnel can make administrative, investigative, and operational judgments. These policies shall remain in effect as issued and in the event of conflict with previously written directives, training bulletins, or standard operating procedures, the policies contained herein shall assume precedence. Recognition of errors or deficiencies in the intent or text of these policies and procedures shall be reported in writing to the Sheriff or his designee, via the chain of command, for appropriate disposition.

Sheriff James W. Phillips Jr.

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LAW ENFORCEMENT CODE OF ETHICS

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against abuse or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or abuse and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

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MISSION STATEMENT

The mission of the Dorchester County Sheriff’s Office is to work with all citizens to preserve life, maintain human rights, protect property, and promote individual responsibility and community commitment.

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Dorchester County Sheriff's Office to perform their functions based on established legal authority.

100.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to limit its members to only exercise the authority granted to them by law.

While this agency recognizes the power of peace officers to make arrests and take other enforcement action, deputies are encouraged to use sound discretion in the enforcement of the law. This agency does not tolerate abuse of law enforcement authority.

100.3 AUTHORITY OF THE DORCHESTER COUNTY SHERIFF'S OFFICE

Certified members of this agency are authorized to exercise peace officer powers pursuant to applicable state law (Md. Code CP § 2-102; Md. Code PS § 2-412).

100.3.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE DORCHESTER COUNTY SHERIFF'S OFFICE

Deputies may make arrests within the jurisdiction of the Dorchester County Sheriff's Office (Md. Code CP § 2-202):

(a) In compliance with an arrest warrant.

(b) Without a warrant:

1. When an individual commits or attempts to commit a felony or misdemeanor in the presence or within the view of the deputy.
2. When the deputy reasonably believes that an individual is committing a felony or misdemeanor in the presence or within the view of the deputy.
3. When the deputy has probable cause to believe that a felony has been committed or attempted, and the individual has committed or attempted to commit the felony, whether or not it was in the presence or within the view of the deputy.
4. When there is probable cause to believe a person is in violation of an interim, temporary, or final extreme risk protective order in effect at the time of the violation (Md. Code PS § 5-610).
5. When the deputy has probable cause to believe that the person has committed one of the crimes listed in Md. Code CP § 2-203 and that unless the person is immediately arrested, the person:
    (a) May not be apprehended.
    (b) May cause physical injury or property damage to another.
    (c) May tamper with, dispose of, or destroy evidence.

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6. When the deputy has probable cause to believe that a person has engaged in certain stalking offenses as described in Md. Code CP § 2-205.

7. During certain public emergencies as described in Md. Code CP § 2-206.

100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE DORCHESTER COUNTY SHERIFF'S OFFICE

Deputies may make arrests, conduct investigations and otherwise enforce the laws of Maryland throughout the state, without limitations as to jurisdiction, while acting in accordance with Dorchester County Sheriff's Office policies and procedures, except for enforcement of the vehicle laws, when (Md. Code CP § 2-102; Md. Code CR § 5-802):

(a) The deputy 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.

(b) The deputy is assisting another law enforcement officer.

(c) The deputy is acting at the request of a law enforcement officer or a Maryland State Police officer.

(d) An emergency exists.

(e) The deputy is in fresh pursuit of a person who (Md. Code CP § 2-301):

1. Has committed or is reasonably believed by the deputy to have committed a felony within the jurisdiction of the Dorchester County Sheriff's Office.

2. Has committed a misdemeanor in the presence of the deputy within the jurisdiction of the Dorchester County Sheriff's Office.

A deputy who acts outside his/her jurisdiction shall notify the appropriate state or local official as required by state law (Md. Code CP § 2-102; Md. Code CR § 5-802).

100.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

(a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.

(b) When a deputy enters the following states as follows:

1. In Delaware, while in the pursuit of a person believed to have committed a felony, a misdemeanor or a violation of the motor vehicle code (11 Del. C. § 1932).

2. In the District of Columbia, while in pursuit of a person who has committed a felony or who the pursuing deputy has reasonable grounds to believe has committed a felony (D.C. Code § 23-903).

3. In Pennsylvania, while in fresh pursuit of a person in order to arrest him/her (42 Pa.C.S. § 8922).

4. In Virginia while in fresh pursuit of a person to arrest him/her for committing a felony (Va. Code § 19.2-79).

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5. In West Virginia while in fresh pursuit of a person to arrest him/her for committing a felony (W. Va. Code § 62-11-1).

Whenever a deputy makes an arrest in Delaware, the District of Columbia, Pennsylvania, Virginia or West Virginia, the deputy shall take the offender to the appropriate judicial officer where the arrest occurred as soon as practicable (11 Del. C. § 1933; D.C. Code § 23-902; 42 Pa.C.S. § 8923; Va. Code § 19.2-79; W. Va. Code § 62-11-2).

100.5 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person’s clearly established rights under the United States and Maryland constitutions.

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Chief Executive Officer

101.1 PURPOSE AND SCOPE

All law enforcement Chief Executive Officers employed within the State of Maryland are required to meet specific requirements for appointment. This policy provides guidelines for the appointment of the Chief Executive Officer of the Dorchester County Sheriff's Office, who is required to exercise the powers and duties of the office as prescribed by state law.

101.2 POLICY

It is the policy of the Dorchester County Sheriff's Office that the Sheriff meets the minimum standards for exercising his/her authority granted by law.

101.3 SHERIFF REQUIREMENTS

The Sheriff of this agency, as a condition of continued employment, shall meet the requirements of the Maryland Constitution prior to becoming eligible to be elected or appointed as Sheriff of the Dorchester County Sheriff's Office (Md. Const. Art. IV § 44).

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Oath of Office

102.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that, when appropriate, oaths are administered to agency members.

102.2 POLICY

It is the policy of the Dorchester County Sheriff's Office that, when appropriate, agency members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Agency and the dedication of its members to their duties.

102.3 OATH OF OFFICE

All agency members, when appropriate, shall take and subscribe to the required oath or affirmation to the Clerk of the Circuit Court in addition to any other form of oath or affirmation required by the Maryland Constitution, state law or ordinance (Md. Const. Art. I § 9; Md. Code CJ § 2-104; Md. Code PS § 3-309). If a member is opposed to taking an oath, he/she shall be permitted to substitute the word “affirm” for the word “swear.”

102.4 MAINTENANCE OF RECORDS

The oath of office shall be filed as prescribed by law (Md. Const. Art. I § 10; Md. Code PS § 3-309).

102.5 SANCTITY OF LIFE PLEDGE

All deputies are required to sign an affirmative written sanctity of life pledge to respect every human life and act with compassion toward others (Md. PS § 3–524).See attachment: Sanctity of Life.pdf

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Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the Dorchester County Sheriff's Office is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, procedures, rules and guidelines of this agency. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, orders and other regulations that have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

103.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and that circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this agency under the circumstances reasonably available at the time of any incident.

103.3 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Dorchester County Sheriff's Office and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the County, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for agency administrative action, training or discipline. The Dorchester County Sheriff's Office reserves the right to revise any policy content, in whole or in part.

103.4 AUTHORITY

The Sheriff shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Sheriff or the authorized designee is authorized to issue General Orders, which shall modify those provisions of the manual to which they pertain. General Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

103.5 DEFINITIONS

The following words and terms shall have these assigned meanings, unless it is apparent from the content that they have a different meaning:

Adult - Any person 18 years of age or older (Md. Code CJ § 3-8A-01).

APS - Adult Protective Services.

County - The County of Dorchester.

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Civilian - Employees and volunteers who are not sworn peace officers.

CJIS - Maryland Criminal Justice Information System.

COMAR - Maryland Code of Regulations (Example: COMAR 10.38.03.02).

Custodian of Records - The authorized person having physical custody and control of the records of the Agency (Md. Code GP § 4-101).

Agency/DSO - The Dorchester County Sheriff's Office.

DJS - Maryland Department of Juvenile Services.

DPSCS - Maryland Department of Public Safety and Correctional Services.

Employee - Any person employed by the Agency.

Manual - The Dorchester County Sheriff's Office Policy Manual.

May - Indicates a permissive, discretionary, or conditional action.

Md. Code - Maryland Annotated Codes (Example: Md. Code PS § 1-301). Following are abbreviations for sections of the Maryland Annotated Codes referenced in this Policy Manual:

- **CJ** - Courts and Judicial Procedure
- **CL** - Commercial Law
- **CP** - Criminal Procedure
- **CR -** Criminal Law
- **CS** - Correctional Services
- **ED** - Education
- **EL** - Election Law
- **ET** - Estates and Trusts
- **FL** - Family Law
- **GP** - General Provisions
- **HG** - Health – General
- **HS** - Human Services
- **IL** - Insurance Law
- **LE** - Labor and Employment
- **LG** - Local Government
- **NR** - Natural Resources
- **PS** - Public Safety
- **SG** - State Government

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- **SP** - State Personnel and Pensions
- **TG** - Tax – General
- **TR** - Transportation

Md. Const. - Maryland Constitution (Example: Md. Const. Art. IV § 44).

MDOT - Maryland Department of Transportation.

Member - Any person employed or appointed by the Dorchester County Sheriff's Office, including:

- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary deputies
- Civilian employees
- Volunteers

METERS - Maryland Electronic Telecommunications Enforcement Resource System.

MPTSC - Maryland Police Training and Standards Commission.

MSP - Department of Maryland State Police.

MVA - Motor Vehicle Administration.

OAG - Maryland Office of the Attorney General.

Deputy - Those employees, regardless of rank, who are sworn members of the Dorchester County Sheriff's Office.

On-duty - A member’s status during the period when the member is actually engaged in the performance of assigned duties.

Order - A written or verbal instruction issued by a superior.

Peace Officer - Those employees, regardless of rank, who are sworn members of the Dorchester County Sheriff's Office.

Rank - The title of the classification held by a deputy.

Shall or will - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward, or discipline of other agency members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

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The term "supervisor" may also include any person (e.g., deputy-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank, or compensation.

When there is only one agency member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

103.6 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the agency network for viewing and printing. No changes shall be made to the manual without authorization from the Sheriff or the authorized designee.

Each member shall acknowledge that he/she has been provided access to and has had the opportunity to review the Policy Manual and General Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

103.7 PERIODIC REVIEW OF THE POLICY MANUAL

The Sheriff will ensure that the Policy Manual is periodically reviewed and updated as necessary.

103.8 REVISIONS TO POLICIES

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual revisions.

The Chief Deputy will ensure that members under his/her command are aware of any Policy Manual revision.

All agency members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to the Chief Deputy, who will consider the recommendations and forward them to the command staff as appropriate.

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Chapter 2 - Organization and Administration

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Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

This policy establishes the organizational structure of the Agency and defines general responsibilities of agency members.

200.2 POLICY

The Dorchester County Sheriff's Office will implement and maintain an organizational structure that provides clear and identifiable roles for command, control and guidance of the Agency. Each position and assignment should have clearly identified responsibilities and a defined chain of command.

200.3 DIVISIONS

The Sheriff is responsible for administering and managing the Dorchester County Sheriff's Office. There are Five divisions in the Sheriff's Office:

- Administration Division
- Patrol Division
- Criminal Investigations Division
- Court Security / civil Process
- School Resource Officer / community Policing

200.3.1 ADMINISTRATION DIVISION

The Administration Division is commanded by a Captain, whose primary responsibility is to provide general management, direction and control for the Administration Division. The Administration Division consists of technical and administrative services.

200.3.2 PATROL DIVISION

The Patrol Division is commanded by a Captain, whose primary responsibility is to provide general management, direction and control for the Patrol Division. The Patrol Division consists of uniformed patrol and special operations.

200.3.3 CRIMINAL INVESTIGATIONS DIVISION

The Criminal Investigations Division is commanded by the Chief of Operations, whose primary responsibility is to provide general management, direction and control for the Criminal Investigations Division.

200.3.4 COURT SECURITY / CIVIL PROCESS

The Court Security and Civil Process is commanded by an Administrative Sergeant, whose primary responsibility is to provide general management, direction and control for the Court Security and Civil Process. The Court Security consists of a uniformed supervisor and deputies.

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The Civil Process consists of contractual civilian staff and the use of Patrol Deputies when required.

200.3.5 SCHOOL RESOURSE OFFICERS / COMMUNITY POLICING
The School Resource Officers and Community Policing is commanded by an Administrative Sergeant, whose primary responsibility is to provide general management, direction and control for the School Resource Officers and Community Policing. School Resource Officers and Community Policing Division consists of uniformed School Resource Officers and Patrol Deputies as needed to assist with school safety and community policing.

200.4 COMMAND PROTOCOL

200.4.1 SUCCESSION OF COMMAND
The Sheriff exercises command over all members of the Dorchester County Sheriff's Office. During planned absences, the Sheriff will designate a Chief Deputy to serve as the acting Sheriff.

Except when designated as above, the order of command authority in the absence or unavailability of the Sheriff is as follows:

(a) Chief Deputy

(b) Chief of Operations

(c) CID Sergeant

(d) Patrol Sergeant

200.4.2 UNITY OF COMMAND
The principles of unity of command ensure efficient supervision and control within the Agency. Generally, each member shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., Canine, Bicycle Patrol), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.5 AUTHORITY AND RESPONSIBILITY
Each member will be assigned duties and responsibilities. Each member is delegated the authority necessary to effectively execute those responsibilities. Each member will also be held accountable for the appropriate application of that delegated authority.

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General Orders

201.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for issuing General Orders.

201.2 POLICY

General Orders will be used to modify policies of the Dorchester County Sheriff's Office when an immediate need to adapt a policy or procedure exists, in order to best meet the mission of the Agency. Applicable memorandums of understanding/collective bargaining agreements and other alternatives should be considered before a General Order is issued.

201.3 PROTOCOL

General Orders will be incorporated into the Policy Manual, as required, upon approval. General Orders will modify existing policies or create a new policy as appropriate and will be rescinded if incorporated into the manual.

The Chief Deputy or the authorized designee should ensure that all General Orders are disseminated appropriately. General Orders should be numbered consecutively and incorporate the year of issue. All members will be notified when a General Order is rescinded or has been formally adopted into the Policy Manual.

201.4 RESPONSIBILITIES

201.4.1 COMMAND STAFF

Command staff shall periodically review General Orders to determine whether they should be formally incorporated into the Policy Manual, and, as appropriate, will recommend necessary modifications to the Sheriff.

201.4.2 SHERIFF

Only the Sheriff or the authorized designee may approve and issue General Orders.

201.5 ACCEPTANCE OF DIRECTIVES

All members shall be provided access to the General Orders. Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the General Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions they do not fully understand.

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Emergency Operations Plan

202.1 PURPOSE AND SCOPE

This policy clarifies the role of the Dorchester County Sheriff's Office and responsibilities of its members pertaining to large scale emergencies and the Maryland Department of Emergency Management operating under the State of Maryland Emergency Operations Core Plan.

202.2 POLICY

The Dorchester County Sheriff's Office will prepare for large scale emergencies within and outside its jurisdiction through planning and mutual cooperation with other agencies.

The County Emergency Operations Plan complies with the State of Maryland’s Emergency Operations Core Plan, as part of the Comprehensive Emergency Management Program (Md. Code PS § 14-109; Md. Code PS § 14-110). This plan provides guidance for County emergency operations within and outside its borders as may be required.

202.3 ACTIVATING THE EMERGENCY OPERATIONS PLAN

The Emergency Operations Plan can be activated in a number of ways. For the Dorchester County Sheriff's Office, the Sheriff or the highest ranking on-duty supervisor may activate the local Emergency Operations Plan in response to a major emergency.

The declaration of a local state of emergency may only be made by the County’s principal executive officer or the appointee if required by the circumstances. Such a declaration activates the jurisdiction’s response (if not already activated) and recovery plan (Md. Code PS §14-111; Md. Code PS § 14-403).

Upon activation of the plan, the Sheriff or the authorized designee should contact the Maryland Department of Emergency Management to assist with mutual aid response from local, state, and federal law enforcement agencies (Md. Code PS §14-701; Md. Code PS §14-801; Md. Code PS § 14-601; Md. Code CP § 2-105).

202.3.1 RECALL OF PERSONNEL

In the event that the Emergency Operations Plan is activated, all employees of the Dorchester County Sheriff's Office are subject to immediate recall to service. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Sheriff or the highest ranking on-duty supervisor.

Failure to promptly respond to an order to report for duty may result in discipline.

202.4 LOCATION OF THE EMERGENCY OPERATIONS PLAN

Copies of the Emergency Operations Plan are available in Administration, the Patrol Supervisor's office and the Communications Center. All supervisors should familiarize themselves with the Emergency Operations Plan and the roles members will play when the plan is implemented. The Chief Deputy should ensure that agency members are familiar with the roles they will play when the plan is implemented.

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Emergency Operations Plan

202.5 EMERGENCY OPERATIONS PLAN REVIEW

The Sheriff or the authorized designee shall review the Emergency Operations Plan at least once every two years and ensure that the plan conforms to any revisions made by the National Incident Management System (NIMS). The Sheriff or the authorized designee should appropriately address any needed revisions.

202.6 TRAINING

The Agency should provide annual training on the Emergency Operations Plan for all supervisors and other appropriate personnel. All supervisors should familiarize themselves with the Emergency Operations Plan and personnel responsibilities when the plan is implemented. Training should incorporate a full or partial exercise, tabletop or command discussion.

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Training

203.1 PURPOSE AND SCOPE

This policy establishes general guidelines for how training is to be identified, conducted and documented. This policy is not meant to address all specific training endeavors or identify every required training topic.

203.2 POLICY

The Agency shall administer a training program that will meet the standards of federal, state, local and the Maryland Police Training and Standards Commission (MPTSC) training requirements. It is a priority of this agency to provide continuing education and training for the professional growth and development of its members.

203.3 OBJECTIVES

The objectives of the training program are to:

(a) Enhance the level of law enforcement service to the public.

(b) Increase the technical expertise and overall effectiveness of agency members.

(c) Provide for continued professional development of agency members.

(d) Ensure compliance with MPTSC rules and regulations concerning law enforcement training.

203.4 TRAINING PLAN

It is the responsibility of the Chief Deputy to develop, review, update and maintain a training plan and to ensure that mandated basic, in-service and agency-required training is completed by all members as needed or required. The training plan should include the anticipated costs associated with each type of training, including attendee salaries and backfill costs. The plan should include a systematic and detailed method for recording and logging of all training for all members.

While updates and revisions may be made to any portion of the training plan at any time it is deemed necessary, the Chief Deputy shall review the entire training plan on an annual basis.

The plan will include information on curriculum, training material, training facilities and scheduling. The plan will address federal, state and agency-required, minimum-mandated training of deputies and other members.

203.4.1 GOVERNMENT-MANDATED TRAINING

The following lists, while not all inclusive, identify training that is required under state and federal laws and regulations.

(a) Federally mandated training:

1. National Incident Management System (NIMS) training.

(b) State-mandated training:

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1. MPTSC-approved Police Entry Level Training Program or, when applicable, the Comparative Compliance Training Course and successfully pass the licensing examination before being issued a peace officer's license (COMAR 12.04.01.09).
2. MPTSC-approved entrance-level firearms training and qualification (COMAR 12.04.02.04).
3. No less than the MPTSC-required duration of field training (COMAR 12.04.01.17).
4. No less than 18 hours of MPTSC-approved training annually (COMAR 12.04.01.12).
5. Annual MPTSC-approved firearms training and qualification (COMAR 12.04.02.08).
6. Promotion of a deputy to a first-line, or higher, supervisor position requires successful completion of MPTSC-approved supervisor training no more than two years preceding, or one year after, the promotion.
7. Promotion of a deputy to a first-line, or higher, administrator position requires successful completion of MPTSC-approved administrator training no more than two years preceding, or one year after, the promotion.
8. If MPTSC-approved supervisor training has not previously been completed, supervisor training shall also be completed within the same timeline.
9. Completion of MPTSC-approved training program on life-saving techniques, including CPR, every two years (Md. Code PS § 3-207; COMAR 12.04.01.12).
10. The proper level and use of force and other related training requirements, including the collection of a signed training completion document from each trainee (Md. Code PS § 3-207; Md. Code PS § 3-524).See attachment: Use of Force.pdf
11. Sensitivity to cultural and gender diversity (Md. Code PS § 3-207).
12. Issues related to individuals with physical, intellectual, developmental, and psychiatric disabilities (Md. Code PS § 3-207).
13. Any additional training required by the MPTSC (Md. Code PS § 3-207).

(c) Locally mandated training (including county or city).

203.5 TRAINING COMMITTEE

The Chief Deputy may establish a Training Committee, on a temporary or as-needed basis, which will assist with identifying training needs.

The Training Committee should be comprised of at least three members, with the senior ranking member of the committee acting as the chairperson. Committee members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Chief Deputy may remove or replace members of the committee at his/her discretion.

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The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to an incident. Specific incidents the Training Committee should review include, but are not limited to:

(a) Any incident involving the death or serious injury of a member.

(b) Incidents involving a high risk of death, serious injury or civil liability.

(c) Incidents identified by the Agency to determine possible training needs.

The Training Committee should convene on a regular basis as determined by the Chief Deputy, to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Chief Deputy. The recommendation should not identify specific facts of any incidents, such as identities of members involved or the date, time and location of the incident but should focus on the type of training being recommended.

The Chief Deputy will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Agency and the available resources. Training recommendations as determined by the Chief Deputy shall be submitted to the command staff for review.

203.6 TRAINING ATTENDANCE

(a) All members assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisors. Excused absences should be limited to:

1. Court appearances.
2. Previously approved vacation or time off.
3. Illness or medical leave.
4. Physical limitations preventing the member’s participation.
5. Emergency situations or agency necessity.

(b) Any member who is unable to attend training as scheduled shall notify the Chief Deputy or Chief of Operations as soon as practicable but no later than one hour prior to the start of training and shall:

1. Document his/her absence in a memorandum to his/her supervisor.
2. Make arrangements through his/her supervisor or the Chief Deputy to attend the required training on an alternate date.

203.7 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Dorchester County Sheriff's Office Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Chief Deputy.

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Members assigned to participate in DTBs shall only use the login credentials assigned to them by the Chief Deputy. Members should not share their passwords with others and should frequently change their passwords to protect the security of the system. After each session, members should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Agency.

Members who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisors. Members should not allow uncompleted DTBs to build up over time, and may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any internet-enabled computer, members shall only take DTBs as part of their on-duty assignment, unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of those under their command to ensure compliance with this policy.

203.8 TRAINING RECORDS

The Chief Deputy is responsible for the creation, filing and storage of all training records. Training records shall be retained in accordance with the established records retention schedule.

203.9 CHIEF DEPUTY

The Sheriff shall designate the Chief Deputy to be responsible for developing, reviewing, updating, and maintaining the agency training plan so that required training is completed. The Chief Deputy should review the training plan annually.

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Electronic Mail

204.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the agency.

204.2 POLICY

Dorchester County Sheriff's Office members shall use email in a professional manner in accordance with this policy and current law, remaining aware that emails are subject to public disclosure under the Maryland Public Information Act (Md. Code GP § 4-101 et seq.).

204.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails accessed, transmitted, received or reviewed on any agency technology system (see the Information Technology Use Policy for additional guidance).

204.4 RESTRICTIONS ON USE OF EMAIL

Messages transmitted over the email system are restricted to official business activities, or shall only contain information that is essential for the accomplishment of business-related tasks or for communications that are directly related to the business, administration or practices of the agency.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, and harassing or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to the entire agency are only to be used for official business related items that are of particular interest to all users. In the event that a member has questions about sending a particular email communication, the member should seek prior approval from a supervisor in his/her chain of command.

It is a violation of this policy to transmit a message under another member’s name or email address or to use the password of another to log into the system unless directed to do so by a supervisor. Members are required to log off the network or secure the workstation when the computer is unattended. This added security measure will minimize the potential misuse of a member’s email, name or password. Any member who believes his/her password has become known to another person shall change their password immediately.

204.5 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a public record under the Maryland Public Information Act and must be managed in accordance with the established records retention schedule and in compliance with state law (Md. Code SG § 10-610; COMAR 14.18.02.04).

The Custodian of Records shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

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Administrative Communications

205.1 PURPOSE AND SCOPE

This policy sets forth the manner in which the agency communicates significant changes to its membership, such as promotions, transfers, hiring and appointment of new members, separations, individual and group awards and commendations, or other changes in status. This policy also provides guidelines for the professional handling of electronic and non-electronic administrative communications from the agency.

205.2 POLICY

The Dorchester County Sheriff's Office will appropriately communicate significant events within the organization to its members. Both electronic and non-electronic administrative communications will be professional in appearance and comply with the established letterhead, signature and disclaimer guidelines, as applicable.

205.3 MEMORANDUMS

Memorandums may be issued periodically by the Sheriff or the authorized designee to announce and document promotions, transfers, military leave of absence, hiring and appointment of new members, reinstatements, separations, individual and group awards and commendations, or other changes in status.

205.4 CORRESPONDENCE

To ensure that the letterhead and name of the agency are not misused, all official external correspondence shall be on agency letterhead. All agency letterhead shall bear the signature element of the Sheriff. Official correspondence and use of letterhead requires approval of a supervisor. Agency letterhead may not be used for personal purposes.

Official internal correspondence shall be on the appropriate agency electronic or non-electronic memorandum forms.

Electronic correspondence shall contain the sender’s agency-approved signature and electronic communications disclaimer language.

205.5 SURVEYS

All surveys made in the name of the agency shall be authorized by the Sheriff or the authorized designee.

205.6 OTHER COMMUNICATIONS

General Orders and other communications necessary to ensure the effective operation of the agency shall be issued by the Sheriff or the authorized designee (see the General Orders Policy).

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Supervision Staffing Levels

206.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure that proper supervision is available to meet the needs of the Agency and members throughout all Divisions.

206.2 POLICY

The Dorchester County Sheriff's Office will ensure that proper supervision is available to meet the needs of its members and to achieve the goals of the Agency. The needs of its members should be balanced with the needs of the Agency for flexibility and discretion in assigning members to meet supervisory needs. While balance is desirable, the paramount concern is to meet the needs of the Agency.

206.3 MINIMUM SUPERVISION STAFFING LEVELS

Minimum staffing levels should be established by the Sheriff for each Division and work group. The supervision staffing levels should support proper supervision, span of control, compliance with any collective bargaining agreements or memorandums of understanding and activity levels to meet the needs of members and the goals of the Agency.

206.3.1 TEMPORARY SUPERVISORS

In order to accommodate training and other unforeseen circumstances, a qualified lower-ranking member may be used as a temporary supervisor in place of a regularly assigned supervisor.

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Retiree Concealed Firearms

207.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Dorchester County Sheriff's Office identification cards under the Law Enforcement Officers' Safety Act (LEOSA) (18 USC § 926C).

207.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to provide identification cards to qualified former or retired deputies as provided in this policy.

207.3 LEOSA

The Sheriff may issue an identification card for LEOSA purposes to any qualified former deputy of this agency who (18 USC § 926C(c)):

(a) Separated from service in good standing from this agency as a deputy.

(b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this agency.

(c) Has not been disqualified for reasons related to mental health.

(d) Has not entered into an agreement with this agency where the deputy acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.

(e) Is not prohibited by federal law from receiving or possessing a firearm.

207.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former deputy and identify him/her as having been employed as a deputy.

If the Dorchester County Sheriff's Office qualifies the former deputy, the LEOSA identification card or separate certification should indicate the date the former deputy was tested or otherwise found by the Agency to meet the active duty standards for qualification to carry a firearm.

207.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former deputy of this agency, may carry a concealed firearm under 18 USC § 926C when he/she is:

(a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:

1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

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2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

(b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) Not prohibited by federal law from receiving a firearm.

(d) Not in a location prohibited by Maryland law or by a private person or entity on his/her property if such prohibition is permitted by Maryland law.

207.4 MARYLAND RETIRED LAW ENFORCEMENT OFFICER IDENTIFICATION CARD

The Sheriff shall provide a retiring deputy with an identification card within 45 days after the officer's retirement if the deputy (Md. Code PS § 3-513):

(a) Retired in good standing for reasons other than mental instability.

(b) Before retirement, was certified by the Maryland Police Training and Standards Commission (MPTSC), had statutory powers of arrest in Maryland and completed an applicable probationary period.

(c) Pays a fee set by the Dorchester County Sheriff's Office (not to exceed $20).

Upon request, any deputy who retired prior to Oct. 1, 2015, shall be issued an identification card if the criteria set forth above are satisfied.

207.4.1 MARYLAND RETIRED LAW ENFORCEMENT OFFICER IDENTIFICATION CARD FORMAT

A Maryland retired law enforcement officer identification card shall be in the form approved by the MPTSC and include the information specified in Md. Code PS § 3-513.

207.5 FORMER DEPUTY RESPONSIBILITIES

A former deputy with a card issued under this policy shall immediately notify the Patrol Supervisor of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Arrests, Convictions and Court Orders Policy.

The retiree is responsible for obtaining the proper handgun training and qualification for active law enforcement officers. The retiree may obtain handgun certification and a LEOSA certification card from the MPTSC.

207.5.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former deputy shall:

(a) Sign a waiver of liability of the Agency for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all

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acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Agency.

(b) Remain subject to all applicable Agency policies and federal, state and local laws.

(c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

(d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

207.6 DENIAL, SUSPENSION OR REVOCATION

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Agency. In the event that an identification card is denied, suspended or revoked, the former deputy may request a review by the Sheriff. The decision of the Sheriff is final.

207.7 FIREARM QUALIFICATIONS

The Rangemaster may provide former deputies from this agency an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Rangemaster will maintain a record of the qualifications and weapons used.

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Chapter 3 - General Operations

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Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this agency is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the deputy or another person.

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Totality of the circumstances - All facts and circumstances known to the deputy at the time, taken as a whole, including the conduct of the deputy and the subject leading up to the use of force.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Deputies are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Deputies must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Dorchester County Sheriff's Office recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting deputies with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

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300.2.1 DUTY TO INTERVENE AND REPORT

Any deputy present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intervene to prevent the use of unreasonable force (Md. Code PS § 3-524).

Any deputy who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor as soon as feasible (Md. Code PS § 3-524).

300.2.2 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each deputy should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.3 SANCTITY OF LIFE PLEDGE

Pursuant to Public Safety Article 3-524(C) each member is required sign an affirmative sanctity of life pledge to respect every human life and act with compassion toward others. This pledge will be retained by the office. See attachment: Sanctity of Life.pdf

300.4 USE OF FORCE

Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable deputy on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that deputies are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation a deputy might encounter, deputies are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which deputies reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this agency. Deputies may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires a deputy to retreat or be exposed to possible physical injury before applying reasonable force.

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300.4.1 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether a deputy has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

(a) Immediacy and severity of the threat to deputies or others.

(b) The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.

(c) Deputy/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).

(d) The effects of suspected drug or alcohol use.

(e) The individual’s mental state or capacity.

(f) The individual’s ability to understand and comply with deputy commands.

(g) Proximity of weapons or dangerous improvised devices.

(h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.

(i) The availability of other reasonable and feasible options and their possible effectiveness.

(j) Seriousness of the suspected offense or reason for contact with the individual.

(k) Training and experience of the deputy.

(l) Potential for injury to deputies, suspects, and others.

(m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the deputy.

(n) The risk and reasonably foreseeable consequences of escape.

(o) The apparent need for immediate control of the individual or a prompt resolution of the situation.

(p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.

(q) Prior contacts with the individual or awareness of any propensity for violence.

(r) Any other exigent circumstances.

300.4.2 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Deputies may only apply those pain compliance techniques for which they have successfully completed agency-approved training. Deputies utilizing any pain compliance technique should consider:

(a) The degree to which the application of the technique may be controlled given the level of resistance.

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(b) Whether the individual can comply with the direction or orders of the deputy.

(c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the deputy determines that compliance has been achieved.

300.4.3 CAROTID CONTROL HOLD

A carotid control hold is a technique designed to control an individual by temporarily restricting blood flow through the application of pressure to the side of the neck and, unlike a chokehold, does not restrict the airway. The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is limited to those circumstances where deadly force is authorized and is subject to the following:

(a) At all times during the application of the carotid control hold, the response of the individual should be monitored. The carotid control hold should be discontinued when circumstances indicate that the application no longer reasonably appears necessary.

(b) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until such examination occurs.

(c) The deputy shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the individual lost consciousness as a result.

(d) Any deputy attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.

(e) The use or attempted use of the carotid control hold shall be thoroughly documented by the deputy in any related reports.

300.4.4 RESPIRATORY RESTRAINTS

The use of a respiratory restraint, also known as a chokehold, is limited to circumstances where deadly force is authorized and if applied, is subject to the same guidelines and requirements as a carotid control hold.

300.4.5 USE OF FORCE TO SEIZE EVIDENCE

In general, deputies may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, deputies are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, deputies should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Deputies are encouraged to use techniques and methods taught by the Dorchester County Sheriff's Office for this specific purpose.

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300.4.6 ALTERNATIVE TACTICS – DE-ESCALATION
When circumstances reasonably permit, deputies should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion) (Md. Code PS § 3-524).

300.4.7 MARYLAND USE OF FORCE STATUTE
Deputies may use reasonable force against a person to prevent an imminent threat of physical injury or to effectuate a legitimate law enforcement objective, provided that the force used under the totality of the circumstances reasonably appears necessary and proportional (Md. Code PS § 3-524).

Deputies should cease the use of force as soon as the person is under control or no longer poses an imminent threat of physical injury or death, or the force will no longer reasonably accomplish a legitimate law enforcement objective (Md. Code PS § 3-524).

300.5 DEADLY FORCE APPLICATIONS
When reasonable, the deputy shall, prior to the use of deadly force, make efforts to identify themself as a peace officer and to warn that deadly force may be used, unless the deputy has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

(a) A deputy may use deadly force to protect themself or others from what the deputy reasonably believes is an imminent threat of death or serious bodily injury.

(b) A deputy may use deadly force to stop a fleeing subject when the deputy has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the deputy reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

However, a deputy should not use deadly force against a person whose actions are a threat solely to themself or property.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if a deputy reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the deputy or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the deputy believes the individual intends to do so.

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300.5.1 MOVING VEHICLES
Shots fired at or from a moving vehicle are rarely effective and involve considerations and risks in addition to the justification for the use of deadly force.

When feasible, deputies should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the deputy or others.

Deputies should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.6 REPORTING THE USE OF FORCE

Any use of force by a member of this agency shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The deputy should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Agency may require the completion of additional report forms, as specified in agency policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

300.6.1 REPORTING DEADLINE
Any use of force by a member of this agency shall be documented as required by state law and as directed in the Report Preparation Policy (Md. Code PS § 3-514; Md. Code PS § 3-524).

300.6.2 NOTIFICATIONS TO SUPERVISORS
Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

(a) The application caused a visible injury.

(b) The application would lead a reasonable deputy to conclude that the individual may have experienced more than momentary discomfort.

(c) The individual subjected to the force complained of injury or continuing pain.

(d) The individual indicates intent to pursue litigation.

(e) Any application of the conducted energy device or control device.

(f) Any application of a restraint device other than handcuffs, shackles, or belly chains.

(g) The individual subjected to the force was rendered unconscious.

(h) An individual was struck or kicked.

(i) An individual alleges unreasonable force was used or that any of the above has occurred.

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300.7 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious (Md. Code PS § 3-524). Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the deputy's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another deputy and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling deputy shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain, or who require a protracted physical encounter with multiple deputies to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Deputies who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

(a) Obtain the basic facts from the involved deputies. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

(b) Ensure that any injured parties are examined and treated.

(c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:

1. The content of the interview should not be summarized or included in any related criminal charges.

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2. The fact that a recorded interview was conducted should be documented in a property or other report.
3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

(d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.

1. These photographs should be retained until all potential for civil litigation has expired.

(e) Identify any witnesses not already included in related reports.

(f) Review and approve all related reports.

(g) Determine if there is any indication that the individual may pursue civil litigation.

1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
2. Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.8.1 PATROL SUPERVISOR RESPONSIBILITY

The Patrol Supervisor shall review each use of force by any personnel within the Patrol Supervisor's command to ensure compliance with this policy and to address any training issues (Md. Code PS § 3-524).

The Patrol Supervisor or other appropriate supervisor should respond to the scene and gather and review all known video recordings in any incident where a use of force by a deputy is reasonably believed to have caused serious physical injury as defined by Md. Code CR § 3-201 (Md. Code PS § 3-524).

300.9 TRAINING

Deputies shall receive annual training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, deputies should receive periodic training on guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.

300.9.1 TRAINING REQUIREMENTS

Required annual training shall include:

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(a) Legal updates.

(b) De-escalation tactics, including alternatives to force.

(c) The duty to intervene.

(d) The duty to request and/or render medical aid.

(e) Warning shots (see the Firearms Policy).

(f) All other subjects covered in this policy (e.g., use of deadly force, chokeholds and carotid holds, discharge of a firearm at or from a moving vehicle, verbal warnings).

300.10 USE OF FORCE ANALYSIS

At least annually, the Chief Deputy should prepare an analysis report on use of force incidents. The report should be submitted to the Sheriff. The report should not contain the names of deputies, suspects or case numbers, and should include:

(a) The identification of any trends in the use of force by members.

(b) Training needs recommendations.

(c) Equipment needs recommendations.

(d) Policy revision recommendations.

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Handcuffing and Restraints

301.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

301.2 POLICY

The Dorchester County Sheriff's Office authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and agency training. Restraint devices shall not be used to punish, to display authority or as a show of force.

301.3 USE OF RESTRAINTS

Only members who have successfully completed Dorchester County Sheriff's Office-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, deputies should carefully balance officer safety concerns with factors that include, but are not limited to:

- The circumstances or crime leading to the arrest
- The demeanor and behavior of the arrested person
- The age and health of the person
- Whether the person is known to be pregnant
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes
- Whether the person has any other apparent disability

301.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to assure the safety of deputies and others. When deciding whether to remove restraints from a detainee, deputies should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

301.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg irons, waist chains, or handcuffs behind the body should not be used unless the deputy has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

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No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, deputies, or others.

301.3.3 RESTRAINT OF JUVENILES
A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the deputy has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the deputy or damage property.

301.3.4 NOTIFICATIONS
Whenever a deputy transports a person with the use of restraints other than handcuffs, the deputy shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the deputy reasonably believes would be potential safety concerns or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the jail.

301.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person’s hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Agency. Deputies should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, deputies should not conclude that in order to avoid risk every person should be handcuffed regardless of the circumstances.

In most situations, handcuffs should be applied with the hands behind the person’s back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person’s size, deputies should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

301.5 APPLICATION OF SPIT HOODS

Spit hoods are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the deputy reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Deputies utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Deputies should provide

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assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Deputies should avoid commingling those wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated, including hair, head and clothing, prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

301.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only agency-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

301.7 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the Agency shall be used.

In determining whether to use the leg restraint, deputies should consider:

(a) Whether the deputy or others could be exposed to injury due to the assaultive or resistant behavior of a person.

(b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting deputy while handcuffed, kicking at objects or deputies).

(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

301.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

(a) Once applied, absent a medical or other emergency, restraints should remain in place until the deputy arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

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(b) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.

(c) The restrained person should be continually monitored by a deputy while in the leg restraint. The deputy should ensure that the person does not roll onto and remain on his/her stomach.

(d) The deputy should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

(e) When transported by emergency medical services, the restrained person should be accompanied by a deputy when requested by medical personnel. The transporting deputy should describe to medical personnel any unusual behaviors or other circumstances the deputy reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

301.8 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the deputy shall document the details of the detention and the need for handcuffs or other restraints.

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report. Deputies should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

(a) The factors that led to the decision to use restraints.

(b) Supervisor notification and approval of restraint use.

(c) The types of restraint used.

(d) The amount of time the person was restrained.

(e) How the person was transported and the position of the person during transport.

(f) Observations of the person’s behavior and any signs of physiological problems.

(g) Any known or suspected drug use or other medical problems.

301.9 TRAINING

Subject to available resources, the Chief Deputy should ensure that deputies receive periodic training on the proper use of handcuffs and other restraints, including:

(a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Agency.

(b) Response to complaints of pain by restrained persons.

(c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.

(d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

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Control Devices

302.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

302.2 POLICY

In order to control individual subjects who are violent or who demonstrate the intent to be violent, the Dorchester County Sheriff's Office authorizes deputies to use control devices in accordance with the guidelines in this policy and the Use of Force Policy. The Sheriff may also authorize other positions or individual agency members to use specific control devices.

302.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this agency only if the device has been issued by the Agency or approved by the Sheriff or the authorized designee.

Only those members who have successfully completed agency-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a person who is violent or who demonstrates the intent to be violent and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

302.4 RESPONSIBILITIES

302.4.1 PATROL SUPERVISOR RESPONSIBILITIES

The Patrol Supervisor may authorize the use of a control device by selected agency members or those in specialized assignments who have successfully completed the required training.

302.4.2 RANGEMASTER RESPONSIBILITIES

The Rangemaster shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Rangemaster or the designated instructor for a particular control device. The inspection shall be documented.

302.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster for disposition. Documentation shall also be forwarded through the chain of command, when appropriate, explaining the cause of damage.

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302.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to him/herself or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignments or at the direction of their supervisors.

302.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Sheriff, Chief Deputy, Sheriff's Tactical Assault Response Team Commander, and Mobile Field Force Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire and emergency medical services personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation, if needed.

302.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, OC spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in, violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of agency members or the public.

302.7.1 OC SPRAY

Uniformed members carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field members may carry OC spray as authorized, in accordance with the needs of their assignments or at the direction of their supervisors.

302.7.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others.

Deputies encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where an individual has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

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Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward an individual, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training or a product demonstration, is exempt from the reporting requirement.

302.7.3 TREATMENT FOR OC EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those who complain of further severe effects shall be examined by appropriate medical personnel.

302.8 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, the owners or available occupants should be provided with notice of the possible presence of residue which could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean-up will be at the owner's expense. Information regarding how and when the notice was delivered and the individuals notified should be included in related reports.

302.9 KINETIC ENERGY PROJECTILE GUIDELINES

This agency is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

302.9.1 DEPLOYMENT AND USE

Only agency-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Deputies are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved deputy determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and deputies takes priority over the safety of individuals engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

(a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.

(b) The suspect has made credible threats to harm him/herself or others.

(c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at deputies, other agency members and/or other people.

(d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

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Control Devices

302.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the deputy should consider such factors as:

(a) Distance and angle to target.

(b) Type of munitions employed.

(c) Type and thickness of subject's clothing.

(d) The subject's proximity to others.

(e) The location of the subject.

(f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of deputies or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other deputies and individuals that the device is being deployed.

Deputies should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, deputies are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the suspect must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others.

302.9.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Deputies will inspect shotguns and projectiles at the beginning of each shift to ensure that the shotguns are in proper working order and the projectiles are of the approved type and appear to be free from defects.

When they are not deployed, shotguns will be unloaded, and properly and securely stored in sheriff's agency vehicles. When deploying a kinetic energy projectile shotgun, deputies shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

Absent compelling circumstances, deputies who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second deputy watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

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302.10 TRAINING FOR CONTROL DEVICES

The Chief Deputy shall ensure that those members who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

(a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.

(b) All training and proficiency for control devices will be documented in the member's training file.

(c) Members who fail to demonstrate proficiency with the control device or knowledge of the Use of Force Policy will be provided remedial training. If a member cannot demonstrate proficiency with a control device or knowledge of the Use of Force Policy after remedial training, the member will be restricted from carrying the control device and may be subject to discipline.

302.11 REPORTING USE OF CONTROL DEVICES

Any application of a control device shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

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Conducted Energy Device

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the conducted energy device (CED) (COMAR 12.04.05.02).

303.2 POLICY

The CED is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to deputies and suspects.

303.3 ISSUANCE AND CARRYING CEDS

Only members who have successfully completed agency-approved training may be issued and may carry the CED (COMAR 12.04.05.03(B)).

The designated instructor should keep a log of issued CED devices and the serial numbers of cartridges/magazines issued to members.

CEDs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the agency inventory.

Deputies shall only use the CED and cartridges/magazines that have been issued by the Agency (COMAR 12.04.05.02(C)(1)). Cartridges/magazines should not be used after the manufacturer's expiration date.

Uniformed deputies who have been issued the CED shall wear the device in an approved holster.

Deputies who carry the CED while in uniform shall carry it in a holster on the side opposite the duty weapon.

(a) All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.

(b) For single-shot devices, whenever practicable, deputies should carry an additional cartridge on their person when carrying the CED.

(c) Deputies should not hold a firearm and the CED at the same time.

Non-uniformed deputies may secure the CED in a concealed, secure location in the driver's compartment of their vehicles.

303.3.1 USER RESPONSIBILITIES

Deputies shall be responsible for ensuring that the issued CED is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed prior to the beginning of the deputy's shift.

CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Rangemaster for disposition. Deputies shall submit documentation stating the reason for the return and how the CED or cartridge/magazine was damaged or became inoperative, if known.

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303.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CED should precede its application, unless it would otherwise endanger the safety of deputies or when it is not practicable due to the circumstances. The purpose of the warning is to:

(a) Provide the individual with a reasonable opportunity to voluntarily comply.

(b) Provide other deputies and individuals with a warning that the CED may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with a deputy's lawful orders and it appears both reasonable and feasible under the circumstances, the deputy may, but is not required to, activate any warning on the device, which may include display of the electrical arc, an audible warning, or the laser in a further attempt to gain compliance prior to the application of the CED. The laser should not be intentionally directed into anyone's eyes.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the deputy deploying the CED in the related report.

303.5 USE OF THE CED

The CED has limitations and restrictions requiring consideration before its use. The CED should only be used when its operator can safely deploy the device within its operational range. Although the CED may be effective in controlling most individuals, deputies should be aware that the device may not achieve the intended results and be prepared with other options.

If sufficient personnel are available and can be safely assigned, a deputy designated as lethal cover for any deputy deploying a CED may be considered for officer safety.

303.5.1 APPLICATION OF THE CED

The CED may be used when the circumstances reasonably perceived by the deputy at the time indicate that such application reasonably appears necessary to control a person who:

(a) Is violent or is physically resisting.

(b) Has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm deputies, themself, or others.

Mere flight from a pursuing deputy, without additional circumstances or factors, is not good cause for the use of the CED to apprehend an individual.

The CED shall not be used to psychologically torment, to elicit statements, or to punish any individual.

303.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CED on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the deputy, the subject, or others, and the deputy reasonably believes that the need to control the individual outweighs the potential risk of using the device. This includes:

(a) Individuals who are known to be pregnant.

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(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

(e) Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

(f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

Any CED capable of being applied in the drive-stun mode (i.e., direct contact without probes as a primary form of pain compliance) should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between deputies and the subject, thereby giving deputies time and distance to consider other force options or actions.

303.5.3 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, deputies should attempt to target the back, lower center mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, area of the heart, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

303.5.4 MULTIPLE APPLICATIONS OF THE CED

Once a deputy has successfully deployed two probes on the subject, the deputy should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors deputies may consider include but are not limited to:

(a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

(b) Whether the probes are making proper contact.

(c) Whether the individual has the ability and has been given a reasonable opportunity to comply.

(d) Whether verbal commands or other options or tactics may be more effective.

303.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Deputies should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CED. As soon as practicable, deputies shall notify a supervisor any time the CED has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

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303.5.6 DANGEROUS ANIMALS
The CED may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.

303.5.7 OFF-DUTY CONSIDERATIONS
Deputies are not authorized to carry agency CEDs while off-duty.

Deputies shall ensure that CEDs are secured while in their homes, vehicles, or any other area under their control, in a manner that will keep the device inaccessible to others.

303.6 DOCUMENTATION

Deputies shall document all CED discharges in the related arrest/crime reports and the CED report forms. Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the CED report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, audible warning, laser activation, and arcing the device, other than for testing purposes, will also be documented on the report form. Data downloads from the CED after use on a subject should be done as soon as practicable using a agency-approved process to preserve the data.

303.6.1 CED REPORT FORM
As applicable based on the device type, items that shall be included in the CED report form are:

(a) The brand, model, and serial number of the CED and any cartridge/magazine.

(b) Date, time, and location of the incident.

(c) Whether any warning, display, laser, or arc deterred a subject and gained compliance.

(d) The number of probes deployed, CED activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.

(e) The range at which the CED was used.

(f) The type of mode used (e.g., probe deployment, drive-stun).

(g) Location of any probe impact.

(h) Location of contact in drive-stun mode.

(i) Description of where missed probes went.

(j) Whether medical care was provided to the subject.

(k) Whether the subject sustained any injuries.

(l) Whether any deputies sustained any injuries.

The Chief Deputy may periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Chief Deputy should also conduct audits of CED device data downloaded to an approved location and reconcile CED report forms with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

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303.6.2 REPORTS
The deputy should include the following in the arrest/crime report:

(a) Identification of all personnel firing CEDs

(b) Identification of all witnesses

(c) Medical care provided to the subject

(d) Observations of the subject's physical and physiological actions

(e) Any known or suspected drug use, intoxication, or other medical problems

303.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel or deputies trained in probe removal and handling should remove CED probes from a person's body. Used CED probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by CED probes, who have been subjected to the electric discharge of the device, or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

(a) The person is suspected of being under the influence of controlled substances and/or alcohol.

(b) The person may be pregnant.

(c) The person reasonably appears to be in need of medical attention.

(d) The CED probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).

(e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another deputy and/or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting deputy shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CED (see the Medical Aid and Response Policy).

303.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to all incidents where the CED was activated.

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A supervisor should review each incident where a person has been exposed to a CED. The device's internal logs should be downloaded by a supervisor and saved with the related arrest/ crime report. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed.

303.9 TRAINING

Personnel who are authorized to carry the CED shall be permitted to do so only after successfully completing the initial agency-approved training (COMAR 12.04.05.03). Any personnel who have not carried the CED as a part of their assignments for a period of six months or more shall be recertified by a qualified CED instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued CEDs should occur every year (COMAR 12.04.05.04). A reassessment of a deputy's knowledge and/or practical skills may be required at any time, if deemed appropriate, by the Chief Deputy. All training and proficiency for CEDs will be documented in the deputy's training files.

Command staff, supervisors, and investigators should receive CED training as appropriate for the investigations they conduct and review.

Deputies who do not carry CEDs should receive training that is sufficient to familiarize them with the device and with working with deputies who use the device.

The Chief Deputy is responsible for ensuring that all members who carry CEDs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of CEDs during training could result in injuries and should not be mandatory for certification.

The Chief Deputy should include the following training:

(a) A review of this policy.

(b) A review of the Use of Force Policy.

(c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.

(d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin.

(e) Scenario-based training, including virtual reality training when available.

(f) Handcuffing a subject during the application of the CED and transitioning to other force options.

(g) De-escalation techniques.

(h) Restraint techniques that do not impair respiration following the application of the CED.

(i) The requirements established in COMAR 12.04.05.05.

(j) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.

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(k) Proper tactics and techniques related to multiple applications of CEDs.

303.9.1 TRAINING CERTIFICATION

The Chief Deputy should ensure certification is made to the Maryland Police Training and Standards Commission (MPTSC), on forms or in a manner determined by the MPTSC, that deputies have successfully completed training requirements (COMAR 12.04.05.02).

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Officer-Involved Shootings and Deaths

304.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of other action of a deputy.

In other incidents not covered by this policy, the Sheriff may decide that the investigation will follow the process provided in this policy.

304.2 POLICY

The policy of the Dorchester County Sheriff's Office is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

304.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

(a) A criminal investigation of the suspect’s actions.

(b) A criminal investigation of the involved officer’s actions.

(c) An administrative investigation as to policy compliance by involved deputies.

(d) A civil investigation to determine potential liability.

304.4 CONTROL OF INVESTIGATIONS

Investigators from the Maryland State Police Homicide Investigation Division or the law enforcement agency having jurisdiction may be assigned to work on the criminal investigation of officer-involved shootings and deaths. The Maryland State Police Homicide Investigation Division or the law enforcement agency having jurisdiction may include investigators from the agency that employs the involved officer.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

304.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect’s crime occurred. For example, Dorchester County Sheriff's Office would control the investigation if the suspect’s crime occurred in Dorchester.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be handled by the agency in control of the criminal investigation of the involved officer, at the discretion of the Sheriff and with concurrence from the other agency.

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304.4.2 CRIMINAL INVESTIGATIONS OF OFFICER ACTIONS
The control of the criminal investigation into the involved deputy's conduct during the incident will be determined by the employing agency's protocol. When a deputy from this agency is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of this agency to investigate a shooting or death involving an outside agency's officer shall be referred to the Sheriff or the authorized designee for approval.

304.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION
Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

304.5 INVESTIGATION PROCESS
The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

304.5.1 UNINVOLVED DEPUTY RESPONSIBILITIES
Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved DSO deputy will be the deputy-in-charge and assume the responsibilities of a supervisor until properly relieved. This deputy should, as appropriate:

(a) Secure the scene and identify and eliminate hazards for all those involved.

(b) Take reasonable steps to obtain emergency medical attention for injured individuals.

(c) Request additional resources from the Agency or other agencies.

(d) Coordinate a perimeter or pursuit of suspects.

(e) Check for injured persons and evacuate as needed.

(f) Brief the supervisor upon arrival.

304.5.2 SUPERVISOR RESPONSIBILITIES
Upon arrival at the scene, the first uninvolved DSO supervisor should ensure completion of the duties as outlined above, plus:

(a) Attempt to obtain a brief overview of the situation from any uninvolved officers.

    1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.

(b) If necessary, the supervisor may administratively order any DSO deputy to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.

    1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.

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2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.

(c) Provide all available information to the Patrol Supervisor and the Communications Center. If feasible, sensitive information should be communicated over secure networks.

(d) Take command of and secure the incident scene with additional DSO members until properly relieved by another supervisor, or other assigned personnel or investigator.

(e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.

1. Each involved DSO deputy should be given an administrative order not to discuss the incident with other involved officers or DSO members pending further direction from a supervisor.

2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other deputies.

304.5.3 PATROL SUPERVISOR RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Patrol Supervisor shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Sheriff or the Chief Deputy.

All outside inquiries about the incident shall be directed to the Sheriff or his designee.

304.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Sheriff
- Chief Deputy
- Chief of Operations
- Outside agency investigators (if appropriate)
- Agency legal counsel
- Psychological/peer support personnel
- Chaplain
- Medical Examiner (if necessary)
- Involved officer's agency representative (if requested)

304.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

(a) Any request for legal or union representation will be accommodated.

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1. Involved DSO deputies shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
2. Requests from involved non-DSO officers should be referred to their employing agency.

(b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.

(c) Discussions with agency representatives will be privileged only as to the discussion of non-criminal information.

(d) A licensed psychotherapist shall be provided by the Agency to each involved DSO deputy. A licensed psychotherapist may also be provided to any other affected DSO members, upon request.

1. Interviews with a licensed psychotherapist will be considered privileged.
2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, the involved member shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).

(e) Communications between the involved deputy and a peer support member is addressed in the Wellness Program Policy.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved DSO deputy shall be given reasonable paid administrative leave (as allowed by Md. Code PS § 3-107) following an officer-involved shooting or death. It shall be the responsibility of the Patrol Supervisor to make schedule adjustments to accommodate such leave.

304.6 CRIMINAL INVESTIGATION

It shall be the policy of this agency to utilize the Office of the State's Attorney to conduct an independent criminal investigation into the circumstances of any officer-involved shooting or death, except for those investigations that are controlled by state law.

If available, investigative personnel from this agency may be assigned to partner with investigators from outside agencies or the Office of the State's Attorney to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

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(a) DSO supervisors and Chief of Operations personnel should not participate directly in any voluntary interview of DSO deputies. This will not prohibit such personnel from monitoring interviews or indirectly providing topics for inquiry.

(b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of the deputy's choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, deputies shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(c) If any involved officer is physically, emotionally, or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.

(d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

304.6.1 REPORTS BY INVOLVED DSO DEPUTIES

In the event that suspects remain outstanding or subject to prosecution for related offenses, this agency shall retain the authority to require involved DSO deputies to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved DSO deputy may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/ witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive involved DSO deputies of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

304.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

(a) Identification of all persons present at the scene and in the immediate area.

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1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Agency.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

(c) Promptly contacting the suspect’s known family and associates to obtain any available and untainted background information about the suspect’s activities and state of mind prior to the incident.

304.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Criminal Investigation Division supervisor to assign appropriate investigation personnel to handle the investigation of related crimes. Agency investigators will be assigned to work with investigators from the Office of the State's Attorney and may be assigned to separately handle the investigation of any related crimes not being investigated by the Office of the State's Attorney.

All related agency reports, except administrative and/or privileged reports, will be forwarded to the designated Criminal Investigation Division supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the Chief Deputy.

304.6.4 ATTORNEY GENERAL INVESTIGATION

The Maryland Office of the Attorney General (OAG) has authority to investigate all officer-involved incidents that result in the death of civilians or injuries likely to result in death (Md. Code SG § 6-602). The Sheriff or the authorized designee should promptly notify the appropriate division within the OAG of all incidents involving an officer-involved death or serious injury of a civilian, and the Agency should cooperate with any subsequent investigation (Md. Code PS § 3-527). In these investigations, any direction provided by the OAG supersedes any contrary direction contained in agency policy.

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304.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this agency will conduct an internal administrative investigation of involved DSO deputies to determine conformance with agency policy. This investigation will be conducted under the supervision of the Chief of Operations and will be considered a confidential deputy personnel file.

Interviews of members shall be subject to agency policies and applicable laws.

(a) Any deputy involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the deputy, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency (Md. Code PS § 3-107).

(b) If any deputy has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved deputy.

1. If a further interview of the deputy is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved deputy shall be provided with a copy of the deputy's prior statement before proceeding with any subsequent interviews.

(c) In the event that an involved deputy has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.

1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the deputy's physical and psychological needs have been addressed before commencing the interview.

2. If requested, the deputy shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual deputy's statement, involved deputies shall not consult or meet with a representative collectively or in groups prior to being interviewed.

3. Administrative interviews should be recorded by the investigator. The deputy may also record the interview.

4. The deputy shall be informed of the nature of the investigation. If a deputy refuses to answer questions, the deputy should be given *Garrity* rights and ordered to provide full and truthful answers to all questions. The deputy shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.

5. The Chief of Operations shall compile all relevant information and reports necessary for the Agency to determine compliance with applicable policies.

6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.

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7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

304.8 CIVIL LIABILITY RESPONSE

A member of this agency may be assigned to work exclusively under the direction of the legal counsel for the Agency to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

304.9 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/ Video (MAV), body-worn video or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video or other video or audio recordings with the approval of assigned investigators or a supervisor.

Any MAV, body-worn video and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or County Attorney’s Office, as appropriate.

304.10 DEBRIEFING

Following an officer-involved shooting or death, the Dorchester County Sheriff's Office should conduct both a critical incident/stress debriefing and a tactical debriefing.

304.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The Chief Deputy is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order.

Attendance at the debriefing shall only include those members of the Agency directly involved in the incident, which can include support personnel (e.g., dispatchers, other civilian). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Agency,

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304.10.2 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Sheriff should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

304.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the Maryland State Police Homicide Investigation Division, State Attorney, Sheriff, and agency representative responsible for each phase of the investigation.

No involved DSO deputy shall make any comment to the media unless he/she is authorized by the Sheriff or the Chief Deputy.

Agency members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

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Firearms

305.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

305.2 POLICY

The Dorchester County Sheriff's Office will equip its members with firearms to address the risks posed to the public and agency members by violent and sometimes well-armed persons. The Agency will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

305.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Agency and have been thoroughly inspected by the Rangemaster. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized agency range (COMAR 12.04.02.03).

All other weapons not provided by the Agency, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by agency policy, may not be carried by members in the performance of their official duties without the express written authorization of the Sheriff or Chef Deputy. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

305.3.1 HANDGUNS

The authorized agency-issued handguns are the Glock Model 45. 9mm Model 43X. 9mm . The following additional handguns are approved for on-duty use:

MAKE	MODEL	CALIBER

305.3.2 SHOTGUNS

The authorized agency-issued shotgun is the n/a. The following additional shotguns are approved for on-duty use:

MAKE	MODEL	CALIBER

When not deployed, the shotgun shall be properly secured consistent with agency training in a locking weapons rack in the patrol vehicle.

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305.3.3 PATROL RIFLES

The authorized agency-issued patrol rifle is the Colt AR-15 .223 LWRC AR-15 .223. The following additional patrol rifles are approved for on-duty use:

MAKE	MODEL	CALIBER

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

(a) Situations where the member reasonably anticipates an armed encounter.

(b) When a member is faced with a situation that may require accurate and effective fire at long range.

(c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.

(d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.

(e) When a member reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

(g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured consistent with agency training in a locking weapons rack in the patrol vehicle.

305.3.4 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Sheriff or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

(a) The firearm shall be in good working order and on the agency list of approved firearms.

(b) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the agency qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.

(d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

305.3.5 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry agency or personally owned secondary handguns are subject to the following restrictions:

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(a) The handgun shall be in good working order and on the agency list of approved firearms.

(b) Only one secondary handgun may be carried at a time.

(c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Agency.

(d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

(e) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(f) Ammunition shall be the same as agency issue. If the caliber of the handgun is other than agency issue, the Sheriff or the authorized designee shall approve the ammunition.

(g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the agency qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly (COMAR 12.04.02.03).

(h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

305.3.6 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Sheriff but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

(a) A personally owned firearm shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.

1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.

(b) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

(c) It will be the responsibility of the member to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.

(d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.

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(e) The member will successfully qualify with the firearm prior to it being carried.

(f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

(g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.

(h) Members shall only carry agency-authorized ammunition.

(i) When armed, deputies shall carry their badges and Dorchester County Sheriff's Office identification cards under circumstances requiring possession of such identification.

305.3.7 AMMUNITION

Members shall carry only agency-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all agency-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Agency shall be dispensed by the Rangemaster when needed, in accordance with established policy.

Members carrying personally owned authorized firearms of a caliber differing from agency-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

305.3.8 FIREARMS CONVERSION

A deputy shall successfully complete firearms conversion requirements before being authorized to use or carry a different type of firearm than the deputy is currently authorized to use or carry (COMAR 12.04.02.09).

305.4 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

305.4.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Rangemaster.

Firearms that are the property of the Agency or personally owned firearms that are approved for agency use may be repaired or modified only by a person who is agency-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Rangemaster.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Rangemaster.

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305.4.2 HOLSTERS

Only agency-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

305.4.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

305.4.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

305.5 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

(a) Members shall not unnecessarily display or handle any firearm.

(b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.

(c) Members shall not clean, repair, load or unload a firearm anywhere in the Agency, except where clearing barrels are present.

(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.

(e) Members shall not place or store any firearm or other weapon on agency premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.

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(f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.

(g) Any firearm authorized by the Agency to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Agency or a Rangemaster approved by the Agency for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

305.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Personally owned firearms may be safely stored in lockers at the end of the shift. Agency-owned firearms shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

305.5.2 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit agency-issued firearms to be handled by anyone not authorized by the Agency to do so. Members should be aware that negligent storage of a firearm could result in civil liability.

305.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment.

305.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete classroom training annually. In addition, all members will qualify at least annually with their duty firearms. Members will qualify with off-duty and secondary firearms at least twice a year. Training and qualifications must be on the required range course meeting minimum standards and requirements (COMAR 12.04.02.08; COMAR 12.04.02.05).

Deputies may not use or carry a firearm that has been surrendered or for which authority to carry or use has been withdrawn, except during supervised training to meet the annual firearms training and qualification requirements (COMAR 12.04.02.08(E)(3)).

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At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

305.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

(a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.

(b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.

(c) No range credit will be given for the following:

1. Unauthorized range make-up.
2. Failure to meet minimum standards or qualify after remedial training.

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

305.6.2 ANNUAL FIREARMS NON-CERTIFICATION

If a deputy fails to successfully complete the annual firearms classroom instruction, training and qualification requirements for an authorized firearm within a calendar year, the Sheriff (COMAR 12.04.02.08(E)(1)):

(a) Shall remove the firearm, or the authorization to use or carry the firearm if personally owned, from the deputy by January 1 of the next calendar year.

(b) May not return or authorize the deputy to use or carry the firearm until the deputy successfully completes the appropriate firearms classroom instruction, training and qualification.

305.6.3 ANNUAL FIREARMS NON-QUALIFICATION

A deputy who fails an annual firearms qualification shall successfully complete the annual qualification within 30 consecutive calendar days of the initial attempt (COMAR 12.04.02.08(E)(2)).

If a deputy does not successfully meet the qualification requirements, the Sheriff shall immediately:

- Report the deputy’s failure to qualify to the Maryland Police Training and Standards Commission (MPTSC).
- Require the deputy to surrender all agency firearms.

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- Withdraw the deputy's authority to use or carry personally owned firearms.

305.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

(a) If on-duty at the time of the incident, the member shall file a written report with the Chief Deputy or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

(b) If off-duty at the time of the incident, a written report shall be submitted or a recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

305.7.1 DESTRUCTION OF ANIMALS

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, agency members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, conducted energy device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed, becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

305.7.2 INJURED ANIMALS

When an animal is injured in a traffic accident, the member shall notify the appropriate local organization to give such injured animal medical care (Md. Code TR § 20-106).

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

305.7.3 WARNING AND OTHER SHOTS

Generally, shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective, and reasonably safe.

Warning shots should not be used.

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305.8 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Chief Deputy after each range date. Failure of any member to sign in and out with the Rangemaster may result in non-participation or non-qualification.

The range shall remain operational and accessible to agency members during hours established by the Agency.

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this agency to verify proper operation. The Rangemaster has the authority to deem any agency-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until it has been inspected and approved by the Rangemaster.

All firearms will be inspected by the Rangemaster according to the established schedule or as directed by the Chief Deputy.

The Rangemaster has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Rangemaster shall complete and submit to the Chief Deputy documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Agency, a list of each member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Chief Deputy.

The Chief Deputy shall report firearm qualification scores for each firearm the deputy is authorized to use or carry to the MPTSC by January 31 (COMAR 12.04.02.08(D)).

305.9 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to deputies who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

(a) Deputies wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Agency based on the law and published TSA rules.

(b) Deputies must carry their Dorchester County Sheriff's Office identification card, bearing the deputy's name, a full-face photograph, identification number, the deputy's signature and the signature of the Sheriff or the official seal of the Agency and must present this identification to airline officials when requested. The deputy should also

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carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).

(c) The Dorchester County Sheriff's Office must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the deputy's travel. If approved, TSA will send the Dorchester County Sheriff's Office an NLETS message containing a unique alphanumeric identifier. The deputy must present the message on the day of travel to airport personnel as authorization to travel while armed.

(d) An official letter signed by the Sheriff authorizing armed travel may also accompany the deputy. The letter should outline the deputy's need to fly armed, detail his/her itinerary, and include that the deputy has completed the mandatory TSA training for a law enforcement officer flying while armed.

(e) Deputies must have completed the mandated TSA security training covering deputies flying while armed. The training shall be given by the agency-appointed instructor.

(f) It is the deputy's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.

(g) Any deputy flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.

(h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The deputy must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

(i) Deputies should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.

(j) Deputies shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

305.10 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time deputies of this agency are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

(a) The deputy shall carry his/her Dorchester County Sheriff's Office identification card whenever carrying such firearm.

(b) The deputy is not the subject of any current disciplinary action.

(c) The deputy may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

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(d) The deputy will remain subject to this and all other agency policies (including qualifying and training).

Deputies are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield a deputy from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

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Vehicle Pursuits

306.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved deputies, the public and fleeing suspects.

306.1.1 DEFINITIONS

Definitions related to this policy include:

Blocking or vehicle intercept - A slow-speed coordinated maneuver where two or more pursuing vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop. The goal is containment and preventing a pursuit. Blocking is not a moving or stationary road block.

Boxing-in - A tactic designed to stop a suspect's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Pursuit Intervention Technique (PIT) - A low-speed maneuver designed to cause the suspect vehicle to spin out, stall and come to a stop.

Ramming - The deliberate act of contacting a suspect's vehicle with another law enforcement vehicle to functionally damage or otherwise force the suspect's vehicle to stop.

Roadblocks - A tactic designed to stop a suspect's vehicle by intentionally placing a law enforcement vehicle or other immovable object in the path of the suspect's vehicle.

Terminate - To discontinue a pursuit or stop chasing fleeing vehicles.

Tire deflation device - A device designed to puncture the tires of the pursued vehicle.

Trail - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

Vehicle pursuit - An event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly or driving in a legal manner but willfully failing to yield to a deputy's emergency signal to stop.

306.2 POLICY

It is the policy of this agency to weigh the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

306.3 DEPUTY RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized sheriff's agency emergency vehicles that are equipped with, and operating emergency lighting and sirens, as required by law (Md. Code TR § 21-106).

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Deputies shall drive with due regard for the safety of all persons and property. However, deputies may, when in pursuit of a suspect and provided there is no unreasonable risk to persons and property:

(a) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.

(b) Exceed the speed limit.

(c) Disregard regulations governing direction of movement or turning in specified directions.

306.3.1 WHEN TO INITIATE A PURSUIT

Deputies are authorized to initiate a pursuit when it is reasonable to believe that a suspect, who has been given an appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle (Md. Code TR § 21-904).

Factors that shall be considered, both individually and collectively, when deciding to initiate or continue a pursuit include, but are not limited to:

(a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.

(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to deputies, innocent motorists and others.

(c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.

(d) The pursuing deputies' familiarity with the area of the pursuit, the quality of radio communications between the pursuing vehicles and dispatcher/supervisor, and the driving capabilities of the pursuing deputies under the conditions of the pursuit.

(e) The weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.

(f) The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.

(g) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.

(h) Emergency lighting and siren limitations on unmarked sheriff's agency vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment and concealed or obstructed siren positioning.

(i) Vehicle speeds.

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(j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).

(k) The availability of other resources, such as air support assistance.

(l) The pursuing vehicle is carrying passengers other than on-duty sheriff's deputies. Pursuits should not be undertaken with an arrestee in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the arrestee in transport. A vehicle containing more than a single arrestee should not be involved in a pursuit.

306.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be terminated whenever the totality of objective circumstances known or which reasonably ought to be known to the deputy or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect’s escape.

When a supervisor directs the pursuit to be terminated, deputies will immediately terminate the pursuit.

The factors listed in this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Deputies and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit.

In addition to the factors that govern when to initiate a pursuit, other factors should be considered in deciding whether to terminate a pursuit, including:

(a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.

(b) The pursued vehicle’s location is no longer definitely known.

(c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.

(d) The pursuing vehicle’s emergency lighting equipment or siren becomes partially or completely inoperable.

(e) Hazards to uninvolved bystanders or motorists.

(f) The danger that the continued pursuit poses to the public, the deputies or the suspect, balanced against the risk of allowing the suspect to remain at large.

(g) When the identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.

(h) Extended pursuits of violators for misdemeanors not involving violence or weapons (independent of the pursuit) are generally discouraged.

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306.4 PURSUIT VEHICLES

When involved in a pursuit, unmarked sheriff's agency emergency vehicles should be replaced by marked emergency vehicles whenever practicable (Md. Code TR § 11-118).

Vehicle pursuits should be limited to three sheriff's agency emergency vehicles (two pursuit vehicles and the supervisor vehicle). However, the number of vehicles involved will vary with the circumstances.

A deputy or supervisor may request that additional vehicles join a pursuit if, after assessing the factors outlined above, it appears that the number of deputies involved would be insufficient to safely arrest the number of suspects. All other deputies shall stay out of the pursuit but should remain alert to its progress and location. Any deputy who drops out of a pursuit may then, if necessary, proceed to the pursuit termination point at legal speeds, following the appropriate rules of the road.

306.4.1 MOTORCYCLES

When involved in a pursuit, sheriff's agency motorcycles should be replaced by marked emergency vehicles as soon as practicable.

306.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Deputies operating vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in any pursuit. Deputies in such vehicles may provide support to pursuing vehicles as long as the vehicle is operated in compliance with all traffic laws. Those deputies should discontinue such support immediately upon arrival of a sufficient number of authorized emergency sheriff's agency vehicles or any air support.

306.4.3 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES

The initial pursuing deputy will be designated as the primary pursuit vehicle and will be responsible for the conduct of the pursuit unless he/she is unable to remain reasonably close to the suspect’s vehicle. The primary responsibility of the deputy initiating the pursuit is the apprehension of the suspect without unreasonable danger to him/herself or others.

The primary pursuing deputy should notify the dispatcher, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including, but not limited to:

(a) The location, direction of travel and estimated speed of the suspect’s vehicle.

(b) The description of the suspect’s vehicle including the license plate number, if known.

(c) The reason for the pursuit.

(d) The use of firearms, threat of force, violence, injuries, hostages or other unusual hazards.

(e) The number of occupants and identity or description.

(f) The weather, road and traffic conditions.

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(g) The need for any additional resources or equipment.

(h) The identity of other law enforcement agencies involved in the pursuit.

Unless relieved by a supervisor or a secondary pursuing deputy, the deputy in the primary pursuit vehicle shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing deputy should relinquish the responsibility of broadcasting the progress of the pursuit to a deputy in a secondary pursuit vehicle or to air support joining the pursuit to minimize distractions and allow the primary pursuing deputy to concentrate foremost on safe pursuit tactics.

306.4.4 SECONDARY PURSUIT VEHICLE RESPONSIBILITIES

The second deputy in the pursuit will be designated as the secondary pursuit vehicle and is responsible for:

(a) Immediately notifying the dispatcher of his/her entry into the pursuit.

(b) Remaining a safe distance behind the primary pursuit vehicle unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.

(c) Broadcasting information that the primary pursuing deputy is unable to provide.

(d) Broadcasting the progress of the pursuit, updating known or critical information and providing changes in the pursuit, unless the situation indicates otherwise.

(e) Identifying the need for additional resources or equipment as appropriate.

(f) Serving as backup to the primary pursuing deputy once the suspect has been stopped.

306.5 PURSUIT DRIVING

The decision to use specific driving tactics requires the same assessment of the factors the deputy considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for deputies who are involved in the pursuit:

(a) Deputies, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to unusual maneuvers by the fleeing vehicle.

(b) Because intersections can present increased risks, the following tactics should be considered:

1. Available deputies not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.

2. Pursuing deputies should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.

(c) As a general rule, deputies should not pursue a vehicle driving the wrong direction on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:

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1. Request assistance from available air support.
2. Maintain visual contact with the pursued vehicle by paralleling the vehicle while driving on the correct side of the roadway.
3. Request other deputies to observe exits available to the suspect.

(d) Notify other law enforcement agencies if it appears that the pursuit may enter its jurisdiction.

(e) Deputies involved in a pursuit should not attempt to pass other pursuing vehicles unless the situation indicates otherwise or they are requested to do so by the pursuing deputy and with a clear understanding of the maneuver process between the involved deputies.

306.5.1 PURSUIT TRAILING

In the event that initial pursuing deputies relinquish control of the pursuit to another agency, the initial deputies may, with the permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect and reporting the incident.

306.5.2 AIR SUPPORT ASSISTANCE

When available, air support assistance should be requested. Once the air support crew has established visual contact with the pursued vehicle, they should assume communication control over the pursuit. The primary and secondary ground pursuit vehicles, or involved supervisor, will maintain operational control but should consider whether the participation of air support warrants their continued close proximity and/or involvement in the pursuit.

The air support crew should coordinate the activities of resources on the ground, report progress of the pursuit, and provide deputies and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. If deputies on the ground are not within visual contact of the pursued vehicle and the air support crew determines that it is unsafe to continue the pursuit, the air support crew should recommend terminating the pursuit.

306.5.3 DEPUTIES NOT INVOLVED IN THE PURSUIT

Deputies who are not involved in the pursuit should remain in their assigned areas, should not parallel the pursuit route and should not become involved with the pursuit unless directed otherwise by a supervisor. Uninvolved deputies are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Those deputies should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended collision or if the suspect intentionally tries to ram the Sheriff's agency vehicle.

Non-pursuing members needed at the pursuit termination point should respond in a nonemergency manner, observing the rules of the road.

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The primary pursuit vehicle, secondary pursuit vehicle and supervisor vehicle should be the only vehicles operating under emergency conditions (emergency lights and siren) unless other deputies are assigned to the pursuit.

306.6 SUPERVISORY CONTROL AND RESPONSIBILITIES

Available supervisory and management control will be exercised over all vehicle pursuits involving deputies from this agency.

The shift supervisor of the deputy initiating the pursuit, or if unavailable, the senior deputy, will be responsible for:

(a) Immediately notifying involved deputies and the dispatcher of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit. This is to ensure that the pursuit is conducted within established agency guidelines.

(b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.

(c) Exercising management and control of the pursuit even if not engaged in it.

(d) Ensuring that no more than the required law enforcement vehicles are involved in the pursuit under the guidelines set forth in this policy.

(e) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.

(f) Ensuring that assistance from air support, canines or additional resources are requested, if available and appropriate.

(g) Ensuring that the proper radio channel is being used.

(h) Ensuring that the Patrol Supervisor is notified of the pursuit, as soon as practicable.

(i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.

(j) Controlling and managing Dorchester County Sheriff's Office deputies when a pursuit enters another jurisdiction.

(k) Preparing a post-pursuit review and documentation of the pursuit as required.

306.6.1 PATROL SUPERVISOR RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the Patrol Supervisor should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Patrol Supervisor has the responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command unless command is assumed by the Sheriff, Chief Deputy or Chief of Operations.

The Patrol Supervisor shall review all pertinent reports for content and forward them to the Chief of Operations.

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306.7 THE COMMUNICATIONS CENTER

If the pursuit is confined within the County limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or dispatcher. If the pursuit leaves the jurisdiction of this agency or such is imminent, involved deputies should, whenever available, switch radio communications to a tactical or emergency channel most accessible by participating agencies.

306.7.1 RESPONSIBILITIES

Upon notification or becoming aware that a pursuit has been initiated, the dispatcher is responsible for:

(a) Clearing the radio channel of nonemergency traffic.

(b) Coordinating pursuit communications of the involved deputies.

(c) Broadcasting pursuit updates as well as other pertinent information as necessary.

(d) Ensuring that the shift supervisor is notified of the pursuit.

(e) Notifying and coordinating with other involved or affected agencies as practicable.

(f) Notifying the Patrol Supervisor as soon as practicable.

(g) Assigning an incident number and logging all pursuit activities.

306.8 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the involved deputies should broadcast pertinent information to assist other deputies in locating the vehicle. The primary pursuing deputy or supervisor will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

306.9 INTERJURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary pursuing deputy or supervisor, taking into consideration the distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit.

Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary pursuing deputy or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether the jurisdiction is expected to assist.

306.9.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Deputies will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Dorchester County Sheriff's Office is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved deputies may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports.

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The roles and responsibilities of deputies at the termination point of a pursuit initiated by this agency shall be coordinated with appropriate consideration of the needs of the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local law enforcement agencies, a request for another agency's assistance will mean that its personnel will assume responsibility for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this agency, the other agency should relinquish control.

306.9.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Deputies from this agency should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a supervisor. The exception to this is when a single vehicle from the initiating agency is in pursuit. Under this circumstance, a deputy from this agency may, with supervisor approval, immediately join the pursuit until sufficient vehicles from the initiating agency join the pursuit or until additional information is provided allowing withdrawal from the pursuit.

When a request is made for this agency to assist or take over a pursuit that has entered the jurisdiction of the Dorchester County Sheriff's Office, the supervisor should consider:

(a) The public's safety within this jurisdiction.

(b) The safety of the pursuing deputies.

(c) Whether the circumstances are serious enough to continue the pursuit.

(d) Whether there is adequate staffing to continue the pursuit.

(e) The ability to maintain the pursuit.

As soon as practicable, a supervisor or the Patrol Supervisor should review a request for assistance from another agency. The Patrol Supervisor or supervisor, after considering the above factors, may decline to assist in or assume the other agency's pursuit.

Assistance to a pursuing agency by deputies of this agency will conclude at the County limits, provided that the pursuing agency has sufficient assistance from other sources. Ongoing participation from this agency may continue only until sufficient assistance is present.

In the event that the termination point of a pursuit from another agency is within this jurisdiction, deputies shall provide appropriate assistance including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

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306.10 PURSUIT INTERVENTION

Pursuit intervention is an attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking or vehicle intercept, boxing-in, the PIT, ramming or roadblock procedures.

306.10.1 WHEN USE IS AUTHORIZED

Whenever practicable, a deputy shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, deputies/supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the deputies and persons in or on the pursued vehicle. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the deputy at the time of the decision.

306.10.2 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Deputies should not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any deputy from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

306.10.3 INTERVENTION STANDARDS

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the deputies, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and are subject to policies guiding such use. Deputies shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

(a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to the public's safety, and when deputies reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this intervention tactic should only be employed by properly trained deputies and after giving consideration to the following:

1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risk of injury or death to occupants of the suspect vehicle, deputies or others.
2. All other reasonable intervention tactics have failed or reasonably appear ineffective.
3. Employing the blocking or vehicle intercept maneuver does not unreasonably increase the risk of safety to those involved or the public.
4. The suspect vehicle is stopped or traveling at a low speed.

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5. Only law enforcement vehicles should be used in this tactic.

(b) The PIT is limited to use by properly trained deputies with the approval of a supervisor and upon assessment of the circumstances and conditions presented at the time, including the potential for risk of injury to deputies, the public and occupants of the pursued vehicle.

(c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the deputy's disposal have been exhausted or would not be effective, and immediate control is necessary. Ramming should be reserved for situations where there does not appear to be another reasonable alternative method. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:

1. The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended.

2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner or using the vehicle as a weapon.

(d) Boxing-in a suspect vehicle should only be attempted upon approval by a supervisor. The use of such a tactic must be carefully coordinated with all involved vehicles, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to deputies, the public and occupants of the pursued vehicle. Deputies and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.

(e) Tire deflation devices should be deployed only after notification of pursuing deputies and the supervisor of the intent and location of the intended deployment, and in a manner that:

1. Should reasonably only affect the pursued vehicle.

2. Provides the deploying deputy adequate cover and escape from intentional or unintentional exposure to the approaching vehicle.

3. Has considered the limitations of such devices as well as the potential risk to deputies, the public and occupants of the pursued vehicle.

4. Has considered whether the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children.

(f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor. If roadblocks are deployed, it should

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only be done under extraordinary conditions when all other reasonable intervention tactics have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, deputies or the public.

306.11 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose.

Unless relieved by a supervisor, the primary pursuing deputy should coordinate efforts to apprehend the suspect following the pursuit. Deputies should consider the safety of the public and the involved deputies when formulating plans for setting up perimeters or for containing and capturing the suspect.

306.12 REPORTING REQUIREMENTS

All appropriate reports shall be completed to comply with appropriate laws and policies or procedures.

(a) The primary pursuing deputy shall complete appropriate crime/arrest reports.

(b) The primary pursuing deputy or supervisor shall complete the appropriate pursuit report.

(c) After first obtaining the available information, the involved, or if unavailable, on-duty field supervisor shall promptly complete a supervisor's log or interoffice memorandum, briefly summarizing the pursuit to the Sheriff or the authorized designee. This log or memorandum should include, at a minimum:

1. Date and time of the pursuit.
2. Initial reason and circumstances surrounding the pursuit.
3. Length of pursuit in distance and time, including the starting and termination points.
4. Involved vehicles and deputies.
5. Alleged offenses.
6. Whether a suspect was apprehended, as well as the means and methods used.
    (a) Any use of force shall be reported and documented in compliance with the Use of Force Policy.
7. Arrestee information, if applicable.
8. Any injuries and/or medical treatment.
9. Any property or equipment damage.

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10. Name of supervisor at the scene or who handled the incident.

11. A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

(d) After receiving copies of reports, logs and other pertinent information, the Sheriff or the authorized designee shall conduct or assign the completion of a post-pursuit review, as appropriate.

(e) Annually, the Sheriff should direct a documented review and analysis of agency vehicle pursuits to minimally include policy suitability, policy compliance and training needs.

306.13 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all deputies will participate, no less than annually, in regular and periodic training addressing this policy and the importance of vehicle safety and protecting the public. Training will include recognition of the need to balance the known offense and the need for immediate capture against the risks to deputies and others.

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Foot Pursuits

307.1 PURPOSE AND SCOPE

This policy provides guidelines to assist deputies in making the decision to initiate or continue the pursuit of suspects on foot.

307.2 POLICY

It is the policy of this agency that deputies, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to agency members, the public or the suspect.

Deputies are expected to act reasonably, based on the totality of the circumstances.

307.3 DECISION TO PURSUE

The safety of agency members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Deputies must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and agency members.

Deputies may be justified in initiating a foot pursuit of any individual that the deputy reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual’s involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that a deputy must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place agency members and the public at significant risk. Therefore, no deputy or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, a deputy should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

(a) Containment of the area.

(b) Saturation of the area with law enforcement personnel, including assistance from other agencies.

(c) A canine search.

(d) Thermal imaging or other sensing technology.

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(e) Air support.

(f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

307.4 GENERAL GUIDELINES

When reasonably practicable, deputies should consider alternatives to engaging in or continuing a foot pursuit when:

(a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.

(b) The deputy is acting alone.

(c) Two or more deputies become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single deputy keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The deputy is unsure of his/her location and direction of travel.

(e) The deputy is pursuing multiple suspects and it is not reasonable to believe that the deputy would be able to control the suspect should a confrontation occur.

(f) The physical condition of the deputy renders him/her incapable of controlling the suspect if apprehended.

(g) The deputy loses radio contact with the dispatcher or with assisting or backup deputies.

(h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient deputies to provide backup and containment. The primary deputy should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.

(i) The deputy becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to deputies or the public.

(j) The deputy reasonably believes that the danger to the pursuing deputies or public outweighs the objective of immediate apprehension.

(k) The deputy loses possession of his/her firearm or other essential equipment.

(l) The deputy or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

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(m) The suspect's location is no longer known.

(n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to agency members or the public if the suspect is not immediately apprehended.

(o) The deputy's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

307.5 RESPONSIBILITIES IN FOOT PURSUITS

307.5.1 INITIATING DEPUTY RESPONSIBILITIES

Unless relieved by another deputy or a supervisor, the initiating deputy shall be responsible for coordinating the progress of the pursuit and containment. When acting alone and when practicable, the initiating deputy should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient deputies are present to safely apprehend the suspect.

Early communication of available information from the involved deputies is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Deputies initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

(a) Location and direction of travel.

(b) Call sign identifier.

(c) Reason for the foot pursuit, such as the crime classification.

(d) Number of suspects and description, to include name if known.

(e) Whether the suspect is known or believed to be armed with a dangerous weapon.

Deputies should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any deputy unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the deputy will notify the dispatcher of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for deputies, suspects or members of the public.

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307.5.2 ASSISTING DEPUTY RESPONSIBILITIES

Whenever any deputy announces that he/she is engaged in a foot pursuit, all other deputies should minimize non-essential radio traffic to permit the involved deputies maximum access to the radio frequency.

307.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established agency guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing deputies or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

307.5.4 THE COMMUNICATIONS CENTER RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

(a) Clearing the radio channel of non-emergency traffic.

(b) Coordinating pursuit communications of the involved deputies.

(c) Broadcasting pursuit updates as well as other pertinent information as necessary.

(d) Ensuring that the shift supervisor is notified of the foot pursuit.

(e) Notifying and coordinating with other involved or affected agencies as practicable.

(f) Notifying the Patrol Supervisor as soon as practicable.

(g) Assigning an incident number and logging all pursuit activities.

307.6 REPORTING REQUIREMENTS

The initiating deputy shall complete appropriate crime/arrest reports documenting, at a minimum:

(a) Date and time of the foot pursuit.

(b) Initial reason and circumstances surrounding the foot pursuit.

(c) Course and approximate distance of the foot pursuit.

(d) Alleged offenses.

(e) Involved vehicles and deputies.

(f) Whether a suspect was apprehended as well as the means and methods used.

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1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.

(g) Arrestee information, if applicable.

(h) Any injuries and/or medical treatment.

(i) Any property or equipment damage.

(j) Name of the supervisor at the scene or who handled the incident.

(k) A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

Assisting deputies taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating deputy need not complete a formal report.

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Deputy Response to Calls

308.1 PURPOSE AND SCOPE

This policy provides deputies with guidelines for the safe and appropriate vehicular response to emergency and non-emergency incidents or requests for assistance, whether these are dispatched or self-initiated.

308.2 POLICY

It is the policy of this agency to appropriately respond to emergency and nonemergency calls for service or requests for assistance, whether these are dispatched or self-initiated.

308.3 RESPONSE TO CALLS

Deputies responding to non emergency calls shall proceed accordingly, unless they are sent or redirected to a higher priority call, and shall obey all traffic laws.

308.3.1 EMERGENCY CALLS

Deputies should only respond to a call as an emergency response when so dispatched or when circumstances reasonably indicate an emergency response is required. This includes, but is not limited to (Md. Code TR § 21-106):

(a) When in pursuit or apprehending a violator or suspected violator.

(b) When responding to a reported emergency involving possible personal injury, death or significant property damage.

(c) When immediate assistance is requested by a deputy or other law enforcement agency.

If a deputy believes an emergency response to any call is appropriate, the deputy shall immediately notify the dispatcher.

Deputies not responding to a call as an emergency response shall observe all traffic laws and proceed without the use of emergency lights and siren.

308.4 REQUESTING EMERGENCY ASSISTANCE

When requesting emergency assistance, the involved agency member should reasonably believe there is an imminent threat to the safety of him/herself or another person, or that assistance is needed to prevent imminent serious harm to the public.

If circumstances permit, the requesting member should provide the following information:

- Identifying call sign
- Location of the emergency situation
- Suspect information, including weapons
- Reason for the request and type of emergency
- The number of deputies or resources required

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- Hazards and any known or potential dangers for responding deputies

In any event where a situation has stabilized and emergency response is not required, the requesting member shall immediately notify the dispatcher.

308.5 SAFETY CONSIDERATIONS

Deputies responding to an emergency call shall proceed immediately as appropriate and shall continuously operate the emergency vehicle lighting and siren as required by law (Md. Code TR § 21-106(c)).

Responding with emergency lights and siren does not relieve the operator of an emergency vehicle of the duty to continue to drive with due regard for the safety of all persons and property, and does not protect the operator from the consequences of reckless disregard for the safety of others. However the deputy may, when responding to a call with an emergency response, and provided there is no endangerment or unnecessary risk to persons and property (Md. Code TR § 21-106(b)):

- Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- Exceed the speed limit.
- Disregard regulations governing direction of movement or turning in specified directions.
- Park or stand without regard to parking restrictions.

308.5.1 NUMBER OF DEPUTIES ASSIGNED

Only the number of deputies that are reasonably necessary should be assigned to respond to an emergency call or request for assistance.

An emergency response involving more than one sheriff's vehicle should be coordinated by the Communications Center to avoid any unanticipated intersecting of response routes. The dispatcher shall notify the shft supervisor, who will make a determination regarding the appropriateness of the response and reduce or enhance the response as warranted.

308.6 EMERGENCY EQUIPMENT

Vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in an emergency response. Deputies in such vehicles may provide support to pursuing vehicles as long as the vehicles are operated in compliance with all traffic laws. Those deputies should terminate their involvement in any emergency response immediately upon arrival of a sufficient number of emergency law enforcement vehicles.

If the emergency equipment on the vehicle should fail to operate, the deputy must terminate the emergency response and continue accordingly. The deputy shall notify the shift supervisor or the dispatcher of the equipment failure so that another deputy may be assigned to the emergency response.

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308.7 DEPUTY RESPONSIBILITIES

The decision to initiate or continue an emergency response is at the discretion of the deputy. If, in the deputy's judgment, the weather, traffic and road conditions do not permit such a response without unreasonable risk, the deputy may elect to respond to the call without the use of emergency lights and siren at the legal speed limit. In such an event, the deputy should immediately notify the dispatcher. A deputy shall also discontinue an emergency response when directed by a supervisor or as otherwise appropriate.

Upon receiving authorization or determining that an emergency response is appropriate, whenever practicable, a deputy shall immediately give the location from which he/she is responding.

The first deputy arriving at the emergency call should determine whether to increase or reduce the level of the response of additional deputies and shall notify the dispatcher of his/her determination. Any subsequent change in the appropriate response level should be communicated to the dispatcher by the deputy in charge of the scene unless a supervisor assumes this responsibility.

308.8 THE COMMUNICATIONS CENTER

When information reasonably indicates that the public is threatened with serious injury or death or a deputy requests emergency assistance and an immediate law enforcement response is needed, the dispatcher shall advise the shift supervisor and any deputies an emergency response and ensure acknowledgement and response of handling and assisting deputies. In all other circumstances, the dispatcher shall obtain authorization from the shift supervisor prior to assigning an emergency response.

308.8.1 RESPONSIBILITIES

Upon notification or assignment of an emergency response, the dispatcher is responsible for:

(a) Confirming the location from which the deputy is responding or requesting assistance.

(b) Attempting to assign the closest available assisting deputies to the location of the emergency call.

(c) Continuing to obtain and broadcast information as necessary concerning the response and monitoring the situation until it is stabilized or terminated.

(d) Notifying and coordinating allied emergency services (e.g., fire, emergency medical services).

(e) Controlling all radio communications during the emergency and coordinating assistance under the direction of the Patrol Supervisor or field supervisor.

308.9 SUPERVISOR RESPONSIBILITIES

Upon being notified that an emergency response has been initiated or requested, the shift supervisor shall verify that:

(a) The proper response has been initiated.

(b) No more than those deputies reasonably necessary under the circumstances are involved in the response.

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(c) Affected outside jurisdictions are being notified as practicable.

The shift supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing deputies into or out of the response, if necessary. If, in the supervisor's judgment, the circumstances require additional deputies to be assigned an emergency response, the supervisor may do so.

It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment is inappropriate due to the circumstances.

When making the decision to authorize an emergency response, the shift supervisor should consider the following:

- The type of call or crime involved
- The type and circumstances of the request
- The necessity of a timely response
- Weather, traffic and road conditions
- The location of the responding deputies and the location of the incident

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Canines

309.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services in the community, including but not limited to locating individuals and contraband and apprehending criminal offenders.

309.2 POLICY

It is the policy of the Dorchester County Sheriff's Office that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

309.3 ASSIGNMENT

Canine handlers are assigned to Patrol Division and School Resource Officer Division to function primarily as deputies to handle routine calls for service and special assignments based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such an assignment is necessary, it should only be made with the approval of a Supervisor.

309.4 CANINE COORDINATOR

The canine coordinator shall be appointed by the Sheriff and is directly responsible to the Patrol Sergeant or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

(a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.

(b) Maintaining a liaison with the vendor kennel.

(c) Maintaining a liaison with command staff and functional supervisors.

(d) Maintaining a liaison with other agency canine coordinators.

(e) Maintaining accurate records to document canine activities.

(f) Recommending and overseeing the procurement of equipment and services for the handlers and canines.

(g) Scheduling all canine-related activities.

(h) Ensuring the canine handlers are scheduled for regular training to maximize their capabilities.

309.5 REQUESTS FOR A CANINE

Patrol Division members are encouraged to request the use of a canine. Requests for a canine from agency units outside of the Patrol Division shall be reviewed by the Patrol Sergeant.

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309.5.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Patrol Sergeant and are subject to the following:

(a) Canines shall not be used for any assignment that is not consistent with this policy.

(b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.

(c) Calling out an off-duty canine shall be approved by the Sheriff, Chief Deputy, or Chief of Operations.

(d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.

(e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

309.5.2 PUBLIC DEMONSTRATION

All public requests for a canine shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator shall notify the Chief Deputy to coordinate any scheduling needs. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

309.6 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

(a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any deputy or the handler.

(b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.

(c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of deputies or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing deputy, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Patrol Supervisor. Absent a change in circumstances that presents an imminent threat to deputies, the canine, or the public, such canine use should

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be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

309.6.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include but is not limited to:

(a) The nature and seriousness of the suspected offense.

(b) Whether violence or weapons were used or are anticipated.

(c) The degree of resistance or threatened resistance, if any, the suspect has shown.

(d) The suspect’s known or perceived age.

(e) The potential for injury to deputies or the public caused by the suspect if the canine is not utilized.

(f) Any potential danger to the public and/or other deputies at the scene if the canine is released.

(g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

309.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

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If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

309.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in the canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual’s injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current agency evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

The canine coordinator shall complete the Maryland Animal-Bite Report and Rabies Quarantine Agreement Form and make it available to the local health officer within 24 hours (COMAR 10.06.02.05).

309.7 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

(a) Absent a change in circumstances that presents an imminent threat to deputies, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

(b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

(c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

(d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

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309.7.1 ARTICLE DETECTION
A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

309.7.2 CONTROLLED DANGEROUS SUBSTANCE DETECTION
A canine trained in the detection of controlled dangerous substances (CDS) may be used in accordance with current law and under certain circumstances, including:

(a) The search of vehicles, buildings, bags and other articles.

(b) Assisting in the search for CDS during a search warrant service.

(c) Obtaining a search warrant by using the CDS-detection trained canine in support of probable cause.

A CDS-detection trained canine will not be used to search a person for CDS unless the canine is trained to passively indicate the presence of CDS.

309.7.3 BOMB/EXPLOSIVE DETECTION
Because of the high risk of danger to the public and deputies when a bomb or other explosive device is suspected, the use of a canine trained in explosive detection may be considered. When available, an explosive-detection canine may be used in accordance with current law and under certain circumstances, including:

(a) Assisting in the search of a building, structure, area, vehicle, or article where an actual or suspected explosive device has been reported or located.

(b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).

(c) Preventive searches at special events, VIP visits, official buildings, and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.

(d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

309.8 HANDLER SELECTION
The minimum qualifications for the assignment of canine handler include:

(a) A deputy who is currently off probation.

(b) Residing in a single-family residence (minimum 5-foot-high fence dog compound with locking gates provided by the Sheriff's Office).

(c) Living within 30 minutes travel time from the Dorchester County limits.

(d) Agreeing to be assigned to the position for a minimum of three years.

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309.9 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions.

The canine handler will be responsible for the following:

(a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

(b) The handler shall maintain all agency equipment under his/her control in a clean and serviceable condition.

(c) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.

(d) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.

(e) When off-duty, the canine shall be in a kennel provided by the County at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.

(f) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.

(g) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Patrol Supervisor.

(h) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Patrol Supervisor.

(i) Whenever a canine handler is away from the canine for an extended number of days (i.e. out of town on vacation, it may be necessary to temporarily board the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

309.9.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

(a) A canine shall not be left unattended in any area to which the public may have access.

(b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

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309.10 HANDLER COMPENSATION

The canine handler shall be available for call-out under conditions specified by the canine coordinator.

The canine handler shall be compensated for time spent in the care, feeding, grooming, and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the collective bargaining agreement or memorandum of understanding between the handler and the County (29 USC § 207).

309.11 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Patrol Sergeant as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

309.12 TRAINING

Before assignment in the field, each canine shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards. Cross-trained canines or those canines trained exclusively for the detection of CDS and/or explosives also shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills.

The canine coordinator shall be responsible for scheduling periodic training for all agency members in order to familiarize them with how to conduct themselves in the presence of agency canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or Patrol Supervisor.

309.12.1 CONTINUED TRAINING

Each canine shall thereafter be recertified to a current nationally recognized standard or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

(a) Canines should receive training as defined in the current contract with the Dorchester County Sheriff's Office canine training provider.

(b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.

(c) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by the Agency.

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309.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine failing to graduate or obtain certification shall not be deployed in the field for tasks the canine is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

309.12.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler’s and the canine’s training file.

309.12.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Deputies possessing, using, or transporting controlled dangerous substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the Dorchester County Sheriff's Office may work with outside trainers with the applicable licenses or permits.

309.12.5 CONTROLLED DANGEROUS SUBSTANCE TRAINING AIDS

Deputies acting in the performance of their official duties may possess or transfer controlled dangerous substances for the purpose of CDS-detection canine training in compliance with state and federal laws and in compliance with applicable state requirements (21 USC § 823(g)).

The Sheriff or the authorized designee may authorize a member to seek a court order to allow controlled dangerous substances seized by the Dorchester County Sheriff's Office to be possessed by the member or a CDS-detection canine trainer who is working under the direction of this agency for training purposes, provided the controlled dangerous substances are no longer needed as criminal evidence.

As an alternative, the Sheriff or the authorized designee may request CDS-detection training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled dangerous substances.

309.12.6 CONTROLLED DANGEROUS SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled dangerous substances and the ever-present danger of the canine’s accidental ingestion of these controlled dangerous substances, the following procedures shall be strictly followed:

(a) All controlled dangerous substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.

(b) The weight and test results shall be recorded and maintained by this agency.

(c) Any person possessing controlled dangerous substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled dangerous substances and shall keep records regarding any loss of, or damage to, those controlled dangerous substances.

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(d) All controlled dangerous substance training samples will be inspected, weighed and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.

(e) All controlled dangerous substance training samples will be stored in locked, airtight and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.

(f) The canine coordinator shall periodically inspect every controlled dangerous substance training sample for damage or tampering and take any appropriate action.

(g) Any unusable controlled dangerous substance training samples shall be returned to the Criminal Investigations Division or to the dispensing agency.

(h) All controlled dangerous substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

309.12.7 EXPLOSIVE TRAINING AIDS

Deputies may possess, transport, store, or use explosives or destructive devices in compliance with state and federal laws (18 USC § 842; 27 CFR 555.41).

Explosive training aids designed specifically for canines should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canines is subject to the following:

(a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.

(b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.

(c) The canine coordinator shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.

(d) Only handlers of the canines shall have access to the explosive training aids storage facility.

(e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.

(f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

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Canines

309.13 LICENSING

Canines and their handlers shall be licensed with the Maryland State Police prior to being used for law enforcement operations. The handler ID card should be carried by the handler whenever the canine is performing any law enforcement-related function. The canine ID tag shall be attached to the canine's collar and kept on the licensed canine at all times, except when the canine is confined in a kennel or is under the personal charge of the licensed handler. Any change in a canine's handler requires notification to the Maryland State Police (Md. Code PS § 2-313).

Missing ID cards and ID tags shall be replaced as soon as practicable.

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Domestic Violence

310.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of the Dorchester County Sheriff's Office to take enforcement action when appropriate, to provide assistance to victims and to guide deputies in the investigation of domestic violence (Md. Code FL § 4-514).

310.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic violence that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

Domestic violence - Abuse occurring between current or former spouses or cohabitants, persons who have a child in common, or persons currently or formerly involved in a dating relationship (Md. Code FL § 4-701(c)).

310.2 POLICY

The Dorchester County Sheriff's Office's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this agency to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

310.3 OFFICER SAFETY

The investigation of domestic violence cases often places deputies in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all deputies to exercise due caution and reasonable care in providing for the safety of any deputies and parties involved.

310.4 INVESTIGATIONS

The following guidelines shall be followed by deputies when investigating domestic violence cases to protect the victim from harm (Md. Code FL § 4-502(a)(2)):

(a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

(b) When practicable, deputies should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.

(c) Deputies should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other

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children who may not have been in the house at that particular time should also be obtained for follow-up.

(d) When practicable and legally permitted, video or audio record all significant statements and observations.

(e) All injuries shall be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Criminal Investigation Division in the event that the injuries later become visible.

(f) Deputies should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, deputies should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.

(h) Seize and remove any firearms upon a consent search or in plain view if appropriate and legally permitted. The deputy shall provide information to the owner on the process of retaking possession of the firearm. The Agency shall then provide safe storage during the pendency of any domestic violence proceeding (Md. Code FL § 4-511).

(i) When completing an incident or arrest report for violation of a court order, deputies shall include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting deputy should attach a copy of the order to the incident or arrest report.

(j) Deputies shall take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:

1. Whether the suspect lives on the premises with the victim.
2. Claims by the suspect that the victim provoked or perpetuated the violence or abuse.
3. The potential financial or child custody consequences of arrest.
4. The physical or emotional state of either party.
5. Use of drugs or alcohol by either party.
6. Denial that the violence or abuse occurred where evidence indicates otherwise.
7. A request by the victim not to arrest the suspect.
8. Location of the incident (public/private).
9. Speculation that the complainant may not follow through with the prosecution.
10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.

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11. The social status, community status, or professional position of the victim or suspect.

310.4.1 IF A SUSPECT IS ARRESTED
If a suspect is arrested, deputies should:

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

310.4.2 IF NO ARREST IS MADE
If no arrest is made, the deputy should:

(a) Advise the parties of any options, including but not limited to:

1. Voluntary separation of the parties.
2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness assistance).

(b) Document the resolution in a report.

310.5 VICTIM ASSISTANCE

Because victims may be traumatized or confused, deputies should be aware that a victim's behavior and actions may be affected.

(a) Victims shall be provided with the agency domestic violence information handout, even if the incident may not rise to the level of a crime (Md. Code FL § 4-503).

(b) Victims should also be alerted to any available victim advocates, shelters, and community resources.

(c) When an involved person requests law enforcement assistance while removing essential items of personal property, deputies shall accompany the person to the family home and stand by while personal clothing and effects are removed (Md. Code FL § 4-502(a)(2)(ii)).

(d) If the victim has sustained injury or complains of pain, deputies shall seek medical assistance for the victim as soon as practicable.

(e) Deputies should ask the victim whether the victim has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a safety concern or if the deputy determines that a need exists.

(f) Deputies should make reasonable efforts to ensure that any children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

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(g) If appropriate, deputies should seek or assist the victim in obtaining an interim protective order.

(h) Use the substitute address if the victim is registered in the state Address Confidentiality Program (Md. Code SG § 7-302).

(i) Prepare a Lethality Assessment Form and advise victim accordingly.

310.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Deputies should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

310.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by deputies as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state (Md. Code FL § 4-508.1(b)).

310.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, deputies should carefully review the actual order when available, and, where appropriate and practicable:

(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.

(b) Check available records or databases that may show the status or conditions of the order.

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Deputies should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Deputies should contact a supervisor for clarification when needed.

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310.8.1 COURT-ORDERED SURRENDERED FIREARMS

If a respondent surrenders a firearm to the Agency under a temporary or final court order, the deputy shall provide the respondent information on the process for retaking possession of the firearm. The deputy shall transport and store the firearm in a protective case, if one is available, and in a manner intended to prevent damage to the firearm during the time the protective order is in effect (Md. Code FL § 4-506.1).

If a defendant in a criminal case who is ordered to surrender firearms pursuant to Md. Code CP § 6-234 transfers a firearm to the Agency, the deputy receiving the firearm shall issue the person transferring the firearm a written proof of transfer containing:

(a) The name of the person transferring the firearm.

(b) The date the firearm was transferred.

(c) The serial number (or identifying marks if the firearm was manufactured before 1968), make, and model of the firearm.

(d) Any other information required by state or federal law.

The receiving deputy should keep a copy of the written proof of transfer and should make appropriate entries in any required logs. The Sheriff may develop additional procedures pertaining to the storage and disposal of any surrendered firearms.

310.9 STANDARDS FOR ARRESTS

Deputies investigating a domestic violence report:

(a) May arrest a person without a warrant if the report to law enforcement was made within 48 hours of the alleged incident and the deputy has probable cause to believe that (Md. Code CP § 2-204):

1. The person battered his/her spouse or another person with whom the person resides.
2. There is evidence of physical injury.
3. Unless the person is arrested immediately, the person:
    (a) May not be apprehended.
    (b) May cause physical injury or property damage to another.
    (c) May tamper with, dispose of, or destroy evidence.

(b) Shall arrest with or without a warrant and take into custody a person who the deputy has probable cause to believe is in violation of an interim, temporary, or final protective order in effect at the time of the violation (Md. Code FL § 4-509(b)).

(c) Shall arrest, with or without a warrant, and take into custody a person the deputy has probable cause to believe is in violation of an order for protection that was issued by a court of another state or a Native American tribe, and that is in effect at the time of the violation if the person seeking the assistance (Md. Code FL § 4-508.1(c)):

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1. Has filed a copy of the order with the District Court or Circuit Court for the jurisdiction in which the person seeks assistance.
2. Displays or presents to the deputy a copy of the order that appears valid on its face.

310.9.1 MUTUAL BATTERY

If a deputy has probable cause to believe that mutual battery occurred and arrest is necessary, the deputy shall consider whether one of the persons acted in self-defense to determine who was the primary aggressor (Md. Code CP § 2-204(b)).

310.10 REPORTS AND RECORDS

The Records Section shall provide a copy of the domestic violence report to the victim upon request (Md. Code FL § 4-503.1).

310.11 SERVICE OF COURT ORDERS

310.11.1 INTERIM PROTECTIVE ORDER

A deputy shall immediately on receipt of a petition and interim protective order serve them on the respondent named in the order. Immediately after service, the deputy shall submit the documents to the Records Section, which will make a return of service to the commissioner's office or, if the Office of the District Court Clerk (Clerk) is open for business, to the Clerk; and within two hours after service of the order, electronically notify the Department of Public Safety and Correctional Services (DPSCS) of the service (Md. Code FL § 4-504.1(g)).

310.11.2 TEMPORARY PROTECTIVE ORDER

A deputy shall immediately serve the temporary protective order on the alleged abuser. Immediately after service the deputy shall submit the documents to the Records Section which will within two hours after service of the order on the respondent, electronically notify the DPSCS (Md. Code FL § 4-505(b)).

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Search and Seizure

311.1 PURPOSE AND SCOPE

Both the federal and state constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Dorchester County Sheriff's Office personnel to consider when dealing with search and seizure issues.

311.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to respect the fundamental privacy rights of individuals. Members of this agency will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this agency will comply with relevant federal and state law governing the seizure of persons and property.

The Agency will provide relevant and current training to deputies as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate

311.3 SEARCHES

The United States Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this agency is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, deputies are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

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311.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

(a) Members of this agency will strive to conduct searches with dignity and courtesy.

(b) Deputies should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(e) Whenever practicable, a search should not be conducted by a lone deputy. A cover deputy should be positioned to ensure safety and should not be involved in the search.

(f) When the person to be searched is of the opposite sex as the searching deputy, a reasonable effort should be made to summon a deputy of the same sex as the subject to conduct the search. When it is not practicable to summon a deputy of the same sex as the subject, the following guidelines should be followed:

1. Another deputy or a supervisor should witness the search.
2. The deputy should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

311.5 DOCUMENTATION

Deputies are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon a deputy of the same sex as the person being searched and the identification of any witness deputy

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and agency policy have been met.

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Child Abuse

312.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Dorchester County Sheriff's Office members are required to notify the local department of social services of suspected child abuse.

312.1.1 DEFINITIONS

Definitions related to this policy include (Md. Code FL § 5-701):

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or by a member of the child's family or household, or any other act that would mandate notification to a social service agency or law enforcement.

312.2 POLICY

The Dorchester County Sheriff's Office will investigate all reported incidents of alleged criminal child abuse and ensure the local department of social services is notified as required by law.

312.3 MANDATORY NOTIFICATION

Members of the Dorchester County Sheriff's Office shall notify the local department of social services when they have reason to believe that a child has been subjected to abuse or neglect (Md. Code FL § 5-704; Md. Code FL § 5-705.1).

For purposes of notification, abuse includes physical or mental injury (or the substantial risk of such injury) inflicted by a parent, household member, family member, or anyone else who may have custody of, be caring for, or have authority over the child. Abuse also includes any sexual abuse or exploitation of a child. Abuse does not include accidental injuries. Neglect includes the failure of a caregiver to provide proper care to a child to the extent that the child is physically or mentally harmed or at risk of such harm (Md. Code FL § 5-701).

312.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (COMAR 07.02.07.04; Md. Code FL § 5-704(b)):

(a) The handling deputy shall:

1. Make an oral report as soon as possible to the local department of social services by telephone or direct communication.
2. Make a written report no later than 48 hours after having reason to believe that a child has been subjected to abuse, and forward a copy to the local department of social services and State's Attorney.

(b) The notification, insofar as is reasonably possible, shall include:

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1. The name, age and home address of the child.
2. The names and ages of other children in the home or in the care of the person alleged to be responsible for the abuse or neglect.
3. The name and home address of the child's parent or other person who is responsible for the child's care.
4. The whereabouts of the child.
5. The nature and extent of the abuse or neglect of the child, including any evidence or information concerning possible previous instances of abuse or neglect of the child or by the person alleged to be responsible for the abuse or neglect.
6. Any other information that would help to determine:
    (a) The cause of the suspected abuse or neglect.
    (b) The identity of any person responsible for the abuse or neglect.
    (c) The safety of the child and risk of future abuse or neglect.
7. In the case of suspected child abuse or neglect involving a mental injury:
    (a) A description of the substantial impairment of the child's mental or psychological ability to function.
    (b) An explanation of why it is believed the mental injury is attributable to maltreatment or failure to provide proper care and attention.
    (c) Observations or knowledge about the intent or recklessness of the person alleged to be responsible for causing a mental injury.

(c) For suspected abuse of a child living out of state and occurring out of state, notification shall be made to any local department of social services in accordance with the requirements of Md. Code FL § 5-705.1.

312.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

(a) Conduct interviews in child-appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of alleged child abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (COMAR 07.02.07.22; COMAR 07.02.07.23; Md. Code FL § 5-706(f); Md. Code FL § 5-706(g); Md. Code FL § 5-706.2(b)).

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312.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, deputies shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

(a) A thorough and timely investigation and report as required by state law (Md. Code FL § 5-706). This should be done by the investigating deputy in all circumstances where a suspected child abuse victim is contacted.

(b) The exigent circumstances that existed if deputies interviewed the child victim without the presence of a parent or guardian.

(c) Any relevant statements the child may have made and to whom he/she made the statements.

(d) If a child is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim is transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim’s environment.

(k) Whether within 24 hours after receiving a report of suspected physical or sexual abuse of a child, and within five days after receiving a report of suspected neglect or suspected mental injury of a child, the handling deputy complied with COMAR 07.02.07.08, Md. Code FL § 5-706(c) and Md. Code FL § 5-706.2(c) by:

    1. Seeing the child.
    2. Attempting to have an on-site interview with the child's caretaker.
    3. Deciding on the safety of the child, wherever the child is, and of other children in the household.
    4. Deciding on the safety of other children in the care or custody of the alleged abuser.

(l) Seeking assistance from the local State’s Attorney as needed (Md. Code FL § 5-706(d)).

(m) Completing an investigation as soon as practicable, but not later than the time frames specified by state law (COMAR 07.02.07.09; Md. Code FL § 5-706(h); Md. Code FL § 5-706.2(d)).

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All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

312.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the deputy should make reasonable attempts to contact the local department of social services. Generally, the decision to remove a child from the child's family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this agency should remove a child from the child's parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the deputy should take reasonable steps to deliver the child to another qualified parent or legal guardian unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the deputy shall ensure that the child is delivered to the local department of social services.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations (Md. Code CJ § 3-8A-14; Md. Code CJ § 3-814):

(a) Pursuant to an order of the court.

(b) By a deputy with probable cause to believe that the child is in immediate danger from the child's surroundings and that the child's removal is necessary for the child's protection.

Anytime a deputy takes a child into custody, notifications should be made as provided in the Temporary Custody of Juveniles Policy.

312.6.1 SAFE HAVEN LAW

A mother, or a person with the permission of the mother, may relinquish an unharmed newborn within 10 days after birth to a deputy when the mother expresses an interest in abandoning the child. As soon as possible, the deputy shall take the newborn to a hospital or other facility designated by the Department of Human Resources (Md. Code CJ § 5-641).

312.7 INTERVIEWS

312.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, deputies should record the preliminary interview with suspected child abuse victims. Deputies should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially

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trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

312.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

A deputy should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the child need to be addressed immediately.
2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

(b) A court order or warrant has been issued.

312.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating deputy should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The deputy should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

An examination and emergency medical treatment may be provided for a child without parental consent if a deputy states a belief that the child has been abused or neglected (COMAR 07.02.07.07(f)(3)).

312.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

312.9.1 SUPERVISOR RESPONSIBILITIES

The Criminal Investigation Division supervisor should:

(a) Work with professionals from the appropriate agencies, including the local department of social services, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for

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responding to situations where there are children endangered by their exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when a deputy notifies the Criminal Investigation Division supervisor that the deputy has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives at the scene.

(c) Develop a report format or checklist for use when deputies respond to drug labs or other narcotics crime scenes. The checklist will help deputies document the environmental, medical, social and other conditions that may affect the child.

312.9.2 DEPUTY RESPONSIBILITIES

Deputies responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Criminal Investigation Division supervisor so an interagency response can begin.

312.10 STATE MANDATES AND OTHER RELEVANT LAWS

Maryland requires or permits the following:

312.10.1 PROCESSING REPORTS AND RECORDS

The handling deputy shall ensure that (COMAR 07.02.07.07; Md. Code FL § 5-706(i)):

(a) A preliminary report of findings of the investigation is submitted to the local State's Attorney within 10 days after receiving a report of suspected abuse.

(b) A written report of findings of the investigation is submitted to the local State's Attorney within five business days after the investigation is completed.

312.10.2 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse is confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (COMAR 07.02.07.21; Md. Code FL § 5-707).

312.10.3 CHILD FATALITY REVIEW

This agency will cooperate with a local or state child death review team (Md. Code FL § 5-706).

312.10.4 HOUSEHOLD ENTRY

Upon request, a deputy shall accompany a representative of the local department of social services who has been denied entry into a household in which the representative has probable cause to believe that a child is in serious, immediate danger. If necessary, the deputy may use reasonable force to enable the representative to gain entry (Md. Code FL § 5-709(b)).

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312.10.5 FAILURE TO REPORT

A deputy investigating allegations of child abuse who believes that a person has knowingly failed to report suspected abuse or neglect shall file a complaint with the appropriate agency or board (Md. Code FL § 5-705.4).

312.11 TRAINING

The Agency should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting forensic interviews.

(c) Availability of therapy services for children and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to child abuse investigations.

(f) Availability of victim advocate or guardian ad litem support.

(g) Recognizing abuse that requires mandatory notification to another agency.

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Adult Abuse

313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Dorchester County Sheriff's Office members as required by law.

313.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

313.2 POLICY

The Dorchester County Sheriff's Office will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

313.3 MANDATORY NOTIFICATION

Members of the Dorchester County Sheriff's Office shall notify the local Adult Protective Services (APS) when there is reason to believe that an adult who lacks the physical or mental capacity to provide for his/her own daily needs has been subjected to abuse, neglect, self-neglect or exploitation (Md. Code FL § 14-302(a)).

313.3.1 NOTIFICATION PROCEDURE

Notification shall occur as follows (Md. Code FL § 14-302):

(a) The deputy investigating the case shall notify the local APS office by telephone, direct communication or in writing as soon as possible.

(b) The investigating deputy shall include at least the following information as reasonably known:

1. The name, age and home address of the adult, including his/her current whereabouts.
2. The name and home address of the person responsible for the adult's care.
3. The nature of the adult's suspected incapacity.
4. The nature and extent of the abuse, neglect, self-neglect or exploitation, including any reasonably known evidence or information concerning previous injury that may have resulted from abuse, neglect, self-neglect or exploitation.
5. Any other information that would help to determine the cause of the suspected abuse, neglect, self-neglect or exploitation, and the identity of any individual responsible for the abuse, neglect, self-neglect or exploitation.

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313.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to adult abuse investigations.

(c) Present all cases of alleged adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (COMAR 07.02.16.07(B)).

313.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected adult abuse victim is contacted.

(b) Any relevant statements the victim may have made and to whom he/she made the statements.

(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim’s environment.

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

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313.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the deputy should make reasonable attempts to contact APS. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation (Md. Code FL § 14-307).

Generally, members of this agency should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the deputy should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the deputy shall ensure that the adult is delivered to APS (Md. Code ET § 13-709(a)).

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

313.7 INTERVIEWS

313.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, deputies should audio record the preliminary interview with a suspected adult abuse victim. Deputies should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available.

313.7.2 DETAINING VICTIMS FOR INTERVIEWS

A deputy should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

(a) The adult cannot adequately provide for his or her own care or protection and exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the adult need to be addressed immediately.
2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.

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3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

(b) A court order or warrant has been issued.

313.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating deputy should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The deputy should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, deputies should notify a supervisor before proceeding. The supervisor should consider other government agencies or services that may obtain a court order for such an examination.

313.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

313.9.1 SUPERVISOR RESPONSIBILITIES

The Criminal Investigation Division supervisor should:

(a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers and local prosecutors to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when a deputy notifies the Criminal Investigation Division supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives at the scene.

(c) Develop a report format or checklist for use when deputies respond to drug labs or other narcotics crime scenes. The checklist will help deputies document the environmental, medical, social and other conditions that may affect the adult.

313.9.2 DEPUTY RESPONSIBILITIES

Deputies responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives there should:

(a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Criminal Investigation Division supervisor so an interagency response can begin.

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313.10 STATE MANDATES AND OTHER RELEVANT LAWS

Maryland requires or permits the following:

313.10.1 RECORDS SECTION RESPONSIBILITIES

The Records Section is responsible for:

(a) Providing a copy of the adult abuse report to APS as required by law.

(b) Retaining the original adult abuse report with the initial case file.

(c) Providing copies of a report of alleged abuse at a facility that cares for adults as required by law (Md. Code HG § 19-347).

313.10.2 RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected adult abuse are confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy. However, law enforcement and participating agencies involved in the investigation may share information (Md. Code FL § 14-303(e)).

313.10.3 INVESTIGATION ASSISTANCE

On request of APS or any law enforcement agency, the handling deputy shall assist in investigation of adult abuse (Md. Code FL § 14-303(c)).

If, in the course of an investigation, an APS representative believes that an emergency exists, the representative may request law enforcement assistance. Responding deputies shall accompany the representative. If the deputy believes that an emergency exists as described in Md. Code ET § 13-709(a), the deputy shall ensure that the individual is transported to an appropriate health care facility (Md. Code FL § 14-304).

313.11 TRAINING

The Agency should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting interviews.

(c) Availability of therapy services for adults and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to adult abuse investigations.

(f) Availability of victim advocates or other support.

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Discriminatory Harassment

314.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent agency members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

314.2 POLICY

The Dorchester County Sheriff's Office is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Agency will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Agency will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the Agency may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

314.3 DEFINITIONS

Definitions related to this policy include:

314.3.1 DISCRIMINATION

The Agency prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual’s protected class. It has the effect of interfering with an individual’s work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or agency equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to agency policy and to a work environment that is free of discrimination.

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314.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

314.3.3 SEXUAL HARASSMENT

The Agency prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position, or compensation.

(b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.

(c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

314.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and the Maryland Commission on Civil Rights guidelines.

(b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with County or agency rules or regulations, or any other appropriate work-related communication between supervisor and member.

314.4 RESPONSIBILITIES

This policy applies to all agency members, who shall follow the intent of these guidelines in a manner that reflects agency policy, professional standards, and the best interest of the Agency and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor. Complaints may also be filed with the Sheriff, the Director of Human Services, or the County Manager.

Any member who believes, in good faith, that the member has been discriminated against, harassed, subjected to retaliation, or who has observed harassment, discrimination, or retaliation,

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is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

314.4.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, the Sheriff, the Director of Human Services, or the County Manager for further information, direction, or clarification.

314.4.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors shall include but are not limited to:

(a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.

(b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.

(c) Ensuring that their subordinates understand their responsibilities under this policy.

(d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Making a timely determination regarding the substance of any allegation based upon all available facts.

(f) Notifying the Sheriff or the Director of Human Services in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

314.4.3 SUPERVISOR'S ROLE

Supervisors shall be aware of the following:

(a) Behavior of supervisors should represent the values of the Agency and professional standards.

(b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline in a manner that is consistent with established procedures.

314.4.4 DISCRIMINATORY HARASSMENT FORM

Upon employment, the Sheriff or designee shall provide access to and require the employee to read the Dorchester County Personnel Rules and Regulations, Section V. Employee Conduct, Subsection D. Harassment and Discrimination in the Work Place Resolution 472, and the

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Discriminatory Harassment

Dorchester County Sheriff's Office Discriminatory Harassment Policy. The supervisor shall give the employee a form to be completed and returned that acknowledges the following:

(a) The employee understands the harassment and discrimination policies.

(b) The employee has had all questions regarding the policies sufficiently addressed.

(c) The employee knows how to report alleged harassment and discrimination policy violations.

(d) Whether the employee has been the subject of, or witness to, any unreported conduct that may violate the discrimination or harassment policies.

(e) The completed form should be returned to the supervisor (or other authorized individual if the employee is uncomfortable returning the form to the presenting supervisor) within one week. If the employee has expressed any questions or concerns, the receiving supervisor or other authorized individual shall ensure that appropriate follow up action is taken.

314.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Agency that all complaints of discrimination, retaliation, or harassment shall be fully documented and promptly and thoroughly investigated.

314.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable, or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor who is a rank higher than the alleged transgressor.

314.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but not be limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

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Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Sheriff, the Director of Human Services, or the County Manager.

314.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Agency. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

314.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Sheriff. The outcome of all reports shall be:

(a) Approved by the Sheriff or designee.

(b) Maintained in accordance with the established records retention schedule.

314.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

314.7 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Agency.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

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Missing Persons

315.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

315.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - A missing child who meets any of the following conditions (Md. Code FL § 9-402):

(a) The child has not been the subject of a prior missing persons report.

(b) The child suffers from a mental or physical handicap or illness.

(c) The disappearance is of a suspicious or dangerous nature.

(d) The person filing the report has reason to believe that the missing child may have been abducted.

(e) The child has previously been the subject of a child abuse report filed with the state or a local law enforcement agency.

(f) The missing child is under 17 years of age.

(g) The missing child has not been located within 12 hours of the initial report.

Missing child - A person under the age of 18 who is the subject of a missing person report filed with a law enforcement agency in Maryland and whose location is unknown (Md. Code FL § 9-401).

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown.

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the Maryland Center for Missing and Unidentified Persons (MCMUP) and the Maryland Electronic Telecommunications Enforcement Resource System (METERS).

315.2 POLICY

The Dorchester County Sheriff's Office does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. Priority shall be given to missing person cases over property-related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

315.3 REQUIRED FORMS AND DNA COLLECTION KITS

The Patrol Division supervisor shall ensure the following forms and kits are developed and available:

- The State of Maryland Missing Person Report (SOMMPR) form

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- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (including the steps to be taken as set forth in Md. Code FL § 9-402 regarding missing children)
- Missing person school notification form
- Medical records release form
- Maryland State Police DNA collection kits

315.4 ACCEPTANCE OF REPORTS

Any member encountering an individual who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report (Md. Code FL § 9-402(e); Md. Code PS § 3-601).

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

When taking a missing person report, agency members shall use the SOMMPR form (Md. Code PS § 3-602).

315.5 INITIAL INVESTIGATION

Deputies or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

(a) Respond to a dispatched call as soon as practicable.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

(c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) Broadcast a “Be on the Look-Out” (BOLO) bulletin if the person is under 17 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 17 years of age or may be at risk.

(e) Ensure that entries are made into the appropriate missing person networks, as follows:

1. Immediately, when the missing person is at risk (Md. Code FL § 9-402).
2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report (34 USC § 41308).

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(g) Collect and/or review:

1. A photograph and fingerprint card of the missing person, if available.

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2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.

(i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

(j) If the person qualifies for a Silver Alert, contact the Maryland State Police as soon as practicable.

315.5.1 SPECIAL CIRCUMSTANCES

Upon determining that a missing child is at-risk, investigating deputies or supervisors shall immediately take the following additional steps as part of the investigation (Md. Code FL § 9-402):

(a) Initiate search procedures, including the coordination of volunteer search teams.

(b) Notify the National Center for Missing and Exploited Children.

(c) Notify local departments and, if applicable, obtain any information that may help with locating the missing person.

(d) Request the assistance of the Department of State Police, when appropriate.

315.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

315.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but not be limited to:

(a) Reviewing and approving missing person reports upon receipt.

1. The reports should be promptly sent to the Patrol Sergeant who shall make sure each patrol shift is following up on the missing person. that the follow-up investigation is forwarded to CID.

(b) Ensuring resources are deployed as appropriate.

(c) Initiating a command post as needed.

(d) Ensuring applicable notifications and public alerts are made and documented.

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(e) Ensuring that records have been entered into the appropriate missing person networks.

(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

315.6.2 RECORDS SECTION RESPONSIBILITIES

The responsibilities of the Records Section receiving member shall include, but not be limited to:

(a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.

(b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.

(c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.

(d) Forwarding a copy of the report to the Criminal Investigation Division.

(e) Coordinating with the NCIC Terminal Contractor for Maryland to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

315.7 CRIMINAL INVESTIGATION DIVISION FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Shall coordinate the investigation with the Maryland State Police if a missing child has not been located within 24 hours and there is reason to believe the child may be located in another jurisdiction (Md. Code FL § 9-402(d)).

(b) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.

1. The notice shall be in writing and should also include a photograph.

2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.

(c) Should recontact the reporting party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.

(d) Should consider contacting other agencies involved in the case to determine if any additional information is available.

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(e) Shall verify and update MCMUP, METERS, NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

(f) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(g) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or child care institution (34 USC § 41308).

(h) Should make appropriate inquiry with the Medical Examiner.

(i) Should obtain and forward medical and dental records, photos, X-rays and biological samples, as applicable.

(j) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the Department of State Police and enter the photograph into applicable missing person networks (34 USC § 41308).

(k) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

(l) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

315.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The assigned investigator or on-duty supervisor should ensure that, upon receipt of information that a missing person has been located, the following occurs:

(a) Notification is made to the Maryland State Police.

(b) A missing child’s school is notified.

(c) Entries are made in the applicable missing person networks.

(d) When a person is at risk, the fact that the person has been found should be reported within 24 hours to MCMUP, METERS and NCIC.

(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

315.8.1 UNIDENTIFIED PERSONS

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

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(a) Obtain a complete description of the person.

(b) Enter the unidentified person’s description into the NCIC Unidentified Person File.

(c) Use available resources, such as those related to missing persons, to identify the person.

315.9 CASE CLOSURE

The Criminal Investigation Division supervisor may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.

(b) If the missing person is a resident of Dorchester or this agency is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

(c) If this agency is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.

(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

315.10 TRAINING

Subject to available resources, the Chief Deputy should ensure that members of this agency whose duties include missing person investigations and reports receive training that includes:

(a) The initial investigation:

1. Assessments and interviews
2. Use of current resources, such as Mobile Audio Video (MAV)
3. Confirming missing status and custody status of minors
4. Evaluating the need for a heightened response
5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of agency members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

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(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.

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Public Alerts

316.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

316.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

316.3 RESPONSIBILITIES

316.3.1 MEMBER RESPONSIBILITIES

Members of the Dorchester County Sheriff's Office should notify their supervisor, Patrol Supervisor or Criminal Investigation Division supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and the public could assist in locating a missing person, apprehending a dangerous person or gathering information.

316.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Sheriff, Chief Deputy and/or the Chief of Operations when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts.

(b) Canceling alerts.

(c) Ensuring all appropriate reports are completed.

(d) Preparing an after-action evaluation of the investigation to be forwarded to the Chief Deputy.

316.4 AMBER ALERT

The AMBER Alert™ Program is used to provide a statewide system for the rapid dissemination of information regarding abducted children.

316.4.1 CRITERIA

The following criteria are utilized to determine if an AMBER Alert should be issued:

(a) There is confirmation that the child has been abducted.

(b) The child is under the age of 18.

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(c) The circumstances surrounding the abduction indicate that the child is in danger of serious bodily harm or death.

(d) There is enough descriptive information about the child, abductor and/or suspect's vehicle to believe an immediate broadcast alert will help.

(e) The child is believed to still be in the broadcast area.

(f) The child's name and other critical elements have been entered into the National Crime Information Center (NCIC).

316.4.2 PROCEDURE

After verifying a report that a child has been abducted and is in danger of serious bodily harm, the supervisor in charge of the investigation shall:

(a) Immediately notify the Patrol Sergeant.

(b) After confirming that the AMBER Alert criteria have been met, the supervisor or the Patrol Sergeant shall contact the Maryland State Police (MSP) headquarters duty officer and request an AMBER Alert activation.

(c) Provide all necessary information to the MSP Missing Child Recovery Unit.

(d) Be prepared to follow up the verbal request with a written request made via fax to the MSP headquarters duty officer.

316.5 BLUE ALERT

The National Blue Alert System™ is used to provide a statewide system for the rapid dissemination of information regarding a violent criminal who has seriously injured or killed a local, state or federal law enforcement officer (Md. Code PS § 3-605).

316.5.1 CRITERIA

The following criteria are utilized to determine if a Blue Alert should be issued:

(a) A deputy must have been killed or seriously injured by an offender.

(b) It has been determined that the offender poses a serious risk or threat to the public and other law enforcement personnel.

(c) A detailed description of the offender’s vehicle, vehicle tag or partial tag must be available for broadcast to the public.

316.5.2 PROCEDURE

The following are the procedures for a Blue Alert:

(a) Upon confirmation of the Blue Alert criteria, the supervisor in charge of the investigation shall recommend activation of the Blue Alert to the MSP.

(b) Once this agency apprehends a missing offender who is the subject of a Blue Alert, the supervisor in charge of the investigation shall immediately notify the MSP and any

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law enforcement agency that filed the report resulting in the Blue Alert that the missing offender has been apprehended (Md. Code PS § 3-605).

316.6 SILVER ALERT

Silver Alerts are used to provide a statewide system for the rapid dissemination of information regarding a missing person who has a cognitive disorder (Md. Code PS § 3-604).

316.6.1 CRITERIA

The following criteria are utilized to determine if a Silver Alert should be issued:

(a) The whereabouts of a person at least 60 years old is unknown.

(b) The person suffers a cognitive impairment, including a diagnosis of Alzheimer's disease or dementia to the extent that the individual requires assistance from a caregiver.

(c) The disappearance poses a credible threat to the health and safety of the person due to age, health, mental or physical disability, and environment or weather conditions, as determined by this agency.

(d) The person is traveling in a vehicle and there is enough descriptive information about the missing person and the vehicle to issue an alert.

(e) The Agency has already activated a local or regional alert by contacting media outlets in the jurisdiction and the missing person has been entered into NCIC.

316.6.2 PROCEDURE

The following are the procedures for a Silver Alert:

(a) Upon confirmation of the Silver Alert criteria, the supervisor in charge of the investigation shall contact the MSP headquarters duty officer and request a Silver Alert.

(b) Once the Agency confirms that the missing person has been located, the supervisor in charge of the investigation shall notify the MSP that the missing person has been located.

316.7 YELLOW ALERT

Yellow Alerts are used to provide a statewide system for the rapid dissemination of information regarding a suspect in a hit-and-run involving serious injury or death (Md. Code PS § 3-606).

316.7.1 CRITERIA

The following criteria are utilized to determine if a Yellow Alert should be issued:

(a) The whereabouts of a person suspected of leaving the scene of an accident involving serious bodily injury or death are unknown (Md. Code TR § 20-102).

(b) The suspect's vehicle can be described, including any information about the vehicle's license plate number.

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316.7.2 PROCEDURE
The following are the procedures for a Yellow Alert:

(a) Upon confirmation of the Yellow Alert criteria, the supervisor in charge of the investigation shall contact the MSP headquarters duty officer and request a Yellow Alert.

(b) Once the Agency confirms that the vehicle or suspect has been located, the supervisor in charge of the investigation shall notify the MSP.

316.8 LOCAL MEDIA ALERT

316.8.1 CRITERIA
A local media alert should be used for the rapid dissemination of information to assist in finding a missing person regardless of whether the criteria for a state alert are met.

316.8.2 PROCEDURE
Regardless of whether a public alert is activated, the following procedures to alert the media and other local law enforcement agencies should be followed:

(a) The Sheriff or designee will prepare an initial press release that includes all available information that might aid in locating a child, suspect or missing person, such as:

1. The person’s identity, age and description.
2. A photograph, if available.
3. Pertinent vehicle description.
4. Details regarding the location of the incident, last known direction of travel and potential destinations, if known.
5. The name and contact number of the Sheriff or other authorized media liaison.
6. A contact number for the public to call with leads or information.

(b) The press release should be faxed to local television and radio stations.

(c) The information in the press release should also be forwarded to local law enforcement agencies.

(d) The activating official or other individual responsible for making notifications shall prepare and fax to the previously described locations, follow-up press releases with updates regarding the search and investigation, or immediately upon locating the person identified in the public alert.

The Sheriff or his designee is responsible for providing relevant updates to the supervisor in charge of the investigation.

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Victim and Witness Assistance

317.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

317.2 POLICY

The Dorchester County Sheriff's Office is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Dorchester County Sheriff's Office will show dignity, respect, courtesy, sensitivity, compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

317.3 CRIME VICTIM LIAISON

The Sheriff should appoint a member of the Agency to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Dorchester County Sheriff's Office regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

317.3.1 DNA PROFILE INFORMATION

The crime victim liaison shall ensure that a system is in place to provide victims of violent crime who have made a written request for notice of DNA profile information with the following (Md. Code CP § 11-104):

(a) Whether an evidentiary DNA profile is obtained from evidence in the case

(b) When a DNA profile developed in the case is entered into the statewide DNA database system

(c) When a confirmed match or hit on the DNA profile is received

317.3.2 DUTIES RELATED TO DEPUTY MISCONDUCT

The crime victim liaison should provide support to complainants alleging deputy misconduct as provided in the Personnel Complaints Policy (Md. Code PS § 3-108).

317.4 CRIME VICTIMS AND WITNESSES

Deputies on first contact shall provide all victims or victim’s representative with the applicable victim information handout (Md. Code CP § 11-104).

Deputies should never guarantee a victim’s or witness's safety from future harm but should take reasonable safety precautions and make practical safety suggestions to victims who express fear of future harm or retaliation (Md. Code CP § 11-1002(b)(4)).

Deputies should provide a separate area away from suspects or the family and friends of suspects during an investigation and should never guarantee that a person qualifies as a victim for the

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purpose of compensation or restitution but should direct him/her to the proper written agency material or available victim resources (Md. Code CP § 11-1002).

Deputies should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

317.4.1 SPECIFIC REQUIREMENTS REGARDING VICTIMS

When interacting with individuals suspected of being or claiming to be victims of sexually assaultive behavior as defined by Md. Code CJ § 10-923, members should not present to the victim any form purporting to (Md. Code CP § 11-929):

(a) Relieve the Agency of any obligation to the victim.

(b) Preclude or define the scope of the investigation.

(c) Prevent or limit a prosecution of an act allegedly committed against the victim.

(d) Limit a victim's private right of action pertaining to an act allegedly committed against the victim or the victim's interaction with the Agency.

If such a victim requests the investigation be suspended or limited in scope, the responding member should thoroughly document that request and follow-up according to the practices recommended by the MPTSC (Md. Code CP § 11-929).

317.5 VICTIM AND WITNESS INFORMATION

The Administration Chief Deputy shall ensure that victim and witness information handouts are available and current. These should include as appropriate (Md. Code CP § 11-1002):

(a) Shelters and other community resources for victims including domestic violence and sexual assault victims.

(b) Crisis intervention help, including medical treatment, creditor intervention services, counseling, or other social services.

(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Md. Code CP § 11-925).

(d) Contact information for the Maryland Sex Offender Alert Line.

(e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(f) A clear explanation of relevant court orders and how they can be obtained.

(g) Available compensation for qualifying victims of crime (Md. Code CP § 11-916).

(h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender’s custody status and to register for automatic notification when a person is released from jail.

(i) Notice regarding U visa and T visa application processes.

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(j) Resources available for victims of identity theft.

(k) The victim's right, upon written request, to the following:

1. To be kept reasonably informed of the arrest of a suspect and closing of the case.
2. Which office to contact for information about the case.
3. For victims of a violent crime, to be notified and updated on matters related to a suspect’s DNA profile pursuant to Md. Code CP § 11-104.

(l) The right to have stolen or other property promptly returned and, upon written request, should have the property promptly returned when evidentiary requirements for prosecution can be satisfied by other means, unless there is a compelling law enforcement reason for keeping it.

(m) A place for the deputy’s name, badge number, and any applicable case or incident number.

(n) How a victim may keep the victim's address confidential (Md. Code SG § 7-303; Md. Code SG § 7-304).

(o) Maryland Electronic Courts (MDEC) system for requesting and receiving notices electronically, if applicable (Md. Code CP § 11-104).

(p) How to request information regarding an unsolved case (Md. Code CP § 11-104).

317.5.1 CONFIDENTIAL INFORMATION

The Agency, on request of the state, may withhold the address or telephone number of the victim, victim's representative, witness to a felony, domestically related crime, or other covered crime before the trial or adjudicatory hearing in a juvenile delinquency proceeding, unless a judge determines that good cause has been shown for the release of the information (Md. Code CP § 11-205).

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Hate Crimes

318.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this agency with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

318.1.1 DEFINITIONS

Definitions related to this policy include:

Hate crime - A crime motivated by prejudice based on actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or disability of the victim. This includes homelessness (Md. Code CR § 10-304).

318.2 POLICY

The Dorchester County Sheriff's Office recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitutions and incorporated in state and federal law.

318.3 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this agency is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

(a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes, and forming networks that address prevention and response.

(b) Providing victim assistance, community follow-up or identifying available resources.

(c) Educating community and civic groups about hate crime laws.

318.4 INVESTIGATIONS

Whenever any member of this agency receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

(a) Assigned deputiesshould promptly contact the victim, witness or reporting party to investigate the matter further, as circumstances may dictate.

(b) A supervisor should be notified of the circumstances as soon as practicable.

(c) Once the in-progress aspect of any such situation has been stabilized (e.g., treatment of victims or arrest of suspects at the scene), the assigned deputies should take reasonable steps to preserve evidence that establishes a possible hate crime.

(d) Based upon available information, deputies should take appropriate action to mitigate further injury or damage to potential victims or the community.

(e) Depending on the situation, the assigned deputies or supervisor may request assistance from investigators or other resources.

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(f) The assigned deputies should interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.

(g) The assigned deputies should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy.

(h) The assigned deputies should include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports should be clearly marked “Hate Crime.”

(i) The assigned deputies and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid protective order through the courts.

318.4.1 CRIMINAL INVESTIGATION DIVISION RESPONSIBILITIES

If a hate crime case is assigned to the Criminal Investigation Division, the assigned investigator will be responsible for:

(a) Coordinating further investigation with the County Attorney and other appropriate law enforcement agencies.

(b) Maintaining contact with the victim and other involved individuals, as needed.

(c) Maintaining statistical data and tracking of suspected hate crimes, as indicated or required by state law.

318.5 TRAINING

All members of this agency should receive training on hate crime recognition and investigation.

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Standards of Conduct

319.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Dorchester County Sheriff's Office and are expected of all agency members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this agency or a member's supervisors.

319.2 POLICY

The continued employment or appointment of every member of this agency shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

319.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any agency supervisor or person in a position of authority, absent a reasonable and bona fide justification.

319.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or agency policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, agency policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

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319.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, acquiescing to such a violation or exhibiting indifference to such a violation.

(d) Exercising unequal or disparate authority toward any member for malicious or other improper purpose.

319.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Maryland constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

319.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient agency service:

319.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive or requirement, or failure to follow instructions contained in agency or County manuals.

(b) Disobedience of any legal directive or order issued by any agency member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

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319.5.2 ETHICS

(a) Using or disclosing one’s status as a member of the Dorchester County Sheriff's Office in any way that could reasonably be perceived as an attempt to gain influence or authority for nonagency business or activity.

(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.

(c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).

(d) Acceptance of fees, gifts or money contrary to the rules of this agency and/or laws of the state.

(e) Offer or acceptance of a bribe or gratuity.

(f) Misappropriation or misuse of public funds, property, personnel or services.

(g) Any other failure to abide by the standards of ethical conduct.

319.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

319.5.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while onduty or through the use of one’s official capacity.

(b) Engaging in onduty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this agency.

(e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know, of such criminal activities, except as specifically directed and authorized by this agency.

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319.5.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without a reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without a reasonable excuse.

319.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this agency.

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this agency for personal or financial gain or without the express authorization of the Sheriff or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any agency property for personal use, personal gain, or any other improper or unauthorized use or purpose.

(e) Using agency resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and nonsubpoenaed records.

319.5.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.

(d) Unauthorized sleeping during on-duty time or assignments.

(e) Failure to notify the Agency within 24 hours of any change in residence address or contact numbers.

(f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

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319.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts or making any false or misleading statement on any application, examination form, or other official document, report, or form, or during the course of any work-related investigation.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction, and/or mutilation of any agency record, public record, book, paper, or document.

(c) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any agency-related business.

(d) Being untruthful or knowingly making false, misleading, or malicious statements that are reasonably calculated to harm the reputation, authority, or official standing of this agency or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this agency or subverts the good order, efficiency, and discipline of this agency or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

1. While on agency premises.
2. At any work site, while on-duty or while in uniform, or while using any agency equipment or system.
3. Gambling activity undertaken as part of a deputy's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(g) Improper political activity including:

1. Unauthorized attendance while on-duty at official legislative or political sessions.
2. Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position while on-duty, on agency property, or while in any way representing themselves as members of this agency, except as expressly authorized by County policy, the collective bargaining agreement or memorandum of understanding, or the Sheriff (Md. Code PS § 3-110).

(h) Engaging in political activities during assigned working hours except as expressly authorized by County policy, the collective bargaining agreement or memorandum of understanding, or the Sheriff (Md. Code PS § 3-110).

(i) Any act on- or off-duty that tends to bring discredit to this agency.

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319.5.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this agency or the County.

(g) Use of obscene, indecent, profane or derogatory language while onduty or in uniform.

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member’s relationship with this agency.

(i) Unauthorized possession of, loss of, or damage to agency property or the property of others, or endangering it through carelessness or maliciousness.

(j) Attempted or actual theft of agency property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of agency property or the property of another person.

(k) Activity that is incompatible with a member’s conditions of employment or appointment as established by law or that violates a provision of any employment agreement, including fraud in securing the appointment or hire.

(l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Sheriff of such action.

(m) Any other on- or off-duty conduct that any member knows or reasonably should know is unbecoming a member of this agency, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this agency or its members.

319.5.10 SAFETY

(a) Failure to observe or violating agency safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver’s license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(d) Unsafe firearm or other dangerous weapon handling including loading or unloading firearms in an unsafe manner, either on- or off-duty.

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(e) Carrying, while on the premises of the work site, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic accident.

(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

319.5.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

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Information Technology Use

320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of agency information technology resources, including computers, electronic devices, hardware, software and systems.

320.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Dorchester County Sheriff's Office that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Agency or agency funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications including "shareware." This does not include files created by the individual user.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

320.2 POLICY

It is the policy of the Dorchester County Sheriff's Office that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Agency in a professional manner and in accordance with this policy.

320.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any agency computer system.

The Agency reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Agency, including the agency e-mail system, computer network or any information placed into storage on any agency system or device. This includes records of all keystrokes or web-browsing history made at any agency computer or over any agency network. The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through agency computers, electronic devices or networks.

Although the Agency may not require access to a member’s personal accounts, it may require a member to disclose a user name, password, or other means for accessing non-personal accounts

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or services that provide access to agency computers or information systems (Md. Code LE § 3-712(b)).

320.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Patrol Supervisors.

Members shall not use another person’s access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

320.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes, in accordance with the software company’s copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any agency computer. Members shall not install personal copies of any software on any agency computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Sheriff or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Agency while on agency premises, computer systems or electronic devices. Such unauthorized use of software exposes the Agency and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as a part of the automated maintenance or update process of agency- or County-approved or installed programs by the original manufacturer, producer or developer of the software. Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

320.4.2 HARDWARE

Access to technology resources provided by or through the Agency shall be strictly limited to agency-related activities. Data stored on or available through agency computer systems shall only be accessed by authorized members who are engaged in an active investigation, assisting in an active investigation, or who otherwise have a legitimate law enforcement or agency-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

320.4.3 INTERNET USE

Internet access provided by or through the Agency shall be strictly limited to agency-related activities. Internet sites containing information that is not appropriate or applicable to agency use and which shall not be intentionally accessed include, but are not limited to, adult forums,

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pornography, gambling, chat rooms, and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information from the Internet shall be limited to messages, mail and data files.

320.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Agency while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This also applies to personally owned devices that are used to access agency resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

320.5 PROTECTION OF SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure agency computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

320.6 INSPECTION AND REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Agency involving one of its members or a member's duties, an alleged or suspected violation of any agency policy, request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the agency computer system when requested by a supervisor or during the course of regular duties that require such information.

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Report Preparation

321.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to those members of the Agency who complete investigations and reports as a part of their duties.

321.2 POLICY

It is the policy of the Dorchester County Sheriff's Office that members shall act with promptness and efficiency in the preparation and processing of all reports. Reports shall document sufficient information to refresh the member’s memory and shall provide enough detail for follow-up investigation and successful prosecution.

321.3 EXPEDITIOUS REPORTING

An incomplete report, unorganized reports or reports that are delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or to a special priority made necessary under exceptional circumstances.

321.4 REPORT PREPARATION

Reports should be sufficiently detailed for their purpose and free from errors prior to submission and approval. It is the responsibility of the member to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor (Md. Code PS § 3-514). Generally, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody should not be held.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard, or assimilated by any other sense, and any actions taken. Members shall not suppress, conceal, or distort the facts of any reported incident, nor shall any member make a false report orally or in writing. Generally, the reporting member’s opinions should not be included in reports unless specifically identified as such.

321.4.1 HANDWRITTEN OR TYPED REPORTS

County, state and federal agency forms may be block printed unless the requirement for typing is apparent. Supervisors may require block printing or typing of reports of any nature for agency consistency.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting member will be required by the reviewing supervisor to promptly make corrections and resubmit the report.

In general, the narrative portion of reports where an arrest is made or when there is a long narrative should be typed or dictated. Members who dictate reports shall use appropriate grammar, as the content is not the responsibility of the typist.

Members who generate reports on computers are subject to all requirements of this policy.

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321.4.2 ELECTRONIC SIGNATURES
The Dorchester County Sheriff's Office has established an electronic signature procedure for use by all members of the Dorchester County Sheriff's Office. The Chief deputy shall be responsible for maintaining the electronic signature system, ensuring that each member creates a unique, confidential password for his/her electronic signature and that the use of electronic signatures otherwise complies with the law (Md. Code CL § 21-106).

(a) Members may only use their electronic signatures for official reports or other official communications.

(b) Each member shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

321.5 REQUIRED REPORTING
In all of the following situations, members shall complete reports using the appropriate agency-approved forms and reporting methods, unless otherwise approved by a supervisor.

The reporting requirements are not intended to be all-inclusive. A member may complete a report if he/she deems it necessary or as directed by a supervisor.

321.5.1 CRIMINAL ACTIVITY
When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

(a) All arrests.

(b) All felony crimes.

(c) Non-felony incidents involving threats or stalking behavior.

(d) Situations covered by separate policy. These include:

    (a) Use of Force Policy.

    (b) Domestic Violence Policy.

    (c) Child Abuse Policy.

    (d) Adult Abuse Policy.

    (e) Hate Crimes Policy.

    (f) Suspicious Activity Reporting Policy.

(e) All misdemeanor crimes where the victim desires a report.

321.5.2 NON-CRIMINAL ACTIVITY
Non-criminal activity to be documented includes:

(a) Any found property or found evidence.

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(b) All protective custody and welfare detentions.

(c) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy).

(d) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.

(e) Suspicious incidents that may place the public or others at risk.

(f) Any use of force by members of this agency against any person (see the Use of Force Policy).

(g) Any firearm discharge (see the Firearms Policy).

(h) Any time a member points a firearm at any person.

(i) Any traffic accidents above the minimum reporting level (see the Traffic Accidents Policy).

(j) Whenever the member believes the circumstances should be documented or at the direction of a supervisor.

321.5.3 MISCELLANEOUS INJURIES

Any injury that is reported to this agency shall require a report when:

(a) The injury is a result of drug overdose.

(b) There is an attempted suicide

(c) The injury is major or serious, and potentially fatal.

(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to document the event.

321.5.4 DEATHS

Death investigations require specific investigation methods, depending on the circumstances. They should be handled in accordance with the Death Investigation Policy. The handling member should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following incidents shall be appropriately investigated and documented:

(a) Unattended deaths (no physician or qualified hospice care during the period preceding death)

(b) Sudden, accidental or suspicious deaths

(c) Suicides

(d) Homicide or suspected homicide

(e) Found dead bodies or body parts

321.5.5 COUNTY PERSONNEL OR PROPERTY

Incidents involving County personnel or property shall require a report when:

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(a) An injury occurs as the result of an act of a County employee or on County property.

(b) There is damage to County property or equipment.

321.6 REVIEW AND CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should document the reasons for rejection.

The original report with documentation should be returned to the reporting member for correction as soon as practicable. It shall be the responsibility of the originating member to ensure that any report returned for correction is processed in a timely manner.

321.6.1 CHANGES AND ALTERATIONS

Reports that have been approved by the Chief of Operations and submitted to the Records Section for filing and distribution shall not be modified or altered except by way of a supplemental report.

Reviewed reports that have not yet been submitted to the Records Section may be corrected or modified by the authoring member only with the knowledge and authorization of the reviewing supervisor.

321.7 STATE REPORTING REQUIREMENTS

321.7.1 TEMPORARY DETENTION OR INVESTIGATIVE STOP SEARCHES

Certain temporary detention or investigative stops involving the wearing, carrying, or transporting of a handgun in violation of Md. Code CR § 4-203 that result in a search or seizure require the deputy performing the search to file a written report with this agency within 24 hours of the incident. The report shall be completed using the form prescribed by the Secretary of Public Safety and Correctional Services and shall be provided to the Records Section and include:

(a) The name of the person searched.

(b) The circumstances surrounding and reasons for the search or seizure.

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Media Relations

322.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official agency information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

322.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

322.3 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Sheriff. In situations not warranting immediate notice to the Sheriff and in situations where the Sheriff has given prior approval, Chief Deputy, Chief of Operations, Patrol Supervisors and designated deputies may prepare and release information to the media in accordance with this policy and applicable laws regarding confidentiality.

322.4 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of agency members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Sheriff.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Sheriff will consider, at a minimum, whether the release of information or the presence of the media would unreasonably endanger any individual or prejudice the rights of any person or is otherwise prohibited by law.

322.5 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the Sheriff, or if unavailable, to the Chief Deputy. Prior to releasing any information to the media, members shall consider the following:

(a) At no time shall any member of this agency make any comment or release any official information to the media without prior approval from the Sheriff or designee.

(b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this agency.

(c) Under no circumstance should any member of this agency make any comment to the media regarding any law enforcement incident not involving this agency without

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prior approval of the Sheriff. Under these circumstances the member should direct the media to the agency handling the incident.

322.6 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities as required by law.

Access by the media is subject to the following conditions:

(a) The media representative shall produce valid media credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives should be prevented from interfering and may be removed for interfering with emergency operations and criminal investigations.

1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the Sheriff or other designated spokesperson.

(c) Media interviews with individuals who are in custody should not be permitted without the approval of the Sheriff and the express written consent of the person in custody.

(d) No member of this agency who is under investigation shall be subjected to media visits or interviews without the consent of the involved member.

322.6.1 CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Agency members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the Sheriff.

322.6.2 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or member safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Patrol Supervisor. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

322.7 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the Sheriff to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel

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Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

322.7.1 EMPLOYEE INFORMATION

The identities of deputies involved in shootings or other critical incidents may only be released to the media upon the consent of the involved deputy or upon a formal request filed and processed in accordance with the Maryland Public Information Act (see the Records Maintenance and Release Policy).

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of deputies involved in shootings or other critical incidents, shall be referred to the Sheriff or the Custodian of Records. Such requests will be processed in accordance with the provisions of the Maryland Public Information Act (see the Records Maintenance and Release Policy).

322.8 RELEASE OF INFORMATION

The Agency may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the agency website or other electronic data sources.

322.8.1 INFORMATION LOG

The Agency will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the Sheriff.

The daily information log will generally include:

(a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual, jeopardize the successful completion of any ongoing investigation or is confidential (e.g., juveniles or certain victims).

(b) The date, time, location, case number, name, birth date and charges for each person arrested by this agency, unless the release of such information would endanger the safety of any individual, jeopardize the successful completion of any ongoing investigation or is confidential (e.g., juveniles).

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

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Subpoenas and Court Appearances

323.1 PURPOSE AND SCOPE

This policy establishes the guidelines for agency members who must appear in court. It will allow the Dorchester County Sheriff's Office to cover any related work absences and keep the Agency informed about relevant legal matters.

323.2 POLICY

Dorchester County Sheriff's Office members will respond appropriately to all subpoenas and any other court ordered appearances.

323.3 SUBPOENAS

Only agency members authorized to receive a subpoena on behalf of the agency or any of its members may do so.

323.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf or at the request of any party other than the County Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

(a) Any civil case where the County or one of its members, as a result of his/her official capacity, is a party.

(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.

(d) Any civil action stemming from the member’s on-duty activity or because of his/her association with the Dorchester County Sheriff's Office.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Dorchester County Sheriff's Office.

The supervisor will then notify the Sheriff and the appropriate prosecuting attorney as may be indicated by the case. The Sheriff should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

323.3.2 CIVIL SUBPOENA

The Agency will compensate members who appear in their official capacity on civil matters arising out of their official duties, as directed by the current collective bargaining agreement or memorandum of understanding.

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The Agency should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

323.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

323.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

323.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Agency.

If a member on standby changes his/her location during the day, the member shall notify the designated agency member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

323.6 COURTROOM PROTOCOL

Members must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are scheduled to appear.

Members shall dress in the agency uniform or business attire.

Members shall observe all rules of the court in which they are appearing and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

323.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

323.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current collective bargaining agreement or memorandum of understanding.

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Outside Agency Assistance

324.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

324.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this agency.

324.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from an allied agency should be routed to the Patrol Supervisor for approval. Requests for assistance to agencies outside of Dorchester County must be approved by the Sheriff or designee. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this agency, the Patrol Supervisor may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this agency.

Deputies may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this agency until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this agency will not ordinarily be booked at this agency. Only in exceptional circumstances, and subject to supervisor approval, will this agency provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

324.3.1 INITIATED ACTIVITY

Any on-duty deputy who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Dorchester County Sheriff's Office shall notify his/her supervisor or the Patrol Supervisor and the Communications Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

324.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

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The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

324.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities shall be documented in an operations report.

324.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Chief Deputy or the authorized designee.

The documentation should include:

(a) The conditions relative to sharing.

(b) The training requirements for:

1. The use of the supplies and equipment.
2. The members trained in the use of the supplies and equipment.

(c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to Patrol Supervisor to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Chief Deputy should maintain documentation that the appropriate members have received the required training.

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Registered Offender Information

325.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Dorchester County Sheriff's Office will address issues associated with certain offenders who are residing in the jurisdiction, and how the agency will disseminate information and respond to public inquiries for information about registered offenders.

325.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

325.3 REGISTRATION

The Chief of Operations shall establish a process to reasonably accommodate registration of offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the following as soon as possible but not later than 3 working days following registration (Md. Code CP § 11-708; Md. Code CP § 11-709):

(a) The Department of Public Safety and Correctional Services.

    1. Updated registrations including digital images, notification of intent to leave US or to obtain temporary lodging or to be absent from the offender’s permanent residence or locations where the offender habitually lives any changes in the offender’s residence, vehicle or license plate information, email or internet identifiers, phone numbers, employment, legal name, should also be sent to the Department.

(b) The county superintendent, as defined in § 1-101 of the Education Article, and all nonpublic primary and secondary schools in the county within 1 mile of where the offender is to reside or habitually live or where an offender who is not a resident of Maryland is a transient or will work or attend school.

(c) The local law enforcement unit in each county where the offender will reside, habitually live or will work or attend school.

(d) The campus police agency of an institution of higher education in the State, or the local law enforcement that has primary jurisdiction for the campus if the campus does not have its own police agency, if the offender is enrolled in or carries on employment at, or is expecting to enroll in or carry on employment at the institution.

(e) The police department, if any, of a municipal corporation if the offender:

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1. Is to reside or habitually live in the municipal corporation.
2. Escapes from a facility but resided or habitually lived in the municipal corporation before being committed to the custody of a supervising authority.
3. Changes addresses to another place of residence within the municipal corporation.

The deputy may also notify any child care facility or recreation facilities, any faith institution and any other organizations that serve children and others vulnerable to sex offenders who victimize children that are located within the community in which the offender is to reside, habitually live, work or attend school.

The Chief of Operations shall establish procedures to provide notification to any person the Agency deems necessary to protect the person from a specific offender (Md. Code CP § 11-718).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register (Md. Code CP § 11-721).

325.3.1 CONTENTS OF REGISTRATION

Sex offender registration statements shall include at least (Md. Code CP § 11-705(2); Md. Code CP § 11-706):

(a) The offender’s full name and any aliases, former names, names by which the offender has been known, traditional names given by family or clan under ethnic or tribal tradition.

(b) All addresses and places where the offender resides or habitually lives.

(c) The name and address of each of the offender’s employers of each location where the offender performs employment duties, if that location differs from the address of the employer.

(d) The name and address of the offender’s schools.

(e) A description of the crime for which the registrant was convicted and date and jurisdiction of conviction.

(f) Any e-mail addresses, computer log-in or screen names or identities, instant-messaging identities, and electronic chat room identities that the offender has used.

(g) The offender’s Social Security or purported Social Security number.

(h) The offender’s date of birth, purported dates of birth, and place of birth.

(i) All identifying factors, including a physical description.

(j) A copy of the offender’s passport or immigration papers.

(k) Information regarding any professional licenses the offender holds.

(l) The license plate number, registration number, and description of any vehicle, owned or regularly operated by the offender and addresses or locations where the vehicles are kept.

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(m) All telephone numbers used by the offender.

(n) A copy of the offender’s valid driver’s license or identification card.

(o) Fingerprints and palm prints.

(p) The criminal history of the offender.

(q) A current digital image of the offender.

(r) The offender’s signature and the date of the signature.

(s) Any other information required by the Department or Dorchester County Sheriff's Office.

If the person is a sexually violent predator, the registration statement shall also include any anticipated future residences, if known at the time of registration and documentation of treatment received for a mental abnormality or personality disorder.

If the offender has not submitted a sample for inclusion in the statewide DNA database system of the Department of Maryland State Police Crime Laboratory, a sample should be obtained as provided in the Biological Sample policy and provided to the statewide DNA database system of the Department of Maryland State Police Crime Laboratory (Md. Code CP § 11-708).

325.3.2 NOTICE TO REGISTERING OFFENDER

When an offender registers, the deputy shall:

(a) Give written notice and explain the registration and update requirements to the offender, including:

1. The duties of a registrant when the registrant changes residence address in this State or changes the county in which the registrant habitually lives;
2. The duties of a registrant under Md. Code CP § 11-705;
3. The requirement for a sex offender to register in person with the local law enforcement unit of each county where the sex offender will reside or habitually live or where the sex offender who is not a resident of this State is a transient or will work or attend school;
4. The requirement that if the registrant changes residence address, employment, or school enrollment to another state that has a registration requirement, the registrant shall register with the designated law enforcement agency or sex offender registration unit of that state within 3 days after the change; and
5. Obtain a statement signed by the registrant acknowledging that the supervising authority explained the requirements of this subtitle and gave written notice of the requirements to the registrant.

325.4 MONITORING OF REGISTERED OFFENDERS

The deputy assigned to Sex Offender Registry should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

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(a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.

(b) Review of information on the Maryland Department of Public Safety and Correctional Services Registered Sex Offender Website.

(c) Contact with a registrant’s parole or probation officer.

Any discrepancies should be reported to the registering law enforcement agency and the Maryland State Sex Offender Unit.

The Chief of Operations should also establish a procedure to routinely disseminate information regarding registered offenders to Dorchester County Sheriff's Office members, including timely updates regarding new or relocated registrants.

325.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular registrant’s presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Sheriff if warranted. A determination will be made by the Sheriff, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be provided the Maryland Department of Public Safety and Correctional Services Sex Offender Registry or the Dorchester County Sheriff's Office’s website.

The Chief Deputy shall release local registered offender information to residents in accordance with Md. Code CP § 11-716 and in compliance with a Maryland Public Information Act request.

325.5.1 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws. It does not include juvenile registrants whose information is confidential and only accessible to law enforcement (Md. Code CP § 11-704.1(c)).

(b) The information is provided as a public service and may not be current or accurate.

(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.

(d) The crime for which a person is convicted may not accurately reflect the level of risk.

(e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

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325.6 INTERNAL DISSEMINATION OF INFORMATION

As soon as possible but not later than 3 working days after receiving notice of registration or change in registration information from another local law enforcement unit, the Agency shall send a copy of the notice to the commander of each precinct or district in which the offender resides, habitually lives, works or attends school (Md. Code CP § 11-709).

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Major Incident Notification

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Dorchester County Sheriff's Office in determining when, how and to whom notification of major incidents should be made.

326.2 POLICY

The Dorchester County Sheriff's Office recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this agency to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

326.3 CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Sheriff, the Chief Deputy and the County. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Officer-involved shooting, whether on- or off-duty (see the Officer-Involved Shootings and Deaths Policy for special notification)
- Homicides, suspicious deaths or deaths related to law enforcement activity
- Crimes of unusual violence or circumstances that may include hostages, barricaded persons, home invasions, armed robbery or sexual assaults
- At risk missing children or endangered missing adults
- In-custody deaths
- Aircraft, train, boat or other transportation accidents with major damage and/or injury or death
- Traffic accidents with fatalities or severe injuries
- Death of a prominent Dorchester official
- Significant injury or death to a member of the Agency, whether on- or off-duty
- Arrest of a member of the Agency or prominent Dorchester official
- Equipment failures, utility failures and incidents that may affect staffing or pose a threat to basic Sheriff's Office services
- Any other incident, which has or is likely to attract significant media attention

326.4 PATROL SUPERVISOR RESPONSIBILITIES

The Patrol Supervisor is responsible for making the appropriate notifications. The Patrol Supervisor shall make reasonable attempts to obtain as much information on the incident as possible before notification, and shall attempt to make the notifications as soon as practicable.

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Major Incident Notification

326.4.1 COMMAND STAFF NOTIFICATION

In the event an incident occurs as identified in the Criteria for Notification section above, the Sheriff shall be notified along with the Chief Deputy, Chief of Operations, and the Criminal Investigations supervisor if that division is affected.

326.4.2 INVESTIGATOR NOTIFICATION

If the incident requires that an investigator respond from home, the immediate supervisor of the appropriate detail shall be notified, who will then contact the appropriate investigator.

326.4.3 PATROL DIVISION NOTIFICATION

In the event of a major injury or traffic fatality, the Patrol supervisor shall be notified, who will then contact the appropriate investigator. The Patrol supervisor will notify the Patrol Sergeant.

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Death Investigation

327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where deputies initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The thoroughness of death investigations and use of appropriate resources and evidence gathering techniques is critical.

327.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to respond, document and investigate incidents where a person is deceased. Investigations involving the death of a person, including those from natural causes, accidents, workplace incidents, suicide and homicide, shall be initiated, investigated and properly documented.

327.3 INVESTIGATION CONSIDERATIONS

Emergency medical services shall be called in all suspected death cases unless death is obvious (e.g., decapitated, decomposed).

A supervisor shall be notified as soon as possible to assist and provide appropriate personnel and resources. The on-duty supervisor shall notify the on-duty or on-call Criminal Investigator and Patrol supervisor.

327.3.1 REPORTING

All incidents involving a death shall be documented in an operations report.

327.3.2 MEDICAL EXAMINER REQUEST

Deputies are not authorized to pronounce death unless they are also Medical Examiners, Deputy Medical Examiners, or appointed Medical Examiner investigators. The Medical Examiner shall be called in all sudden or unexpected deaths or deaths due to other than natural causes. State law requires that the Medical Examiner and the State's Attorney for the county where the body was found be notified and given the known facts concerning the time, place, manner, and circumstances of the death in any of the following cases (Md. Code HG § 5-308):

(a) If the death occurred:

1. By violence.
2. By suicide.
3. By casualty.
4. Suddenly, if the deceased was in apparent good health or unattended by a physician.
5. In any suspicious or unusual manner.

(b) If the death of a human fetus:

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1. Occurred before the complete expulsion or extraction of the fetus from the mother when the mother was not attended by a physician at or after the delivery, regardless of the duration of the pregnancy.

327.3.3 SEARCHING DEAD BODIES

(a) The Medical Examiner, his/her assistant and authorized investigators are generally the only persons permitted to move, handle or search a dead body.

(b) A deputy may make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for the purpose of identification or for information identifying the individual as an anatomical donor. If a donor document is located, the Medical Examiner or his/her assistant shall be promptly notified.

(c) The Medical Examiner, with the permission of the Agency, may take property, objects or articles found on the deceased or in the immediate vicinity of the deceased that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death.

(d) Should exigent circumstances indicate to a deputy that any other search of a known dead body is warranted prior to the arrival of the Medical Examiner or his/her assistant, the investigating deputy should first obtain verbal consent from the Medical Examiner or his/her assistant when practicable.

(e) Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain nearby the scene and available to the deputy pending the arrival of the Medical Examiner or his/her assistant. The name and address of this person shall be included in the narrative of the death report.

(f) Whenever personal effects are removed from the body of the deceased by the Medical Examiner or his/her assistant, a receipt shall be obtained. This receipt shall be attached to the death report.

327.3.4 SUSPECTED HOMICIDE

If the initially assigned deputy suspects that the death involves a homicide or other suspicious circumstances, the deputy shall take steps to protect the scene. The Criminal Investigation Division Supervisor shall be notified to determine the possible need for an investigator to respond to the scene.

If the on-scene supervisor, through consultation with the Patrol Supervisor or Criminal Investigation Division supervisor is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The investigator assigned to investigate a homicide or death that occurred under suspicious circumstances may, with the approval of his/her supervisor, request the Medical Examiner to conduct physical examinations and tests, and to provide a report.

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327.3.5 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness or serious injury has occurred as a result of an accident at or in connection with the victim's employment should ensure that the regional Occupational Safety and Health Administration (OSHA) office is notified of all pertinent information.

327.4 UNIDENTIFIED DEAD BODY

If the identity of a dead body cannot be established, the handling deputy will request from the Medical Examiner a unique identifying number for the body. The number shall be included in any report.

327.5 DEATH NOTIFICATION

When reasonably practicable, and if not handled by the Medical Examiner’s Office, notification to the next-of-kin of the deceased person shall be made, in person, by the deputy assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification.

If a deceased person has been identified as a missing person, this agency shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports.

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Identity Theft

328.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of identity theft.

328.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to effectively investigate cases of identity theft.

328.3 ACCEPTANCE OF REPORTS

A report should be taken any time a person residing within the jurisdiction of the Dorchester County Sheriff's Office reports that he/she has been a victim of identity theft. This includes:

(a) Taking a report even if the location of the crime is outside the jurisdiction of this agency or has not been determined.

(b) Providing the victim with agency information, as set forth in the Victim and Witness Assistance Policy and encourage the individual to review the material, and assist with any questions.

A report should also be taken if a person living outside the agency jurisdiction reports an identity theft that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in Dorchester to facilitate the crime).

328.4 FOLLOW-UP INVESTIGATION

Members of this agency presented with the crime of identity theft shall prepare and file a report and provide a copy to the person making the report when (Md. Code CR § 8-304):

(a) The person resides in any part of the county.

(b) The crime occurred in any part of the county.

A member investigating a case of identity theft should ensure that each case is referred to the appropriate agency if it is determined that this agency should not be the investigating agency (e.g., an identity theft ring working from out of state). The victim should be advised that the case is being transferred to the agency of jurisdiction for investigation. The investigating member should also ensure that appropriate entries are made into related databases that have been authorized for agency use.

328.5 IDENTITY THEFT PASSPORT

Upon request by a person who is the victim of identity theft, Records Section staff shall submit an application for an identity theft passport and a copy of the person’s identity theft report to the Attorney General (Md. Code CR § 8-305(c)).

An application for an identity theft passport and any supporting documents are not public records and may not be released except to another law enforcement agency.

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Identity Theft

328.5.1 ACCEPTANCE OF IDENTITY THEFT PASSPORT

Deputies have discretion whether to accept or reject an identity theft passport that an individual presents to help prevent his/her arrest or detention when another person has committed an offense and used the individual's personal identifying information. In determining whether to accept or reject an identity theft passport presented to this agency, the deputy may consider the surrounding circumstances and available information regarding the offense of identity fraud against the person (Md. Code CR § 8-305(f)).

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Private Person’s Arrest

329.1 PURPOSE AND SCOPE

This policy provides guidance for the handling and acceptance of a private person’s arrest.

329.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to accept a private person’s arrest only when legal and appropriate.

329.3 ARRESTS BY PRIVATE PERSON

A private person may arrest another under the following circumstances:

(a) An arrest without a warrant varies based on the nature of the crime.

(b) If the crime is a felony, a private person can make an arrest if:

1. A felony is being committed in the private person’s presence.
2. A felony has in fact been committed and the private person making the arrest has probable cause to believe the individual arrested has committed the felony, whether or not in the private person’s presence.

(c) If the crime is a misdemeanor, a private person can make an arrest if the misdemeanor amounts to a breach of the peace and is committed in the private person’s presence or view.

329.4 DEPUTY RESPONSIBILITIES

A deputy confronted with a person claiming to have made a private person’s arrest should determine whether or not such an arrest would be lawful.

If the deputy determines that the private person’s arrest is unlawful, the deputy should:

(a) Take no action to further detain or restrain the arrested individual, unless there is independent justification for continuing a detention.

(b) Advise the parties that the arrest will not be accepted but the circumstances will be documented in a report.

(c) Document the incident, including the basis for refusing to accept custody of the individual.

Whenever a deputy determines that a private person’s arrest is justified, the deputy may take the individual into custody and proceed in the same manner as with any other arrest.

329.5 PRIVATE PERSON’S ARREST FORM

The arresting person should be asked to complete and sign a private person’s arrest form. If the person fails or refuses to do so, the arrested individual should be released, unless the deputy has a lawful reason, independent of the private person’s arrest, to take the individual into custody and determines an arrest is appropriate.

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Limited English Proficiency Services

330.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

330.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Agency to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Dorchester County Sheriff's Office, designated by the Agency, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

330.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members (see generally Md. Code SG § 10-1101 et seq.).

The Agency will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

330.3 LEP COORDINATOR

The Sheriff shall delegate certain responsibilities to an LEP coordinator. The coordinator shall be appointed by and directly responsible to the Chief Deputy or the authorized designee.

The responsibilities of the coordinator include, but are not limited to:

(a) Coordinating and implementing all aspects of the Dorchester County Sheriff's Office's LEP services to LEP individuals.

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(b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.

(c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Patrol Supervisor and Communications Supervisor. The list should include information regarding the following:

1. Languages spoken
2. Contact information
3. Availability

(d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.

(e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.

(f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.

(g) Identifying standards and assessments to be used by this agency to qualify individuals as qualified bilingual members or authorized interpreters.

(h) Periodically reviewing efforts of this agency in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures, or recommending modifications to this policy.

(i) Receiving and responding to complaints regarding agency LEP services.

(j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to agency services, programs and activities.

330.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Agency will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of the following four factors, which are:

(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by agency members, or who may benefit from programs or services within the jurisdiction of this agency or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with agency members, programs or services.

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(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

330.5 TYPES OF LEP ASSISTANCE AVAILABLE

Dorchester County Sheriff's Office members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Agency will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Agency will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept agency-provided LEP services at no cost or they may choose to provide their own.

Agency-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

330.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

330.7 AUDIO RECORDINGS

The Agency may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representatives of the community being served.

330.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established agency procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this agency is not available, personnel from other County departments, who have been identified by the Agency as having the requisite skills and competence, may be requested.

330.9 AUTHORIZED INTERPRETERS

Any person designated by the Agency to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must

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have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the agency case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP coordinator which demonstrates that their skills and abilities include:

(a) The competence and ability to communicate information accurately in both English and in the target language.

(b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this agency and of any particularized vocabulary or phraseology used by the LEP individual.

(c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(d) Knowledge of the ethical issues involved when acting as a language conduit.

330.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Agency may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this agency or personnel from other County departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this agency, and with whom the Agency has a resource-sharing or other arrangement that they will interpret according to agency guidelines.

330.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Agency to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, agency members must carefully consider the nature of the contact and the

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relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

330.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this agency will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this agency is required to complete a report or when other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Agency or some other identified source.

330.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Dorchester County Sheriff's Office will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

330.11.1 EMERGENCY CALLS TO 9-1-1

Agency members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in the Communications Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller’s language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

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330.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the deputy is unable to effectively communicate with an LEP individual.

If available, deputies should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

330.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, deputies should consider calling for an authorized interpreter in the following order:

- An authorized agency member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

330.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

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In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

330.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

330.16 COMPLAINTS

The Agency shall ensure that LEP individuals who wish to file a complaint regarding members of this agency are able to do so. The Agency may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this agency.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

330.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this agency are important to the ultimate success of more traditional law enforcement duties. This agency will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

330.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Agency will provide periodic training on this policy and related procedures, including how to access agency-authorized telephonic and in-person interpreters and other available resources.

The Chief Deputy shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Chief Deputy shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with the established records retention schedule.

330.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency

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in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Chief Deputy shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

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Communications with Persons with Disabilities

331.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

331.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters.

331.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Agency will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

331.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Sheriff shall delegate certain responsibilities to an ADA coordinator (28 CFR 35.107). The coordinator shall be appointed by and directly responsible to the Chief Deputy or the authorized designee.

The responsibilities of the coordinator include, but are not limited to:

(a) Working with the County ADA coordinator regarding the Dorchester County Sheriff's Office’s efforts to ensure equal access to services, programs and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.

(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to agency services, programs and activities.

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(d) Ensuring that a list of qualified interpreter services is maintained and available to each Patrol Supervisor and Communications Supervisor. The list should include information regarding the following:

1. Contact information
2. Availability

(e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

(f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to individuals with disabilities.

(g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to agency services, programs and activities.

331.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this agency should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate his/her understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

331.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

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In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual.

(b) The nature, length and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Dorchester County Sheriff's Office, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

331.6 TYPES OF ASSISTANCE AVAILABLE

Dorchester County Sheriff's Office members shall never refuse an available service to an individual with disabilities who is requesting assistance. The Agency will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Agency will make every reasonable effort to provide equal access and timely assistance to disabled individuals through a variety of services.

Disabled individuals may choose to accept agency-provided auxiliary aids or services or they may choose to provide their own.

Agency-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

331.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Agency may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

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331.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time but in no event longer than one hour if requested.

(b) Experienced in providing interpretation services related to law enforcement matters.

(c) Familiar with the use of VRS and/or video remote interpreting services.

(d) Certified in either American Sign Language (ASL) or Signed English (SE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use agency-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

331.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Agency will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

331.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Agency to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, agency members

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must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

331.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

(a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

(b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

331.12 REPORTING

Whenever any member of this agency is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Agency or some other identified source. If the individual’s express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

331.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Agency recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this agency. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual’s preferred method of communication when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning

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or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the deputy is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, deputies should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

331.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

(a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.

(b) Exchange of written notes or communications.

(c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

(d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

331.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this agency will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

331.15 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting deputy shall use agency-approved procedures to provide a qualified interpreter at the place of arrest or booking

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as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the deputy reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

331.16 COMPLAINTS

The Agency shall ensure that individuals with disabilities who wish to file a complaint regarding members of this agency are able to do so. The Agency may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the ADA coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Agency.

331.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this agency are important to the ultimate success of more traditional law enforcement duties. This agency will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

331.18 TRAINING

To ensure that all members who may have contact with disabled individuals are properly trained, the Agency will provide periodic training that should include:

(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The Chief Deputy shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including those who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Chief

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Deputy shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with the established records retention schedule.

331.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

(a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.

(b) ASL syntax and accepted abbreviations.

(c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.

(d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training for the County Communication Center which is a separate agency from the Sheriff's Office should be mandatory for all Communications Operators who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

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Biological Samples

333.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from an individual in conjunction with a criminal investigation, including voluntary samples. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

333.2 POLICY

The Dorchester County Sheriff's Office will assist in the expeditious collection of required biological samples from arrestees during booking in accordance with the laws of this state and with as little reliance on force as practicable (COMAR 29.05.01.04(B)).

333.3 ARRESTEES AND OFFENDERS SUBJECT TO BIOLOGICAL SAMPLE COLLECTION

A biological sample shall be collected from an individual who is charged with a crime of violence or an attempt to commit a crime of violence, or burglary or an attempt to commit burglary (Md. Code PS § 2-504(a)(3)).

An individual convicted of a felony or a violation of Md. Code CR § 6-205 or Md. Code CR § 6-206 shall have a biological sample collected at the time of sentence, or on intake to a correctional facility, or as a condition of probation (Md. Code PS § 2-504(a)(1)). These samples are generally collected by correctional staff.

333.4 PROCEDURE

At the time of collection of the biological sample, the agency must notify the individual that the biological record may be expunged and the biological sample destroyed in accordance with Md. Code PS § 2-511 (Md. Code PS § 2-504(a)(3)(ii)).

When an arrestee or offender is required to provide a biological sample, a designated and trained member shall obtain the sample in accordance with this policy (Md. Code PS § 2-504(c)).

A second biological sample shall be taken if needed to obtain sufficient biological data for the statewide DNA data base system or if ordered by a court (Md. Code PS § 2-504(e)).

333.4.1 COLLECTION

The following steps should be taken to collect a sample:

(a) Verify the identity of the arrestee or offender and that the individual is required to provide a sample pursuant to state law (COMAR 29.05.01.04(K)).

(b) Verify that a biological sample has not been previously collected from the arrestee or offender by querying the statewide DNA database. There is no need to obtain a biological sample if one has been previously obtained (COMAR 29.05.01.04(B)(4)).

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(c) Use the designated collection kit to perform the collection, following directions and taking steps to avoid cross contamination (COMAR 29.05.01.04(J).

333.5 USE OF FORCE TO OBTAIN SAMPLES

If an arrestee or offender refuses to cooperate with the sample collection process, members should attempt to identify the reason for refusal and seek voluntary compliance. Reasonable force may be used in the collection of samples as authorized by court order or approval of legal counsel and only with the approval of a supervisor (COMAR 29.05.01.04(C)).

Methods to consider when seeking voluntary compliance include contacting:

(a) The individual’s parole or probation officer, when applicable.

(b) The prosecuting attorney to seek additional charges against the individual for failure to comply or to otherwise bring the refusal before a judge.

(c) The judge at the individual’s next court appearance.

(d) The individual’s attorney.

(e) A chaplain.

(f) Another custody facility with additional resources, where the individual can be transferred to better facilitate sample collection.

(g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use reasonable force and be present to document the process.

333.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all persons participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the established records retention schedule.

333.6 LEGAL MANDATES AND RELEVANT LAWS

Immediately after a biological sample is obtained it shall be placed in the kit provided, sealed, and within 24 hours, transported or mailed to the Forensic Sciences Division of the Department of State Police Crime Laboratory (COMAR 29.05.01.04(M)).

Possession of, or access to, individually identifiable biological information contained in the statewide DNA data base system or statewide DNA repository is confidential and may not be willfully disclosed in any manner to a person or agency not entitled to receive the information.

A member may not, without authorization, willfully obtain individually identifiable biological information from the statewide DNA data base system or statewide DNA repository (Md. Code PS § 2-512).

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333.7 REPORTING

The Records Section shall make the following reports:

(a) To the Department of State Police on or before January 31, the information for the preceding calendar year necessary to compile statistical information as required by Md. Code PS § 2-513.

(b) To the Governor's Office of Crime Prevention and Policy on or before April 1 of every even numbered year, the status of crime scene DNA collection and analysis for the preceding year pursuant to Md. Code PS § 2-514.

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Child and Dependent Adult Safety

332.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this agency.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

332.2 POLICY

It is the policy of this agency to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Dorchester County Sheriff's Office will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

332.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, deputies should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, deputies should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Deputies should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, deputies should consider reasonable alternatives to arresting a parent, guardian or caregiver in the presence of his/her child or dependent adult.

Whenever it is safe to do so, deputies should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the deputy at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

332.3.1 AFTER AN ARREST

Whenever an arrest is made, the deputy should take all reasonable steps to ensure the safety of the arrestee’s disclosed or discovered children or dependent adults.

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Deputies should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

    1. Deputies should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.

(b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), deputies should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.

    1. Except when an existing court order limits contact, the deputy should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

(c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(d) Notify child protective services or the adult protective services through the local Departments of Social Services, if appropriate.

(e) Notify the Patrol Supervisor of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting deputy should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

332.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee shall be allowed to make telephone calls to arrange for the care of any child or dependent adult in accordance with the Temporary Custody of Adults Policy.

If an arrestee is unable to arrange for the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

332.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting member will document the following information:

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1. Name
2. Sex
3. Age
4. Special needs (e.g., medical, mental health)
5. How, where and with whom or which agency the child was placed
6. Identities and contact information for other potential caregivers
7. Notifications made to other adults (e.g., schools, relatives)

(b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

332.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling deputies, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis response telephone number, the appropriate referral information may be provided.

332.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling deputy should contact the appropriate welfare service or other agency-approved social service agency to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the sheriff's facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

332.5 TRAINING

The Chief Deputy is responsible to ensure that all members of this agency who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

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Service Animals

333.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA).

333.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler’s control, the facility can accommodate the horse’s type, size and weight, and the horse’s presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

333.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to provide services and access to persons with service animals in the same manner as those without service animals. Agency members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

333.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.

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- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

333.4 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Agency members are expected to treat individuals with service animals with the same courtesy and respect that the Dorchester County Sheriff's Office affords to all members of the public (28 CFR 35.136).

333.4.1 INQUIRY

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal’s status should be asked. The individual should not be questioned about his/her disability nor should the person be asked to provide any license, certification or identification card for the service animal.

333.4.2 CONTACT

Service animals are not pets. Agency members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

333.4.3 REMOVAL

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, a deputy may direct the handler to remove the animal from the premises. The barking of a dog alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this agency are expected to provide all services as are reasonably available to an individual with a disability, with or without a service animal.

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333.4.4 COMPLAINTS

When handling calls of a complaint regarding a service animal, members of this agency should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, deputies should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

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Native American Graves Protection and Repatriation

334.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

334.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects - Objects that, as part of the death rite or ceremony of a Native American culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects are either associated funerary objects or unassociated funerary objects.

Associated funerary objects are any funerary objects related to removed human remains, where the location of the human remains is known. This includes objects that were made exclusively for burial purposes or to contain human remains, regardless of the physical location or existence of any related human remains.

Unassociated funerary objects are any other funerary objects that are identified by a preponderance of the evidence such as:

- Related to human remains but the remains were not removed, or the location of the remains is unknown.
- Related to specific individuals or families.
- Removed from specific burial sites with Native American cultural affiliation.
- Removed from an area where such burial sites are known to have existed, but the site no longer exists.

Native American human remains - Any physical part of the body of a Native American individual.

Objects of cultural patrimony - Objects having ongoing historical, traditional, or cultural importance that is central to the Native American group or culture itself and, therefore, cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

334.2 POLICY

It is the policy of the Dorchester County Sheriff's Office that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects,

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sacred objects, or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption, or complicated custody transfer processes.

334.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.5).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.5):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land - The Maryland Historical Trust and the Maryland Commission on Indian Affairs (COMAR 34.04.06.01 et seq.)
- Tribal land - Responsible Indian tribal official

334.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.7).

334.5 DISPOSITION OF REMAINS

This agency shall cooperate with other government agencies, the Maryland Commission on Indian Affairs, the Advisory Committee on Archeology, the Burial Sites and Objects Review Committee and the Maryland Historical Trust to accomplish the appropriate disposition of Native American human remains (COMAR 34.04.06.01 et seq.).

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Off-Duty Law Enforcement Actions

335.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for deputies of the Dorchester County Sheriff's Office with respect to taking law enforcement action while off-duty.

335.2 POLICY

It is the policy of the Dorchester County Sheriff's Office that deputies generally should not initiate law enforcement action while off-duty. Deputies are not expected to place themselves in unreasonable peril and should first consider reporting and monitoring the activity. However, any deputy who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage or loss may take reasonable action to minimize or eliminate the threat.

335.3 DECISION TO INTERVENE

There is no legal requirement for off-duty deputies to take law enforcement action. Deputies should consider waiting for on-duty uniformed peace officers to arrive and gather as much accurate intelligence as possible, instead of immediately intervening. However, should a deputy decide to intervene, he/she must evaluate whether the action is necessary or desirable, and should take into consideration:

(a) The potential to be misidentified by other peace officers.

(b) The potential to be misidentified by members of the public, who may be armed or who may take action.

(c) The tactical disadvantage of being alone and the possibility of multiple or hidden suspects.

(d) Limited off-duty firearms capabilities and ammunition.

(e) The inability to communicate with responding peace officers.

(f) The lack of equipment, such as body armor, handcuffs or control devices.

(g) Unfamiliarity with the surroundings, including escape routes.

(h) The potential for increased risk to bystanders by confronting a suspect or taking action.

335.3.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the deputy should attempt to call or have someone else call 9-1-1 to request immediate assistance. If possible, the dispatcher receiving the call should obtain a description of the off-duty deputy from the caller and broadcast that information to responding deputies.

Whenever practicable, the deputy should loudly and repeatedly identify him/herself as a deputy with the Dorchester County Sheriff's Office until acknowledged. Official identification should also be displayed when possible.

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Off-Duty Law Enforcement Actions

335.4 CONSIDERATIONS

When encountering a non-uniformed deputy in public, uniformed deputies should wait for acknowledgement by the non-uniformed deputy in case he/she is working in an undercover capacity.

335.4.1 CIVILIAN RESPONSIBILITIES

Civilian members should not become involved in any law enforcement action while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

335.4.2 INCIDENTS OF PERSONAL INTEREST

Agency members should refrain from handling incidents of personal interest (e.g., family or neighbor disputes) and should remain neutral. In such circumstances members should call the responsible agency to handle the matter.

335.5 REPORTING

If prior notification to the appropriate local law enforcement agency is not reasonably possible before taking action, the deputy shall notify the agency as soon as reasonably practicable. Deputies shall cooperate fully with the agency having jurisdiction by providing statements or reports as requested or as appropriate.

Deputies shall notify the Patrol Supervisor regarding any law enforcement action taken while off-duty. The Patrol Supervisor may send a supervisor to the location. The Patrol Supervisor shall notify the Chief of Operations of the action taken by the deputy.

The Patrol Supervisor shall determine whether a criminal or administrative report should be completed by the involved deputy.

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Agency Use of Social Media

336.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Agency is consistent with the agency mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by agency members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this agency (see the Investigation and Prosecution Policy).

336.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the agency website or social networking services.

336.2 POLICY

The Dorchester County Sheriff's Office may use social media as a method of effectively informing the public about agency services, issues, investigations and other relevant events.

Agency members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

336.3 AUTHORIZED USERS

Only members authorized by the Sheriff or the authorized designee may utilize social media on behalf of the Agency. Authorized members shall use only agency-approved equipment during the normal course of duties to post and monitor agency-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Sheriff may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over agency social media by members who are not authorized to post should be made through the member’s chain of command.

336.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the agency mission and conforms to all agency policies regarding the release of information may be posted.

Examples of appropriate content include:

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(a) Announcements.

(b) Tips and information related to crime prevention.

(c) Investigative requests for information.

(d) Requests that ask the community to engage in projects that are relevant to the agency mission.

(e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.

(f) Traffic information.

(g) Press releases.

(h) Recruitment of personnel.

336.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Sheriff or the authorized designee will be responsible for the compilation of information to be released.

336.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

(a) Content that is abusive, discriminatory, inflammatory or sexually explicit.

(b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.

(c) Any information that could compromise an ongoing investigation.

(d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Dorchester County Sheriff's Office or its members.

(e) Any information that could compromise the safety and security of agency operations, members of the Agency, victims, suspects or the public.

(f) Any content posted for personal use.

(g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this agency’s social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

336.5.1 PUBLIC POSTING PROHIBITED

Agency social media sites shall be designed and maintained to prevent posting of content by the public.

The Agency may provide a method for members of the public to contact agency members directly.

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Agency Use of Social Media

336.6 MONITORING CONTENT

The Sheriff will appoint a supervisor to review, at least annually, the use of agency social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

336.7 RETENTION OF RECORDS

The Chief Deputy should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

336.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on agency sites.

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Community Relations

337.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Patrol Policy.
- Suspicious Activity Reporting Policy.

337.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to promote positive relationships between agency members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

337.3 MEMBER RESPONSIBILITIES

Deputies should, as time and circumstances reasonably permit:

(a) Make casual and consensual contacts with community members to promote positive community relationships (see the Contacts and Temporary Detentions Policy).

(b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.

(c) Work with community members and the agency community relations coordinator to identify issues and solve problems related to community relations and public safety.

(d) Conduct periodic foot or bike patrols of their assigned areas to facilitate interaction with community members. Deputies carrying out foot patrols should notify an appropriate supervisor and the Communications Center of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform the Communications Center of their location and status during the foot patrol.

337.4 COMMUNITY RELATIONS COORDINATOR

The Sheriff or the authorized designee should designate a member of the Agency to serve as the community relations coordinator. He/she should report directly to the Sheriff or the authorized designee and is responsible for:

(a) Obtaining agency-approved training related to his/her responsibilities.

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(b) Responding to requests from agency members and the community for assistance in identifying issues and solving problems related to community relations and public safety.

(c) Organizing surveys to measure the condition of the agency's relationship with the community.

(d) Working with community groups, agency members and other community resources to:

1. Identify and solve public safety problems within the community.
2. Organize programs and activities that help build positive relationships between agency members and the community and provide community members with an improved understanding of agency operations.

(e) Working with the Patrol Sergeant to develop patrol deployment plans that allow deputies the time to participate in community engagement and problem-solving activities.

(f) Recognizing agency and community members for exceptional work or performance in community relations efforts.

(g) Attending County council and other community meetings to obtain information on community relations needs.

(h) Assisting with the agency's response to events that may affect community relations, such as an incident where the conduct of an agency member is called into public question.

(i) Informing the Sheriff and others of developments and needs related to the furtherance of the agency's community relations goals, as appropriate.

337.5 SURVEYS

The community relations coordinator may arrange for a survey of community members and agency members to be conducted at least annually to assess the condition of the relationship between the Agency and the community. Survey questions should be designed to evaluate perceptions of the following:

(a) Overall performance of the Agency

(b) Overall competence of agency members

(c) Attitude and behavior of agency members

(d) Level of community trust in the Agency

(e) Safety, security or other concerns

A written summary of the compiled results of the survey should be provided to the Sheriff.

337.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The community relations coordinator should organize or assist with programs and activities that create opportunities for agency members and community members, especially youth, to interact in a positive setting. **Examples** of such programs and events include:

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(a) Agency-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).

(b) Police-community get-togethers (e.g., cookouts, meals, charity events).

(c) Youth leadership and life skills mentoring.

(d) School resource deputy/Drug Abuse Resistance Education (D.A.R.E.®) programs.

(e) Neighborhood Watch and crime prevention programs.

337.7 INFORMATION SHARING

The community relations coordinator should work with the Sheriff to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in agency operations, comments, feedback, positive events) between the Agency and community members. **Examples** of information-sharing methods include:

(a) Community meetings.

(b) Social media (see the Agency Use of Social Media Policy).

(c) Agency website postings. Information should be regularly refreshed, to inform and engage community members continuously.

337.8 LAW ENFORCEMENT OPERATIONS EDUCATION

The community relations coordinator should develop methods to educate community members on general law enforcement operations so they may understand the work that deputies do to keep the community safe. **Examples** of educational methods include:

(a) Development and distribution of informational cards/flyers.

(b) Agency website postings.

(c) Presentations to driver education classes.

(d) Instruction in schools.

(e) Agency ride-alongs (see the Ride-Alongs Policy).

(f) Scenario/Simulation exercises with community member participation.

(g) Youth internships at the Agency.

(h) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the Agency regarding alleged misconduct or inappropriate job performance by agency members.

337.9 SAFETY AND OTHER CONSIDERATIONS BEST PRACTICE

Agency members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

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Agency members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

337.10 COMMUNITY ADVISORY COMMITTEE

The Sheriff may establish a committee of volunteers consisting of community members, community leaders and other community stakeholders (e.g., representatives from schools, churches, businesses, social service organizations). The makeup of the committee should reflect the demographics of the community as much as practicable.

The committee should convene regularly to:

(a) Provide a public forum for gathering information about public safety concerns in the community.

(b) Work with the Agency to develop strategies to solve public safety problems.

(c) Generate plans for improving the relationship between the Agency and the community.

(d) Participate in community outreach to solicit input from community members, including youth from the community.

The Chief Deputy should arrange for initial and ongoing training for committee members on topics relevant to their responsibilities.

The Sheriff may include the committee in the evaluation and development of agency policies and procedures and may ask them to review certain personnel complaints for the purpose of providing recommendations regarding supervisory, training or other issues as appropriate.

337.10.1 LEGAL CONSIDERATIONS

The Sheriff and the community relations coordinator should work with the County Attorney as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance and any other associated obligations or procedures.

337.11 TRANSPARENCY

The Agency should periodically publish statistical data and analysis regarding the agency's operations. The reports should not contain the names of the deputy, suspects or case numbers. The community relations coordinator should work with the community advisory committee to identify information that may increase transparency regarding agency operations.

337.11.1 POSTING

The community relations coordinator should post appropriate agency policies and other appropriate information on the agency website and the Maryland Police Training and Standards Commission (MPTSC) website. The community relations coordinator also should post in a

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prominent public location an explanation of the procedures for filing a complaint of deputy misconduct as defined by Md. Code PS § 3-101 (Md. Code PS § 3-515). See the Personnel Complaints Policy for additional information.

337.12 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

(a) Effective social interaction and communication skills.

(b) Cultural, racial and ethnic diversity and relations.

(c) Building community partnerships.

(d) Community policing and problem-solving principles.

(e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

337.13 OTHER STATE REQUIREMENTS

The community relations coordinator should ensure that the agency's community policing program is filed annually with the MPTSC (Md. Code PS § 3-517).

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Extreme Risk Protective Orders

338.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning for and serving extreme risk protective orders and accounting for firearms and ammunition obtained pursuant to those orders.

338.1.1 DEFINITIONS

Definitions related to this policy include:

Extreme risk protective order - An order prohibiting a named person from having in his/her custody or control or purchasing a firearm or ammunition, as applicable (Md. Code PS § 5–601 et seq.).

338.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to petition for and serve extreme risk protective orders in compliance with state law, and to properly account for firearms and ammunition obtained by the Agency pursuant to such orders.

338.3 EXTREME RISK PROTECTIVE ORDER COORDINATOR

The Sheriff will appoint an extreme risk protective order coordinator. The responsibilities of the coordinator include:

(a) Developing and maintaining procedures for the filing of a petition for an extreme risk protective order by the Agency (Md. Code PS § 5–601; Md. Code PS § 5–602).

(b) Developing and maintaining procedures for the receipt and service of extreme risk protective orders consistent with the requirements of Md. Code PS § 5–603, Md. Code PS § 5–604, Md. Code PS § 5–607, and Md. Code PS § 5–608. Procedures should include:

1. Acceptance of voluntarily surrendered firearms and ammunition from a person who is the subject of the protective order.
2. Assessing a protective order prior to service to determine whether the order should be served pursuant to the Warrant Service Policy and the Operations Planning and Deconfliction Policy.
3. Preparing or obtaining a search warrant prior to attempting service of the extreme risk protective order.
4. Service of the extreme risk protective order as soon as possible, return of service to the clerk, and notification to the Department of Public Safety and Correctional Services.
5. Storage and return or disposition of surrendered and seized firearms.
6. Criteria for assessing mental health risks and the appropriateness for emergency evaluations.

(c) Coordinating with the Chief Deputy to provide deputies who may be involved in petitioning for or serving extreme risk protective orders with appropriate training.

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Training should include determining when a petition is appropriate, the process for seeking an extreme risk protective order, and the process for serving such an order.

(d) Reviewing each petition and service for an extreme risk protective order to ensure compliance with this policy, agency procedures, and state law.

338.4 EXTREME RISK PROTECTIVE ORDERS

A deputy who reasonably believes that an extreme risk protective order is appropriate should obtain supervisor approval prior to seeking an order.

338.4.1 STANDARDS

Extreme risk protective orders may be appropriate if a person poses an immediate and present danger of causing personal injury to him/herself or another by having a firearm (Md. Code PS § 5–603).

338.4.2 REQUIREMENTS OF PETITION

An application for an extreme risk protective order should be prepared consistent with state law and the procedures developed by the extreme risk protective order coordinator (Md. Code PS § 5–602).

338.5 SERVICE

Deputies shall personally serve a copy of an extreme risk protective order, along with the accompanying notice of hearing and petition, if applicable, on the person named in the order as soon as possible and make the proper return. Service of risk protection orders takes precedence over the service of other orders, except for orders of a similar emergency nature (Md. Code PS § 5–603; Md. Code PS § 5–604).

Within two hours after service of an extreme risk protective order, this agency is responsible for electronically notifying the Department of Public Safety and Correctional Services (Md. Code PS § 5–603; Md. Code PS § 5–604).

338.5.1 SAFETY CONSIDERATIONS

Upon receipt of an extreme risk protective order, the shift supervisor or the authorized designee should evaluate the circumstances of the order and consider what precautions are appropriate for service.

When appropriate based on the circumstances and agency procedures, service of extreme risk protective orders should be executed pursuant to the Operations Planning and Deconfliction Policy.

In no circumstances should less than two deputies be present when an extreme risk protective order is being served.

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338.5.2 SURRENDER OF FIREARMS AND AMMUNITION
Deputies serving an extreme risk protective order shall request that the person who is the subject of the order immediately surrender all firearms and ammunition in his/her custody, control, or possession. Deputies shall take custody of any firearms or ammunition.

A receipt identifying all surrendered items and the process for reclaiming the items shall be prepared by the deputy and a copy given to the person (Md. Code PS § 5–608). The deputy should ensure the original receipt is forwarded to the Chief Deputy as soon as practicable.

All items collected should be handled and booked in accordance with the Criminal Investigations Division Policy.

338.5.3 SEARCH WARRANTS
If the person subject to the extreme risk protective order refuses to surrender all firearms and ammunition or if a deputy serving an extreme risk protective order reasonably believes there are firearms or ammunition in the person's custody, control, or possession that have not been surrendered, the deputy should consider whether to seek a search warrant (Md. Code CP § 1–203; Md. Code PS § 5–607).

Deputies should be prepared to file a search warrant prior to attempting service of an extreme risk protective order. Preparation and service of the search warrant should be done in accordance with the Warrant Service Policy.

338.6 RECORDS HEAD RESPONSIBILITIES
An Administrative Clerk or the County Communication Center is responsible for:

(a) Ensuring orders have been properly entered into state and national databases as required.

(b) Removing from any computer-based system in which it was entered, an original order upon receipt of an order to vacate from the court as required.

338.7 COURT-ORDERED SURRENDER OF FIREARMS AND AMMUNITION
Authorized members should accept firearms and ammunition from any person who is the subject of an extreme risk protective order. The member receiving any such firearms or ammunition shall issue a receipt identifying all surrendered items, in addition to following other relevant Agency procedures (Md. Code PS § 5–608).

338.7.1 STATE-SPECIFIC REQUIREMENTS
The receipt identifying all surrendered items shall contain information concerning make, model, and serial number, as applicable, and a copy shall be given to the person (Md. Code PS § 5–608). The member should ensure the original receipt is forwarded to the Chief Deputy as soon as practicable.

The receiving member shall also ensure that the person who is the subject of the order is provided with information on the process for reclaiming the firearms and/or ammunition upon the expiration or termination of the order (Md. Code PS § 5–608).

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All firearms received in relation to an extreme risk protective order should be stored and transported in a protective case, if available, and in a manner to prevent damage to the firearm. No identifying or other marks may be placed on the firearm (Md. Code PS § 5–608).

338.8 RELEASE OF FIREARMS AND AMMUNITION

Any person requesting the release of any firearm or ammunition in Agency custody pursuant to an extreme risk protective order should be referred to the Criminal Investigations Division. Firearms or ammunition received in relation to an extreme risk protective order should only be disposed of in accordance with Md. Code PS § 5–608 and established office policies and procedures.

338.9 RENEWAL OF EXTREME RISK PROTECTIVE ORDER

The Criminal Investigation Division supervisor is responsible for the review of any extreme risk protective order obtained by the Agency to determine if renewal or extension of the order should be requested within the time prescribed by law (Md. Code PS § 5–606).

338.10 MENTAL HEALTH REFERRALS

Any member who receives notice of a referral for an emergency mental evaluation of a respondent in a matter involving an extreme risk protective order from a District Court commissioner should ensure that an emergency mental evaluation is conducted, if appropriate, in accordance with state law and the Mental Health Evaluations policy (Md. Code PS § 5-603; Md. Code HG § 10-601 et seq.).

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Inspections

339.1 PURPOSE AND SCOPE

The purpose of this directive is to establish policy and procedures for continuous inspection of the agency personnel, resources, and operational effectiveness.

339.2 POLICY

The Sheriff is responsible for establishing and maintaining regular inspections to maintain high standards of performance. Although the ultimate responsibility of inspection and control rests with the Sheriff, inspections must be carried out continuously at all levels of command and supervision.

The goal of inspection is operational efficiency and effectiveness in achieving community-oriented policing goals. While an inspection may reveal infractions of Sheriff's Office orders, inspection is not solely a disciplinary process: it is a fair, impartial, and honest appraisal of efforts. The inspector must have a positive, constructive attitude and make every effort to instill respect for, and understanding of, the inspection process.

339.3 PROCEDURE

Inspection objectives

(a) The objectives of inspections include the following:

1. To learn whether a task is being performed as outlined in the Sheriff's Office orders.
2. To examine critical incidents to determine if the Sheriff's Office oral or written administrative guidance adequately guides officers in performing their duties safely, legally, and to a professional standard.
3. To learn whether agency goals and objectives have been achieved.
4. To discover whether agency resources are being used to the best advantage.
5. To identify and document needs, deficiencies, omissions, or problems.
6. To provide a means for recognizing, reporting, and rewarding exemplary performance and to institute disciplinary procedures for those who disobey or fail to comply with the Sheriff's Office orders.
7. To gauge the agency's success in achieving community-oriented policing goals. These goals include the fostering of partnerships with citizens, law enforcement agencies, and governmental offices, enhancing community life through problem-solving that reduces the incidence and fear of crime and accountability for public-safety strategies.

(b) Inspection responsibilities

1. Inspection shall be an ongoing process conducted by those in direct command, i.e., those who have the authority to act or require immediate action of subordinates. Ongoing inspection is a duty of all supervisors and the Sheriff unless otherwise directed.

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2. Inspection responsibilities shall include personal inspection of employees and the types and conditions of their issued equipment, how employees perform their duties, and the results of their efforts. Employees shall respond immediately to correct deficiencies identified during inspections. Inspections shall also recognize exemplary performance.
3. Formal inspections of line and staff functions shall be made at intervals not to exceed six months. Inspections may be announced or unannounced. Line inspections shall be conducted according to a list of observations to be made. Staff inspections, by contrast, evaluate not specific employees but rather the entire organization.
4. The Patrol Sergeant shall record the dates and results of each inspection. When appropriate, as a result of an investigation, the Sheriff or designee shall prepare a record of counseling or commendation.
5. Supervisors shall daily inspect deputies and equipment. When discrepancies or deficiencies are discovered, the supervisor shall notify the employee, establish a reasonable time period for correcting the problem, and ensure that the correction is made.

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Relations With Other Agencies

340.1 PURPOSE AND SCOPE

The purpose of this directive is to establish procedures and responsibilities for liaison and maintaining communication between the Sheriff's Office and neighboring law enforcement, other criminal justice or social service agencies, both public and private.

340.2 POLICY

The Sheriff’s Office community-oriented policing philosophy involves a range of practical methods to control crime while relying on community involvement and support. The Sheriff’s Office promotion of democratic values, accountability, and integrity requires communication with the community. Without this communication, the agency cannot respond to the priorities of our citizens. Establishing and maintaining an effective liaison and open channels of communication between the Sheriff’s Office, neighboring law enforcement, criminal justice, and social services agencies are essential first steps to sustaining cooperation and goodwill. This liaison can break down barriers and results in savings and improved law-enforcement operations.

340.3 PROCEDURE

Relationships with other criminal justice agencies

(a) All Sheriff’s Office personnel shall maintain harmonious working relations and communication with the State's Attorney, Public Defender, all courts, court clerks' officers, the local probation and parole officers, jail, juvenile detention homes, victims’ advocacy shelters and organizations, and any other criminal justice agencies. The Sheriff’s Office shall provide all possible information, assistance, and support to these agencies allowed by law.

    1. Any serious policy or procedural problems or differences with another agency or its personnel shall be brought to the attention of the Sheriff who will meet with appropriate personnel of these agencies to resolve problems.

    2. During any investigation, questions of law or criminal procedure shall be addressed to the State's Attorney or Assistant. Questions on law enforcement procedures shall be addressed to a Supervisor or the Sheriff.

    3. Any criminal cases referred to the State's Attorney which results in a decision not to prosecute or to dismiss due to agency mishandling, shall be carefully reviewed and appropriate corrective action taken. The State's Attorney has been asked to bring such cases to the attention of the Sheriff.

(b) All employees of the Sheriff’s Office shall assist and cooperate with all federal, state, and local law- enforcement agencies in every way possible allowed by law.

Referrals

Deputies of the Sheriff’s Office often encounter adult or juvenile citizens who need specialized help that the agency cannot give, e.g., marriage counseling, mental health counseling, welfare assistance, assistance in handling civil matters. When, in the best judgment of a deputy, this

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situation arises, he or she shall refer the citizen to the most qualified agency to deal with the problem, or consult his/her supervisor.

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Chapter 4 - Patrol Operations

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Patrol

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

400.2 POLICY

The Dorchester County Sheriff's Office provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and agency members.

400.3 FUNCTION

Patrol will generally be conducted by uniformed deputies in clearly marked law enforcement vehicles in assigned jurisdictional areas of Dorchester. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

(a) Responding to emergency calls for service.

(b) Apprehending criminal offenders.

(c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.

(d) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order and the discovery of hazardous situations or conditions.

(e) Responding to reports of both criminal and non-criminal acts.

(f) Responding to routine calls for service, such as public assistance or public safety.

(g) Traffic direction and control.

(h) Crime prevention activities, such as residential inspections, business inspections and community presentations.

(i) Community-oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.

(j) The application of resources to specific problems or situations within the community that may be improved or resolved by community-oriented policing and problem-solving strategies.

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400.4 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Agency should be shared among all divisions and specialized units on a timely basis.

Additionally, information should be shared with outside agencies and the public in conformance with agency policies and applicable laws.

400.5 CROWDS, EVENTS AND GATHERINGS

Deputies may encounter gatherings of people, including, but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Deputies should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Deputies responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, deputies should consider seeking compliance through advisements and warnings for minor violations, and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Deputies are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety concerns.

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Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to agency members that affirms the Dorchester County Sheriff's Office's commitment to policing that is fair and objective (Md. Code TR § 25-113).

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the agency's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing or improper profiling - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement. This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups).

401.2 POLICY

The Dorchester County Sheriff's Office is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this agency to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit a deputy from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.3.1 OTHER PROHIBITIONS

The Dorchester County Sheriff's Office prohibits the illegal use of an individual or group's attire, appearance or mode of transportation, including the fact that an individual rides a motorcycle or wears motorcycle-related paraphernalia, as a factor in deciding to stop and question, take enforcement action, arrest or search a person or vehicle (Md. Code PS § 3-207).

401.4 MEMBER RESPONSIBILITIES

Every member of this agency shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

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401.4.1 REASON FOR CONTACT
Deputies contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved deputy should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.

401.4.2 REPORTING TRAFFIC STOPS
Deputies shall not use an individual's race or ethnicity as the sole justification to initiate a traffic stop. However, this does not alter the authority of a deputy to make an arrest, conduct a search or seizure, or otherwise fulfill the deputy's law enforcement obligations (Md. Code TR § 25-113).

Each time a deputy makes a traffic stop, the deputy shall report any information as required in the Safety Equipment Repair Orders (SERO), Traffic and Parking Citations Policy (Md. Code TR § 25-113).

401.5 SUPERVISOR RESPONSIBILITIES
Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved deputy and his/her supervisor in a timely manner.
    1. Supervisors should document these discussions, in the prescribed manner.

(b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, portable audio/video recordings, Mobile Data Terminal (MDT) data and any other available resources used to document contact between deputies and the public to ensure compliance with this policy.
    1. Supervisors should document these periodic reviews.
    2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this agency who discloses information concerning bias-based policing.

401.6 STATE REPORTING
The Records Section shall compile and submit the required traffic stop data to the Maryland Statistical Analysis Center no later than March 1 of the following calendar year (Md. Code TR § 25-113).

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Bias-Based Policing

401.7 ADMINISTRATION

The Chief Deputy should review the efforts of the Agency to provide fair and objective policing, including traffic stop data, and submit an annual report, including public concerns and complaints, to the Sheriff. The annual report should not contain any identifying information about any specific complaint, member of the public or deputy. It should be reviewed by the Sheriff to identify any changes in training or operations that should be made to improve service (Md. Code TR § 25-113).

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

The Chief Deputy shall also review the annual report generated by the Maryland Statistical Analysis Center analyzing the information submitted by this and other law enforcement agencies (Md. Code TR § 25-113).

401.8 TRAINING

Training on fair and objective policing and review of this policy shall be conducted annually and include:

(a) Explicit and implicit biases.

(b) Avoiding improper profiling.

401.8.1 ADDITIONAL STATE REQUIREMENTS

Deputies shall complete implicit bias testing and training approved by the Maryland Police Training and Standards Commission upon hiring and annually (Md. Code PS § 3-207).

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Crime and Disaster Scene Integrity

402.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

402.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

402.3 SCENE RESPONSIBILITY

The first deputy at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Deputies shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once a deputy has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, it shall be maintained until the deputy is properly relieved by a supervisor or other designated person.

402.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder’s function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

(a) Broadcast emergency information, including requests for additional assistance and resources.

(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.

(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.

(d) Provide first aid to injured parties if it can be done safely.

(e) Evacuate the location safely as required or appropriate.

(f) Secure the inner perimeter.

(g) Protect items of apparent evidentiary value.

(h) Secure an outer perimeter.

(i) Identify potential witnesses.

(j) Start a chronological log noting critical times and personnel allowed access.

402.5 SEARCHES

Deputies arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat.

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Once deputies are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Deputies should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

402.5.1 CONSENT

When possible, deputies should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

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Sheriff's Tactical Assault Response Team

403.1 PURPOSE AND SCOPE

This policy provides guidelines for the specialized support of the Sheriff's Tactical Assault Response Team (STAR Team) in handling critical field operations where special tactical deployment methods or intense negotiations are beyond the capacity of field deputies.

403.1.1 DEFINITIONS

Definitions related to this policy include:

Negotiation team - Designated deputies, including those in a multijurisdictional team, who are specifically trained and equipped to provide skilled verbal communications to de-escalate or effect surrender in situations where suspects have taken hostages, barricaded themselves or who are suicidal.

Tactical team - Designated deputies, including those in a multijurisdictional team, who are specifically trained and equipped to resolve critical incidents that are so hazardous, complex or unusual that they may exceed the capabilities of first responders or investigators. This includes, but is not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of agency policy, a tactical team may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues necessitate such use.

403.2 POLICY

It shall be the policy of the Dorchester County Sheriff's Office to maintain a STAR Team, either internally or through participation in a regional team, composed of negotiation and tactical teams, and to provide the equipment, manpower and training necessary to maintain such teams. The STAR Team should develop sufficient resources to perform three basic operational functions:

(a) Command and control.

(b) Containment.

(c) Entry/apprehension/rescue.

403.3 CAPABILITIES

This agency acknowledges that training needs may vary based on the experience level of team members, team administrators and potential Incident Commanders (ICs). Therefore, with the preservation of innocent human life being paramount, nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training level due to the exigency of the circumstances.

The various levels of tactical team capability and training are as follows and may fluctuate based upon personnel, training, available equipment, resources and capabilities:

- Level I - A basic team capable of providing containment and intervention in critical incidents that exceed the training and resources available to line-level deputies. This does not include ad hoc teams of deputies that are formed around a specific mission,

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detail or incident (e.g., active shooter response). Generally 5 percent of the Level I team's on-duty time should be devoted to training.

- Level II - An intermediate-level tactical team capable of providing containment and intervention. These teams possess tactical capabilities above the Level I teams. These teams may or may not work together on a daily basis, but are intended to respond to incidents as a team. At least 5 percent of the Level II team's on-duty time should be devoted to training with supplemental training for tactical capabilities above the Level I team.
- Level III - An advanced-level tactical team whose members function on a full-time basis. Generally 25 percent of the Level III team's on-duty time is devoted to training. Level III teams operate in accordance with contemporary best practices. Such teams possess both skills and equipment to utilize tactics beyond the capabilities of Level I and Level II teams.

403.4 MANAGEMENT AND SUPERVISION

Under the direction of the Sheriff, the STAR Team shall be managed by the appointed STAR Team Commander. The STAR Team Commander shall be selected by the Sheriff upon recommendation of command staff.

403.4.1 TEAM LEADER(S)

The negotiation team and tactical team will be under the direction of designated team leader(s), who shall be selected by the Sheriff upon specific recommendation by command staff and the STAR Team Commander.

The primary responsibility of the team Commander is to oversee the operation of the team, which includes deployment, training, and other duties as directed by the STAR Team Commander.

403.5 READINESS

An operational readiness assessment should be conducted to determine the type and extent of STAR Team missions and operations appropriate to this agency. The assessment should consider the capabilities, training and limitations of the STAR Team and should be reviewed annually by the STAR Team Commander or the authorized designee.

403.5.1 EQUIPMENT INSPECTIONS

The STAR Team leader(s) shall appoint a team supervisor to perform operational readiness inspections of all STAR Team equipment at least quarterly. The result of the inspection will be forwarded to the STAR Team Commander in writing. The inspections will include personal equipment issued to members of the STAR Team, operational equipment maintained in the STAR Team facility and equipment maintained or used in STAR Team vehicles.

403.5.2 MULTIJURISDICTIONAL OPERATIONS

The STAR Team leader(s), including any relevant specialized teams and supporting resources, should develop protocols, agreements, memorandums of understanding (MOUs) or working relationships to support multijurisdictional or regional responses.

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(a) If it is anticipated that multijurisdictional tactical team operations will regularly be conducted, multi-agency and multidisciplinary joint training exercises are encouraged and should occur.

(b) Members of the Dorchester County Sheriff's Office STAR Team shall operate under the policies, procedures and command of the Dorchester County Sheriff's Office when working in a multi-agency situation.

403.6 PROCEDURES

Situations that necessitate the need for a STAR Team response vary greatly from incident to incident and often demand on-scene evaluation. The guidelines allow for appropriate on-scene decision- making and development of organizational and operational procedures.

403.6.1 ORGANIZATIONAL PROCEDURES

The Agency shall develop a separate written set of organizational procedures that should address, at a minimum:

(a) Specific missions the STAR Team is capable of performing.

(b) STAR Team organization and function.

(c) Member selection, retention, and termination criteria.

(d) Training and required competencies including record production and retention.

(e) Procedures for notification, activation, deactivation, and deployment.

(f) Command and control issues, including a clearly defined command structure and dedicated lines of communication.

(g) Multi-agency response.

(h) Out-of-jurisdiction response.

(i) Specialized functions and supporting resources.

(j) Any additional procedures necessary to comply with COMAR 12.04.08.01 et seq.

(k) Compilation of data required for state reporting and timely transmission to the Records Section for compliance with Md. Code PS § 3-508.

403.6.2 OPERATIONAL PROCEDURES

The agency shall develop a separate written set of operational procedures in accordance with the determination of the STAR Team’s level of capability, using sound risk-reduction practices. The operational procedures should be patterned after the National Tactical Officers Association’s (NTOA) SWAT Standard for Law Enforcement Agencies. Because such procedures are specific to STAR Team members and outline negotiation, tactical and officer safety issues, they are not included within this policy.

The operational procedures should include, at a minimum:

(a) Designation of members who are responsible for developing an operational or tactical plan prior to, and/or during STAR Team operations (time permitting).

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1. All STAR Team members should have an understanding of operational planning.
2. STAR Team training should include planning for both spontaneous and planned events.
3. STAR Team planning should incorporate medical emergency contingency plans as part of the STAR Team operational plan.

(b) Plans for mission briefings conducted prior to an operation, unless circumstances require immediate deployment.

1. When possible, briefings should include the specialized teams, certified tactical dispatchers, and other supporting personnel.

(c) Protocols for a sustained operation to be developed that may include relief, rotation of members, and augmentation of personnel and resources.

(d) A generic checklist to be worked through prior to initiating a tactical action as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of the STAR Team.

(e) Roles for the negotiations team and negotiators.

(f) A standard method of determining whether a warrant should be regarded as high risk.

(g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.

(h) Protocols for post-incident scene management, including:

1. Documentation of the incident.
2. Transition to investigations and/or other divisions.
3. Debriefing after every deployment of the STAR Team.
    (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs and reinforces sound risk management practices.
    (b) Such debriefing should not be conducted until involved members have had the opportunity to individually complete necessary reports or provide formal statements.
    (c) In order to maintain candor and a meaningful exchange, debriefing will generally not be recorded.
    (d) When appropriate, debriefing should include specialized teams and supporting or assisting personnel.

(i) A sound risk management analysis.

(j) Standardization of equipment deployed.

(k) Any additional procedures necessary to comply with COMAR 12.04.08.01 et seq.

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403.7 OPERATIONAL GUIDELINES

The following are guidelines for the operational deployment of the STAR Team. Generally, the tactical team and the negotiation team will be activated together. It is recognized, however, that the teams can be activated independently as circumstances dictate. The tactical team may be used in a situation not requiring the physical presence of the negotiation team, such as warrant service operations. The negotiation team may be used in a situation not requiring the physical presence of the tactical team, such as handling a suicidal person. Operational deployment of the specialized teams shall be at the discretion of the STAR Team Commander.

403.7.1 APPROPRIATE USE

Incidents that may result in the activation of the STAR Team include:

(a) Barricaded suspects who refuse an order to surrender.

(b) Incidents where hostages are taken.

(c) Individuals who are threatening suicide and have refused to surrender.

(d) Arrests of potentially armed or dangerous persons.

(e) Any situation that could threaten or undermine the ability of the agency to preserve life, maintain social order, and ensure the protection of persons or property.

Requests by field personnel for assistance from crisis response units from another agency must be approved by the Sheriff or his designee. Deployment of the Dorchester County Sheriff's Office STAR Team in response to requests by other agencies must be authorized by the Sheriff or his designee.

403.7.2 ON-SCENE DETERMINATION AND NOTIFICATION

The supervisor in-charge at the scene of a particular event will be designated as the IC and will assess whether the STAR Team is to respond to the scene. With input from the IC, final determination will be made by the STAR Team Commander, who shall then notify the Sheriff and Chief Deputy. If the STAR Team Commander is unavailable, then the Chief Deputy shall be notified.

The Patrol Supervisor should brief the STAR Team Commander about the incident. Such information should include:

(a) The type of crime involved.

(b) The number of suspects, identity and criminal history.

(c) The known weapons and resources available to the suspect.

(d) If the suspect is in control of hostages and/or barricaded.

(e) Whether contact has been made with the suspect and whether there have been demands.

(f) If potential victims are still within the inner perimeter.

(g) If the suspect has threatened or attempted suicide.

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(h) The location of the command post and a safe approach to it.

(i) The extent of any inner or outer perimeter and the number of personnel involved.

(j) Any other assets or resources at the scene including other involved agencies.

(k) Any other important facts critical to the immediate situation.

The STAR Team Commander or team leader(s) shall then follow current call out procedures. A current mobilization list shall be maintained in the Communications Center by the STAR Team Commander.

The STAR Team Commander will notify the Sheriff and Chief Deputy as soon as practicable.

403.7.3 FIELD PERSONNEL RESPONSIBILITIES

While waiting for the STAR Team to respond, field personnel should, if safe, practicable and sufficient resources exist:

(a) Establish an arrest/response team in case the suspect takes action. The response team’s tasks may include:

1. Taking action to mitigate a deadly threat or behavior either inside or outside the location.
2. Securing any subject or suspect who may surrender or attempt to escape.

(b) Evacuate any injured persons in the zone of danger.

(c) Evacuate or provide safety instructions to other people in the zone of danger.

(d) Establish an inner and outer perimeter.

(e) Establish a command post outside of the inner perimeter.

(f) Attempt to establish preliminary communication with the suspect. Once the STAR Team has arrived, all negotiations should generally be halted to allow the negotiation and tactical teams time to organize, position and assume the appropriate roles and responsibilities.

(g) Plan for, and stage, anticipated resources.

403.7.4 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the STAR Team at the scene, the IC shall brief the STAR Team Commander and team leader(s). Upon review, it will be the STAR Team Commander's decision, with input from the IC, whether to deploy the STAR Team. Once the STAR Team Commander authorizes deployment, the STAR Team Commander or the authorized designee will be responsible for the tactical response and negotiations. The IC shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support the STAR Team. The IC and STAR Team Commander or the authorized designee shall maintain direct communication at all times.

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403.7.5 COMMUNICATIONS WITH STAR TEAM MEMBERS

All persons who are non-STAR Team members should refrain from any non-emergency contact or interference with any STAR Team member during active negotiations. STAR Team operations require the utmost in concentration by involved members and, as a result, no one should interrupt or communicate with STAR Team members directly. All non-emergency communications shall be channeled through the negotiation team or tactical team leader(s) or the authorized designee.

403.8 TACTICAL TEAM ADMINISTRATIVE GUIDELINES

The tactical team was established to provide a skilled and trained team for deployment to events that require specialized tactics, in situations where suspects have taken hostages and/or barricaded themselves, and in prolonged or predictable situations where persons who are armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the tactical team.

403.8.1 SELECTION OF TACTICAL MEMBERS

Interested STAR Team members who are off probation shall submit a letter to the Chief Deputy, a copy of which will be forwarded to the STAR Team Commander and the Sheriff. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be at the discretion of the STAR Team Commander. The testing process will consist of an oral interview, physical agility test, firearm qualification and team evaluation.

(a) Oral interview: The oral interview will be conducted by individuals selected by the STAR Team Commander. Applicants will be evaluated by certain criteria, which includes:

1. Recognized competence and ability, as evidence by performance.
2. Demonstrated good judgment and understanding of the critical role of a tactical team member.
3. Special skills, training or appropriate education as it pertains to this assignment.
4. Commitment to the STAR Team, realizing that the additional assignment may necessitate unusual working hours, conditions and training obligations.

(b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as they relate to performance of tactical team-related duties. The test and scoring procedure will be established by the STAR Team Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.

(c) Firearm qualification: Candidates will be invited to shoot the STAR Team basic drill for the handgun. A qualifying score of 90% established by the Rangemaster must be attained to qualify.

(d) Team evaluation: Current team members will evaluate each candidate on field tactical skills, teamwork, ability to work under stress, communication skills, judgment and any special skills that could benefit the team.

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The STAR Team Commander shall submit a list of successful applicants to command staff for final selection.

403.8.2 TACTICAL TRAINING

Training shall be coordinated by the STAR Team Commander. The STAR Team Commander may conduct monthly training exercises that include a review and critique of members and their performance in the exercises, in addition to specialized training. Training shall consist of the following:

(a) Each tactical team member may be required to perform a physical fitness test once each year. A minimum qualifying score must be attained by each team member.

(b) Any tactical team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team leader and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.

(c) Those who are on vacation, are ill or on light-duty status with a medical professional's note of approval on the test date shall be responsible for reporting to a team leader and taking the test within 30 days of their return to regular duty. Any member who fails to arrange for and perform the physical fitness test within the 30-day period shall be considered as having failed to attain a qualifying score for that test period

(d) Each tactical team member shall complete the annual qualification course for any specialty weapon issued to, or used by, the team member during tactical and team operations. Failure to qualify will require the team member to seek remedial training from a Rangemaster who has been approved by the STAR Team Commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on STAR Team operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

403.8.3 TACTICAL TEAM EVALUATION

Continual evaluation of a team member’s performance and efficiency as it relates to the positive operation of the team shall be conducted by the team leader(s). The performance and efficiency level, as established by the team leader(s), will be met and maintained by all tactical team members. Any member of the tactical team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

403.9 NEGOTIATION TEAM ADMINISTRATIVE GUIDELINES

The negotiation team has been established to provide skilled verbal communicators who will attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the negotiation team.

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403.9.1 SELECTION OF NEGOTIATION MEMBERS

Interested agency members who are off probation shall submit a letter to the Chief Deputy. A copy of the request will be forwarded to the STAR Team Commander and Sheriff. Qualified applicants will then be invited to an oral interview. The oral interview board will consist of the STAR Team Commander, Chief Deputy and a STAR Team leader. Interested members shall be evaluated by certain criteria, which include:

(a) Recognized competence and ability as evidenced by performance.

(b) Demonstrated good judgment and understanding of the critical role of a negotiator and the negotiation process.

(c) Effective communication skills.

(d) Special skills, training or appropriate education as it pertains to the assignment.

(e) Commitment to the STAR Team, realizing that the assignment may necessitate unusual working hours, conditions and training obligations.

The oral interview board shall submit a list of successful applicants to the command staff for final selection.

403.9.2 NEGOTIATION TRAINING

Training shall be coordinated by the STAR Team Commander. The STAR Team Commander may conduct monthly training exercises that include a review and critique of members and their performance in the exercises, in addition to specialized training.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team leader(s).

403.9.3 NEGOTIATION TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the team shall be conducted by the team leader(s). Performance and efficiency levels, established by the team leader(s), will be met and maintained by all team members. Any member of the negotiation team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

403.10 UNIFORMS AND EQUIPMENT

STAR Team specialized teams from this agency should wear uniforms that clearly identify them as law enforcement members. It is recognized that certain tactical conditions may require covert movement. Attire may be selected that is appropriate to the specific mission.

403.10.1 EQUIPMENT

STAR Team specialized teams from this agency should be adequately equipped to meet the specific missions identified by the Agency.

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403.10.2 FIREARMS
Weapons and equipment used by the STAR Team specialized teams and any supporting resources should be agency-issued or approved, including any modifications, additions or attachments.

403.11 TRAINING

The STAR Team Commander shall conduct an annual STAR Team training needs assessment to ensure that training correlates to the team's capabilities and agency policy.

403.11.1 TRAINING SAFETY
Use of a designated safety officer should be considered for all tactical training.

403.11.2 INITIAL TRAINING
Tactical team members and team leader(s) shall not be deployed until successful completion of a basic SWAT course or its equivalent has been approved by this agency and MPCTC.

(a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content or topics meet or exceed requirements determined by the agency.

(b) Untrained members may be used in a support or training capacity.

403.11.3 UPDATE/REFRESHER TRAINING
Tactical and negotiation team members and team leader(s) should complete update or refresher training every 24 months.

403.11.4 MANAGEMENT TRAINING
Command and executive personnel are encouraged to attend training for managing the STAR Team functions at the organizational level. This is to ensure that those who provide active oversight at the scene understand the purpose and capabilities of these specialized teams.

Command personnel who may assume incident command responsibilities should attend a tactical commander or critical IC course or its equivalent that has been approved by this agency.

403.11.5 SCENARIO-BASED TRAINING
STAR Team specialized teams should participate in scenario-based training that simulates the critical field operations environment. Such training is an established method of improving performance during an actual deployment.

403.11.6 TRAINING DOCUMENTATION
Individual and team training shall be documented and records maintained by the STAR Team Commander. Such documentation shall be maintained in each member's training file. A separate agency STAR Team training file shall be maintained with documentation and records of all team training.

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Ride-Alongs

404.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for a ride-along with members of the Dorchester County Sheriff's Office. This policy provides the requirements, approval process, hours of operation and member responsibilities for ride-alongs.

404.2 POLICY

Ride-along opportunities will be provided to the members of the public, County employees and members of this agency to observe and experience first-hand various functions of the Dorchester County Sheriff's Office. The term “ride-along” includes riding as a passenger with a deputy on patrol or observing the work day of members engaged in other functions within the Agency.

404.3 ELIGIBILITY

A ride-along is available to Dorchester residents, business owners, students currently attending class in Dorchester Public Schools, Local College Criminal Justice students, and those employed within the County of Dorchester. Efforts will be made to accommodate all interested persons. However, any applicant may be disqualified without cause from participating.

Factors that may be considered in disqualifying an applicant include, but are not limited to, the following:

- Being under 16 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against this agency or the County
- Denial by any supervisor

404.4 AVAILABILITY

A ride-along is available most days of the week, from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Sheriff or Patrol Supervisor.

404.5 REQUESTS TO PARTICIPATE

Generally, ride-along requests will be maintained and scheduled by the Patrol Supervisor. The applicant will complete and sign a ride-along waiver form. If the applicant is under 18 years of age, a parent or guardian must be present to complete the waiver form. Information requested will include a valid state-issued identification card or driver’s license number, birthdate, address and telephone number.

The Patrol Supervisor will schedule a date, based on availability, generally one week after the date of application. If approved, a copy of the waiver form will be forwarded to the appropriate division as soon as possible for scheduling considerations.

If the request is denied, a representative of this agency will advise the applicant of the denial.

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Ride-Alongs

See attachment: Ride-Along Form

See attachment: Ride Along Waiver of Release from Liability

404.6 PROCEDURES

Once approved, ride-along applicants will be allowed to participate no more than once every six months. An exception may apply to the following law enforcement-involved participants:

- Explorers
- Volunteers
- Chaplains
- Dorchester County Sheriff's Office applicants
- Any others with approval of the Patrol Supervisor
- Students enrolled in any agency-approved dispatcher training course
- High school or college students enrolled in Criminal Justice courses

An effort will be made to ensure that no more than one member of the public will participate in a ride-along during any given time period. Normally, no more than one ride-along participant will be allowed in agency vehicles at a given time.

Ride-along requirements for agency Explorers are covered in the Explorers Policy.

404.6.1 OFF-DUTY PARTICIPATION

Other law enforcement agency, and employees of the County, will not be permitted to participate in a ride-along with on-duty members of this agency without the express consent of the Patrol Supervisor.

In the event that such participation is permitted, other law enforcement agency personnel or County employee shall not:

(a) Be considered on-duty.

(b) Represent him/herself as a member of this agency or any other law enforcement agency.

(c) Participate in any law enforcement activity except as emergency circumstances may require.

404.6.2 CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Maryland Criminal Justice Information System (CJIS) check prior to approval of the ride-along.

404.6.3 SUITABLE ATTIRE

Any person approved to participate in a ride-along or is required to be suitably dressed in a collared shirt, blouse or jacket, slacks and shoes. Sandals, t-shirts, tank tops, shorts and ripped or torn

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pants are not permitted. Hats and ball caps will not be worn without the express consent of the Patrol Supervisor. The Patrol Supervisor or a supervisor may refuse a ride-along to anyone who is not dressed appropriately.

404.7 MEMBER RESPONSIBILITIES

The assigned agency member shall consider the safety of the ride-along participant at all times. The member shall maintain control over the participant and shall instruct the individual about the conditions that necessarily limit his/her participation. Instructions should include:

(a) The participant will follow the directions of the agency member.

(b) The participant will not become involved in any investigation, handling of evidence, discussions with victims or suspects, reading an individual's criminal history or other protected information, or handling any sheriff's agency equipment.

(c) Participation may be terminated at any time by the agency member if the participant interferes with the performance of the member's duties.

1. If the participant is on a ride-along, the member may return the participant to the point the ride originated.

(d) Participants may be allowed to continue a ride-along during the transportation and booking process, provided it does not jeopardize their safety.

(e) Members will not allow participants to be present in any location or situation that would jeopardize the participant's safety or cause undue stress or embarrassment to a victim or any other member of the public.

(f) Participants who are not law enforcement officers shall not be permitted to accompany the agency member into a private residence without the express consent of the resident or other authorized person.

The member assigned to provide a ride-along shall advise the dispatcher that a ride-along participant is present in the vehicle before going into service. A deputy with a ride-along participant should use sound discretion when encountering a potentially dangerous situation, such as a high speed pursuit, and if feasible, let the participant out of the vehicle in a well-lit public place. The dispatcher will be advised of the situation and as soon as practicable have another agency member respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride, or is otherwise inappropriate, should be immediately reported to the Patrol Supervisor. The member should enter comments regarding the reasons for terminating the ride-along on the waiver form.

Upon completion of the ride-along, the member shall return the waiver form to the Patrol Supervisor.

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Hazardous Material Response

405.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to agency members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities.

405.1.1 DEFINITIONS

Definitions related to this policy include:

Hazardous material - A substance which, by its nature, containment or reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

405.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to respond to hazardous material emergencies with due regard for the safety of the public and those members responding to such incidents.

405.3 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When members come into contact with a suspected hazardous material, they should take certain steps to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond and mitigate most incidents involving hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training. A responder entering the area may require decontamination before he/she is allowed to leave the scene, and should be evaluated by appropriate technicians and emergency medical services personnel for signs of exposure.

405.4 CONSIDERATIONS

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Make the initial assessment of a potentially hazardous material from a safe distance.

(b) Notify the Communications Center, appropriate supervisors, the appropriate fire department and hazardous response units.

1. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.

(c) Wear personal protective gear, being cognizant that some hazardous material can be inhaled.

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(d) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.

(e) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars or spotting scopes) if they are available. Identification can be determined by:

1. Placards or use of an emergency response guidebook.
2. Driver's statements or shipping documents from the person transporting the material.
3. Information obtained from any involved person with knowledge regarding the hazardous material. Information should include:
    (a) The type of material.
    (b) How to secure and contain the material.
    (c) Any other information to protect the safety of those present, the community and the environment.

(f) Provide first aid to injured parties if it can be done safely and without contamination.

(g) Make reasonable efforts to secure the scene to prevent access from unauthorized individuals and to protect and identify any evidence.

(h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered; mandatory evacuation may be necessary and will depend on the type of material.

(i) Establish a decontamination area when needed.

(j) Activate automated community notification systems, if applicable.

(k) Notify the county Department of Emergency Services.

405.5 REPORTING EXPOSURE

Agency members who believe they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member in an incident report that shall be forwarded via chain of command to the Patrol Supervisor as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

Injury or illness caused or believed to be caused by exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report as applicable.

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Hazardous Material Response

405.5.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that a member has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to mitigate the exposure or continued exposure.

The on-duty supervisor shall notify the Patrol Sergeant as soon as possible so notification can be made through the chain of command.

To ensure the safety of members, safety equipment is available from Patrol and Administrative Sergeants. Safety items not maintained by this agency may be available through the appropriate fire department or emergency response team.

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Hostage and Barricade Incidents

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where deputies have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the deputies by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that deputies encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

406.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is:

- Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.
- Unlawfully held against his/her will under threat or actual use of force.

406.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

406.3 COMMUNICATION

When circumstances permit, initial responding deputies should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Deputies should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect’s surrender.

When available, agency-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands, and the available resources.

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406.3.1 EMERGENCY COMMUNICATIONS

Deputies may intercept a wire, oral or electronic communication in order to provide evidence if a person has created a barricade situation and there is probable cause to believe a hostage may be involved (Md. Code CJ § 10-402(c)(2)).

If the Sheriff or a supervising deputy has probable cause to believe that a hostage situation is occurring or that a person is barricaded within a structure and poses an immediate threat of physical injury to others, he/she may order the telephone company to interrupt, reroute, divert or otherwise control telephone service involved in the hostage or barricade situation (Md. Code CJ § 10-413(c)).

The Sheriff or supervising deputy shall give a written or oral representation of the hostage or barricade situation to the telephone company. If an order is given on the basis of an oral representation, the oral representation shall be followed by a written confirmation within 48 hours (Md. Code CJ § 10-413(e)).

For the purposes of this section, “supervising deputy” means a deputy as defined in Md. Code CJ § 10-413(g).

The Sheriff may also designate one or more deputies to serve as a hostage and barricade communications specialist responsible for rerouting, diverting or otherwise controlling any telephone communications service involved in a hostage or barricade situation. A hostage and barricade communications specialist shall act only if the telephone company providing service in the area has been contacted and the telephone company (Md. CJ § 10-413(a); Md. CJ § 10-413(d)):

(a) Declines to respond to a request for assistance because of a threat of physical injury to its employees.

(b) Indicates that it will be unable to respond appropriately to the request within a reasonable time.

406.4 FIRST RESPONDER CONSIDERATIONS

First responding deputies should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding deputy should immediately request a supervisor’s response as soon as it is determined that a hostage or barricade situation exists. The first responding deputy shall assume the duties of incident commander until relieved by a supervisor or a more qualified responder. The deputy shall continually evaluate the situation, including the level of risk to deputies, to the persons involved and to bystanders, and the resources currently available.

The handling deputy should brief the responding supervisor of the incident as soon as possible, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

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406.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, deputies handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. In the interim, the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Agency, such as command officers and the Sheriff.

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

(k) Establish a command post.

406.4.2 HOSTAGE SITUATION

Deputies presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that deputies react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

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(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).

(d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated, if practicable, pending further interview.

(e) Request additional personnel, resources and equipment as needed (e.g., Star team, canine team, air support, allied agency negotiations teams, allied agency tactical teams, EMS staged).

(f) Provide responding emergency personnel with a safe arrival route to the location.

(g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.

(h) Coordinate pursuit or surveillance vehicles and control of travel routes.

(i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

(j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(l) Determine the need for and notify the appropriate persons within and outside the Agency, such as command officers and the Sheriff.

(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

406.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes notifying the Sheriff, Chief Deputy and Chief of Operations, requesting the Sheriff's Tactical Assault Response Team (STAR) response if appropriate. In addition, the following options, listed here in no particular order, should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

(b) Ensure the completion of necessary first responder responsibilities or assignments.

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(c) Request crisis negotiators, specialized assignment members, additional agency members, resources or equipment as appropriate.

(d) Establish a command post location as resources and circumstances permit.

(e) Designate assistants who can help with intelligence information and documentation of the incident.

(f) If it is practicable to do so, arrange for video documentation of the operation.

(g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).

(h) Ensure adequate law enforcement coverage for the remainder of the County during the incident. The supervisor should direct nonessential personnel away from the scene unless they have been summoned by the supervisor or the Communications Center.

(i) Identify a media staging area outside the outer perimeter and have the Sheriff or a designated temporary media representative provide media access in accordance with the Media Relations Policy.

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

406.6 STAR TEAM RESPONSIBILITIES

It will be the STAR Team Commander's decision, with input from the Incident Commander, whether to deploy the STAR Team during a hostage or barricade situation. Once the STAR Team Commander authorizes deployment, the STAR Team Commander or the authorized designee will be responsible for the tactical response and negotiations. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the STAR Team. The Incident Commander and the STAR Team Commander or the authorized designees shall maintain direct communications at all times.

406.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling deputy at the scene is responsible for completion and/or coordination of incident reports.

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Response to Bomb Calls

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Dorchester County Sheriff's Office in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

407.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

407.3 RECEIPT OF BOMB THREAT

Agency members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established agency evidence procedures.

The member receiving the bomb threat should ensure that the Patrol Supervisor is immediately advised and informed of the details. This will enable the Patrol Supervisor to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

407.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

407.4.1 DORCHESTER COUNTY SHERIFF'S OFFICE FACILITY

If the bomb threat is against the Dorchester County Sheriff's Office facility, the Patrol Supervisor will direct and assign deputies as required for coordinating a general building search or evacuation of the sheriff's Office, as he/she deems appropriate.

407.4.2 OTHER MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a municipal facility within the jurisdiction of the Dorchester County Sheriff's Office that is not the property of this agency, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Patrol Supervisor deems appropriate.

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407.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

407.5 PRIVATE FACILITY OR PROPERTY

When a member of this agency receives notification of a bomb threat at a location in the County of Dorchester, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

(a) The location of the facility.

(b) The nature of the threat.

(c) Whether the type and detonation time of the device is known.

(d) Whether the facility is occupied, and if so, the number of occupants currently on-scene.

(e) Whether the individual is requesting Sheriff's Office assistance at the facility.

(f) Whether there are any internal facility procedures regarding bomb threats in place, such as:

1. No evacuation of personnel and no search for a device.
2. Search for a device without evacuation of personnel.
3. Evacuation of personnel without a search for a device.
4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Patrol Supervisor is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

407.5.1 ASSISTANCE

The Patrol Supervisor should be notified when assistance is requested from the Sheriff's Office. The Patrol Supervisor will make the decision whether the Agency will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including Sheriff's Office control over the facility.

Should the Patrol Supervisor determine that the Agency will assist or control such an incident, he/she will determine:

(a) The appropriate level of assistance.

(b) The plan for assistance.

(c) Whether to evacuate and/or search the facility.

(d) Whether to involve facility staff in the search or evacuation of the building.

1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.

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2. The safety of all participants is the paramount concern.

(e) The need for additional resources, including:

1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request Sheriff's Office assistance to clear the interior of a building, based upon the circumstances and known threat, deputies may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

407.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.

(b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.

(c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:

1. Two-way radios
2. Cell phones
3. Other personal communication devices

(d) The appropriate bomb squad from the Fire Marshal's Office or military explosive ordnance disposal team should be summoned for assistance.

(e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.

(f) A safe access route should be provided for support personnel and equipment.

(g) Search the area for secondary devices as appropriate and based upon available resources.

(h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.

(i) Promptly relay available information to the Patrol Supervisor including:

1. The time of discovery.
2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

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407.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding deputies. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

407.7.1 CONSIDERATIONS

Deputies responding to explosions, whether accidental or a criminal act, should consider the following actions:

(a) Assess the scope of the incident, including the number of victims and extent of injuries.

(b) Request additional personnel and resources, as appropriate.

(c) Assist with first aid.

(d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.

(e) Assist with the safe evacuation of victims, if possible.

(f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.

(g) Preserve evidence.

(h) Establish an outer perimeter and evacuate if necessary.

(i) Identify witnesses.

407.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Regional bomb squad
- Additional agency personnel, such as investigators and forensic services
- Patrol Supervisor
- Sheriff, Chief Deputy and Chief of Operations
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

407.8 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

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Response to Bomb Calls

407.8.1 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Patrol Supervisor should assign deputies to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

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Mental Health Evaluations

408.1 PURPOSE AND SCOPE

This policy provides guidelines for when deputies may place a person under temporary custody for an involuntary mental health hold at an appropriate facility.

408.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to protect the public and individuals through legal and appropriate use of the mental health hold process.

408.3 AUTHORITY

A deputy may take a person into temporary custody for transfer to an appropriate facility if the person has a mental disorder and the person presents a danger to the life or safety of him/herself or others.

408.3.1 VOLUNTARY EVALUATION

If a deputy encounters an individual who may qualify for a mental health hold, he/she may inquire as to whether the person desires to be voluntarily evaluated at an appropriate facility. If the individual so desires, the deputies should (Md. Code HG § 10-609):

(a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a mental health hold.

(b) Document the circumstances surrounding the individual’s desire to pursue voluntary evaluation and/or admission.

If at any point the individual changes his/her mind regarding voluntary evaluation, the deputies should proceed with the involuntary emergency mental evaluation, if appropriate.

408.4 CONSIDERATIONS AND RESPONSIBILITIES

Any deputy handling a call involving a person who qualifies for a mental health hold should personally observe the individual or his/her behavior indicating that the individual has a mental disorder and presents a danger to the life or safety of him/herself or others. The deputy may also use other pertinent information, including observations and information from other credible sources, in making a determination regarding a petition for emergency evaluation (Md. Code HG § 10-622(a); Md. Code HG § 10-622(b)).

The deputy who makes the decision to petition for an emergency evaluation shall complete and sign the petition, which will include all of the pertinent observations by the deputy or other interested persons.

If the individual is taken into temporary custody from another person who is the petitioner for an emergency evaluation, the deputy shall explain to the petitioner the meaning, content, and seriousness of the petition (Md. Code HG § 10-622(d)).

Mental health holds and placements should be preferred over arrest for individuals with mental health issues who are suspected of committing minor crimes or creating other public safety issues.

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408.5 TRANSPORTATION

A deputy shall transport an individual with an emergency evaluation to the nearest emergency facility when the deputy has a petition that (Md. Code HG § 10-624(a)(1)):

(a) Has been endorsed by a court within the last five days.

(b) Is signed and submitted by a physician, psychologist, clinical social worker, licensed clinical professional counselor, clinical nurse specialist in psychiatric and mental health nursing, psychiatric nurse practitioner, licensed clinical marriage and family therapist, health officer or designee of a health officer, or a peace officer.

When transporting any individual for a mental health hold, the transporting deputy should have the Communications Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual, and whether any special medical care is needed (Md. Code HG § 10-624).

Deputies may transport individuals in the patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of a deputy during the transport, Patrol Supervisor approval is required before transport commences.

408.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the deputy will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the deputy should provide the staff member with the written application for a mental health hold and remain present to provide clarification of the grounds for detention, upon request.

Should a physician, physician assistant, nurse practitioner, or other advanced practice professional working at an emergency facility determine that the individual transported to the facility is violent and request that a deputy be present, a deputy is required to remain at the facility (Md. Code HG § 10-624(a)).

The deputy shall complete a Return of Service by Peace Officer Form (CC-DC 27), as appropriate, and have the facility sign the form.

408.7 DOCUMENTATION

The deputy shall complete the following forms for evaluation and treatment, provide the forms to the facility staff member assigned to the individual and retain a copy for inclusion in the case report:

- Petition for Emergency Evaluation Form (CC-DC 13)
- Certification by Peace Officer Form (CC-DC 14)
- Order for Emergency Evaluation of an Arrested Individual (DC 15)
- Return of Service by Peace Officer Form (CC-DC 27)

The deputy should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

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The deputy shall include in the narrative sections of the Petition for Emergency Evaluation and the Incident Report the facts, observations and information known to the deputy, or provided by others, that the individual is suffering from a mental disorder and warrants the issuance of the Petition for Emergency Evaluation, including:

- Symptoms of mental disorder
- Dangerous behavior
- History of mental disorder psychiatric hospitalization or treatment
- Statements made by the individual

408.7.1 CONFIDENTIALITY
Records relating to mental health evaluations are confidential and the contents may not be divulged, by subpoena or otherwise, except by order of the court on good cause shown or as allowed by law (Md. Code HG § 10-630).

408.8 CRIMINAL OFFENSES

Deputies investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody on a mental health hold should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for a mental health hold has committed a criminal offense that would normally result in an arrest and transfer to a jail facility, the deputy should:

(a) Arrest the individual when there is probable cause to do so.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the mental health hold.

(c) Facilitate the individual’s transfer to jail.

(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a mental health hold.

In the supervisor’s judgment, the individual may instead be transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this agency to regain custody of the individual, agency resources (e.g., posting a guard) and other relevant factors in making this decision.

The court may issue emergency evaluations for arrested individuals and, unless the court directs otherwise, a deputy shall stay with the arrested individual until he/she is either admitted to an appropriate facility, or is returned to the court or an appropriate jail (Md. Code HG § 10-626(c)).

If the arrested individual does not meet the requirements for involuntary admission, the examining physician shall send a brief report of the evaluation to the court and the deputy shall return the arrested individual, the court order and the report of the examining physician to the court. If the court is not in session, the deputy shall take the arrested individual to an appropriate jail and,

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before the end of the next day that the court is in session, return the individual and the report of the examining physician to the court (Md. Code HG § 10-626(d)).

408.9 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for a mental health hold, the handling deputies should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Deputies should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Deputies are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling deputies should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

408.10 TRAINING

This agency will endeavor to provide agency-approved training on interaction with mentally disabled persons, mental health holds and crisis intervention.

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Citation Releases

409.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Dorchester County Sheriff's Office with guidance on when to release adults who are suspected offenders on a citation for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Violence Policy.

409.2 POLICY

The Dorchester County Sheriff's Office will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation, when authorized to do so.

409.3 RELEASE

A deputy shall charge a suspected offender by citation as follows (Md. Code CP § 4-101(c)):

(a) Any misdemeanor or local ordinance violation that does not carry a penalty of imprisonment.

(b) Any other misdemeanor or local ordinance violation not involving serious injury or an immediate health risk for which the maximum penalty of imprisonment is 90 days or less.

(c) Possession of cannabis under Md. Code CR § 5-601.

409.3.1 ARREST AND RELEASE

A deputy who has grounds to make a warrantless arrest for an offense that may be charged by citation may (Md. Code CP § 4-101(c)(3)):

(a) Issue a citation in lieu of making the arrest.

(b) Make the arrest and subsequently issue a citation in lieu of continued custody.

409.4 PROHIBITIONS

The release of a suspected offender on a citation is not permitted when the misdemeanor or local ordinance violation involves any of the following (Md. Code CP § 4-101(c)(1)):

(a) Failure to comply with a peace order under Md. Code CJ § 3-1508.

(b) Failure to comply with a protective order under Md. Code FL § 4-509.

(c) Violation of a condition of pretrial or post trial release under Md. Code CP § 5-213.1.

(d) Possession of an electronic control device after conviction of a drug felony or crime of violence under Md. Code CR § 4-109(b).

(e) Violation of an out-of-state domestic violence order under Md. Code FL § 4-508.1.

(f) Abuse or neglect of an animal under Md. Code CR § 10-604.

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See the Domestic Violence Policy for release restrictions related to those investigations.

409.5 CONSIDERATIONS

A deputy may charge a defendant by citation provided (Md. Code CP § 4-101(c)(2)):

(a) The deputy is satisfied with the defendant’s evidence of identity.

(b) The deputy reasonably believes that the defendant will comply with the citation.

(c) The deputy reasonably believes that the failure to charge on a statement of charges will not pose a threat to public safety.

(d) The defendant is not subject to arrest for an alleged misdemeanor involving serious injury or immediate health risk or an alleged felony arising out of the same incident.

(e) The defendant is not subject to arrest based on an outstanding arrest warrant.

(f) The defendant complies with all lawful orders by the deputy.

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Foreign Diplomatic and Consular Representatives

410.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Dorchester County Sheriff's Office extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

410.2 POLICY

The Dorchester County Sheriff's Office respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

410.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

(a) Notify a supervisor.

(b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person’s status.

(c) Request the person’s identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.

(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating “US” as the state.

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410.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

1. Diplomatic-level staff of missions to international organizations and recognized family members
2. Diplomatic agents and recognized family members
3. Members of administrative and technical staff of a diplomatic mission and recognized family members
4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:

1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
2. Support staff of missions to international organizations
3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
4. Honorary consular officers

410.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

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410.6 DIPLOMATIC IMMUNITY

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No-for official acts Yes otherwise	No for official acts Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts Yes otherwise (note (c))	No immunity or inviolability

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Foreign Diplomatic and Consular Representatives

Diplomatic-Level Staff ofMissions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity and inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

(a) This table represents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

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Rapid Response and Deployment

411.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist deputies in situations that call for rapid response and deployment.

411.2 POLICY

The Dorchester County Sheriff's Office will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Agency in protecting themselves or others from death or serious injury.

411.3 CONSIDERATIONS

When dealing with a crisis situation members should:

(a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.

(b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.

(c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.

(d) Attempt, if feasible and based upon the suspect’s actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

411.4 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding deputies should consider reasonable options to reduce, prevent or eliminate the threat. Deputies must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, deputies should take immediate action, if reasonably practicable, while requesting additional assistance.

Deputies should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action deputies should consider:

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(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.

(b) Whether to wait for additional resources or personnel. This does not preclude an individual deputy from taking immediate action.

(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the deputies have the ability to effectively communicate with other personnel or resources.

(f) Whether planned tactics can be effectively deployed.

(g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In the case of a barricaded or trapped suspect, with no hostages and no immediate threat to others, deputies should consider covering escape routes and evacuating persons as appropriate, while summoning and waiting for additional assistance (e.g., special tactics and/or hostage negotiation team response).

411.5 PLANNING

The Chief of Operations should coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(e) Evacuation routes in critical incident target sites.

(f) Patrol first-response training.

(g) Response coordination and resources of emergency medical and fire services.

(h) Equipment needs.

(i) Mutual aid agreements with other agencies.

(j) Coordination with private security providers in critical incident target sites.

411.5.1 SCHOOL RESPONSE PLANNING

Emergency response planning for schools should include:

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(a) Collaboration with the local school system to establish written procedures for responding to emergencies at each public school within the agency's jurisdiction (Md. Code PS § 3–520).

(b) Coordination with the local school system to provide assistance for the completion of active shooter drills (Md. Code ED § 15–123).

411.6 TRAINING

The Chief Deputy should include rapid response to critical incidents in the training plan. This training should address:

(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Communications interoperability with other law enforcement and emergency service agencies.

(c) Patrol first-response training, including patrol rifle, breaching tool(s) and control device training.

(d) First aid, including gunshot trauma.

(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

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Immigration Violations

412.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Dorchester County Sheriff's Office relating to immigration and interacting with federal immigration officials.

412.2 POLICY

It is the policy of the Dorchester County Sheriff's Office that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this agency in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

412.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Maryland constitutions.

412.4 DETENTIONS

A deputy shall not inquire about a person's citizenship, immigration status, or place of birth during a detention, a search, or an arrest unless doing so is material to a criminal investigation or intended to provide the person legal protection under the law and the person is advised any related disclosure on the person's part is voluntary (e.g., diplomatic or consular protections) (Md. Code CP § 5–104).

A deputy shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Md. Code CP § 5–104).

A deputy who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the deputy may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the deputy has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, the deputy may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

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Immigration Violations

A deputy is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

A deputy should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

412.4.1 SUPERVISOR RESPONSIBILITIES

When notified that a deputy has detained an individual and established reasonable suspicion or probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

(a) Transfer the person to federal authorities.

(b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see Law Enforcement Authority Policy).

412.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, a deputy should not notify federal immigration officials when booking arrestees at a jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

412.6 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this agency should be directed to a supervisor. The Agency may provide available support services, such as traffic control or peacekeeping efforts.

412.7 INFORMATION SHARING

No member of this agency will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

(a) Sending information to, or requesting or receiving such information from federal immigration officials.

(b) Maintaining such information in agency records.

(c) Exchanging such information with any other federal, state, or local government entity.

412.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

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412.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Criminal Investigation Division supervisor assigned to oversee the handling of any related case. The Criminal Investigation Division supervisor should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

    1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

412.9 TRAINING

The Chief Deputy should ensure deputies receive training on this policy.

Training should include:

(a) Identifying civil versus criminal immigration violations.

(b) Factors that may be considered in determining whether a criminal immigration offense has been committed.

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Utility Service Emergencies

413.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for addressing County utility service emergencies. This policy will address calls for service that are directed to the Sheriff's Office.

413.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to appropriately respond to County emergency utility service requests received by this agency.

413.3 UTILITY SERVICE EMERGENCY

A current contact list of County personnel to be notified in the event of a utility service emergency should be available in the Communications Center.

413.3.1 WATER LINES

The County’s responsibility for water lines ends at the water meter; any break or malfunction in the water system from the water meter to a residence or business is the responsibility of the customer.

If a water line break occurs on the County side of the water meter, public works personnel should be notified as soon as practicable.

413.3.2 ELECTRICAL LINES

When an electrical power line poses a hazard, a member of this agency should be dispatched to the reported location to protect against personal injury or property damage that might be caused by the power line. The fire department, electric company and/or the public works department should be promptly notified, as appropriate.

413.3.3 RESERVOIRS, PUMPS, WELLS

In the event of flooding or equipment malfunctions involving County reservoirs, pumps or wells, the public works department should be contacted as soon as practicable.

413.3.4 NATURAL GAS LINES

All reports of a possible leak of natural gas or damage to a natural gas line shall promptly be referred to the fire department and the local entity responsible for gas lines. A member of this agency should be dispatched to the reported location if it appears that assistance such as traffic control or evacuation is needed.

413.3.5 TRAFFIC SIGNALS

A member of this agency should be dispatched upon report of a damaged or malfunctioning traffic signal or traffic control signs in order to protect against personal injury or property damage that might occur as the result of the damaged or malfunctioning signal. The member will advise the Communications Center of the problem with the traffic signal or traffic control sign. The communications operator should make the necessary notification to the appropriate State, County or Municipal highway maintenance agency as soon as practicable.

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Utility Service Emergencies

A decision to place a signal on flash should include a consultation with the appropriate State, County or Municipal agency, unless exigent circumstances exist.

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Crisis Intervention Incidents

414.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires a deputy to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

414.2 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

414.3 POLICY

The Dorchester County Sheriff's Office is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Agency will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

414.4 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental illness

(b) Threats of or attempted suicide

(c) Loss of memory

(d) Incoherence, disorientation or slow response

(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas

(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt

(g) Social withdrawal

(h) Manic or impulsive behavior, extreme agitation, lack of control

(i) Lack of fear

(j) Anxiety, aggression, rigidity, inflexibility or paranoia

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Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

414.5 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Sheriff should designate the Chief Deputy or Chief of Operations to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide agency interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

414.6 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to deputies; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit a deputy's authority to use reasonable force when interacting with a person in crisis.

Deputies are reminded that mental health issues, mental health crises and unusual behavior are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

A deputy responding to a call involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(b) Request available backup deputies and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate

(c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.

(d) Attempt to determine if weapons are present or available.

(e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the deputy.

(f) Secure the scene and clear the immediate area as necessary

(g) Employ tactics to preserve the safety of all participants.

(h) Determine the nature of any crime.

(i) Request a supervisor, as warranted.

(j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

(k) If circumstances reasonably permit, consider and employ alternatives to force.

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414.6.1 CONSIDERATIONS AND RESPONSIBILITIES

Any deputy handling a call involving an individual who may be experiencing a mental health crisis should consider, as time and circumstances reasonably permit (Md. Code HG § 10-622(b)):

(a) Available information that might assist in determining the cause and nature of the individual's actions or stated intentions.

(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques.

(d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade deputies from taking reasonable action to ensure the safety of deputies and others.

414.7 DE-ESCALATION

Deputies should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (i.e., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding deputies generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

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414.8 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the deputy should request that the communications operator provide critical information as it becomes available. This includes:

(a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.

(b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous Sheriff's responses.

(c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

414.9 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

(a) Attempt to secure appropriate and sufficient resources.

(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

(c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

(d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

(e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Chief Deputy.

(f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

414.10 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to agency reporting procedures or other official mental health or medical proceedings.

414.10.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Health Evaluations Policy.

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414.11 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian or clerical members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, animal control issues.

(a) Members should treat all individuals equally and with dignity and respect.

(b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, a deputy should be promptly summoned to provide assistance.

414.12 EVALUATION

The Chief Deputy who is designated to coordinate the crisis intervention strategy for this agency should ensure that a thorough review and analysis of the agency’s response to these incidents is conducted annually.

414.13 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Agency will develop and provide comprehensive education and training to all agency members to enable them to effectively interact with persons in crisis.

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Aircraft Accidents

415.1 PURPOSE AND SCOPE

The purpose of this policy is to provide agency members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to applicable portions of the Crime and Disaster Scene Integrity, Emergency Operations Plan and Hazardous Material Response policies.

415.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

415.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

415.3 ARRIVAL AT SCENE

Deputies or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

(a) Protect persons and property.

(b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.

(c) Preserve ground scars and marks made by the aircraft.

(d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.

(e) Maintain a record of persons who enter the accident site.

(f) Consider implementation of an Incident Command System (ICS).

415.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the Maryland State Police and National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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415.5 NOTIFICATIONS

When an aircraft accident is reported to this agency, the responding supervisor shall ensure notification is or has been made to the Maryland State Police and NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

(a) Fire department

(b) Appropriate airport tower

(c) Emergency medical services (EMS)

415.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

(a) FAA.

(b) Fire department, EMS or other assisting law enforcement agencies.

(c) Medical Examiner.

(d) Appropriate branch of the military, when applicable.

(e) Other emergency services agencies (e.g., HAZMAT teams, biohazard decontamination teams, fuel recovery specialists, explosive ordinance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on scene, the efforts of this agency will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene agency supervisor should ensure the accident is still appropriately investigated and documented.

415.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- Fuel, chemicals, explosives, biological, radioactive materials, bombs or other ordnance.
- Pressure vessels, compressed gas bottles, accumulators and tires.
- Fluids, batteries, flares and igniters.

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- Evacuation chutes, ballistic parachute systems and composite materials.

415.8 DOCUMENTATION

All aircraft accidents occurring within the County of Dorchester shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of DSO members deployed to assist; other County resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

415.8.1 WRECKAGE

When reasonably safe, members should:

(a) Obtain the aircraft registration number (N number) and note the type of aircraft.

(b) Attempt to ascertain the number of casualties.

(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.

1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).

(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.

(e) Acquire copies of any recordings from security cameras that may have captured the incident.

415.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

(a) The location of the witness at the time of his/her observation relative to the accident site.

(b) A detailed description of what was observed or heard.

(c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.

(d) The names of all persons reporting the accident, even if not yet interviewed.

(e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

415.9 MEDIA RELATIONS

The Sheriff or designee should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

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Aircraft Accidents

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The Sheriff should coordinate with other involved entities before the release of information.

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Field Training Officers

416.1 PURPOSE AND SCOPE

This policy provides guidelines for field training that ensure standardized training and evaluation; facilitate the transition from the academic setting to the actual performance of general law enforcement duties; and introduce the policies, procedures and operations of the Dorchester County Sheriff's Office. The policy addresses the administration of field training and the selection, supervision, training and responsibilities of the Field Training Officer (FTO) (COMAR 12.04.01.17(F)).

416.2 POLICY

It is the policy of the Dorchester County Sheriff's Office that all newly hired or appointed deputy trainees will participate in field training that is staffed and supervised by trained and qualified FTOs.

416.3 FIELD TRAINING

The Agency shall establish minimum standards for field training, which should be of sufficient duration to prepare deputy trainees for law enforcement duties and be in compliance with state mandates related to field training (COMAR 12.04.01.17). The field training is designed to prepare trainees for a patrol assignment and ensure they acquire the skills needed to operate in a safe, productive and professional manner, in accordance with the general law enforcement duties of this agency.

Field training (COMAR 12.04.01.17):

(a) Shall include activities designed to familiarize the individual with the duties of the deputy position, as defined and administered by this agency.

(b) May be conducted in conjunction with an entrance-level training program or a separate training activity provided by a law enforcement agency.

(c) Shall be no less than the Maryland Police Training and Standards Commission (MPTSC)-required duration.

(d) Shall be monitored by a certified deputy, the Sheriff or the authorized designee.

1. Trainees shall be under the direct supervision of an FTO or other approved deputy as provided in COMAR 12.04.01.17(G).

(e) Should include procedures for:

1. Issuance of training materials to each trainee at the beginning of his/her field training.

2. Daily, weekly and monthly evaluation and documentation of the trainee’s performance.

3. A multiphase structure that includes:

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(a) A formal evaluation progress report completed by the FTOs involved with the trainee and submitted to the Chief Deputy and FTO coordinator.

(b) Assignment of the trainee to a variety of shifts and geographical areas.

(c) Assignment of the trainee to a rotation of FTOs in order to provide for an objective evaluation of the trainee's performance.

4. The trainee's confidential evaluation of his/her assigned FTOs and the field training process.

5. Retention of all field training documentation in the deputy trainee's training file including (COMAR 12.04.01.17(H)):

(a) All performance evaluations.

(b) A certificate of completion certifying that the trainee has successfully completed the required number of field training hours.

416.4 FTO COORDINATOR

The Sheriff shall delegate certain responsibilities to an FTO coordinator. The coordinator shall be appointed by and directly responsible to the Patrol Sergeant or the authorized designee (COMAR 12.04.01.17(C)).

The FTO coordinator may appoint a senior FTO or other designee to assist in the coordination of FTOs and their activities.

The responsibilities of the coordinator include, but are not limited to:

(a) Assignment of trainees to FTOs.

(b) Conducting FTO meetings.

(c) Maintaining and ensuring FTO and trainee performance evaluations are completed.

(d) Maintaining, updating and issuing agency training materials to each FTO and trainee.

(e) Developing ongoing training for FTOs.

(f) Mentoring and supervising individual FTO performance.

(g) Monitoring the overall performance of field training.

(h) Keeping the Patrol Supervisor informed through monthly evaluation reports about the trainees' progress.

(i) Maintaining liaison with FTO coordinators from other law enforcement agencies.

(j) Maintaining liaison with academy staff on recruit deputy performance during academy attendance.

(k) Performing other activities as may be directed by the Patrol Sergeant.

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(l) Completing and submitting documentation to the Chief Deputy to be submitted to MPTSC for each recruit upon successful completion of field training (COMAR 12.04.01.17(G)).

(m) Establishing guidelines and procedures for the evaluation of FTOs and trainees (COMAR 12.04.01.17(F).

416.4.1 FTO COORDINATOR TRAINING

The FTO coordinator is required to successfully complete the following courses prior to appointment to this position (COMAR 12.04.01.17(C)):

(a) An MPTSC-approved supervisor training course.

(b) An MPTSC-approved FTO course.

416.5 FTO SELECTION, TRAINING AND RESPONSIBILITIES

416.5.1 SELECTION PROCESS

The selection of an FTO will be at the discretion of the Sheriff or the authorized designee. Selection will be based on the deputy's:

(a) Desire to be an FTO.

(b) Experience, which shall include a minimum of four years of patrol experience, two of which shall be with this agency (COMAR 12.04.01.17(D)).

(c) Demonstrated ability as a positive role model.

(d) Successful completion of an internal oral interview process.

(e) Evaluation by supervisors and current FTOs.

(f) Possession of, or ability to obtain, agency-approved certification.

(g) Approval by the MPTSC as an FTO (COMAR 12.04.01.17(D)).

An FTO must remain in good standing and may be relieved from FTO duties due to discipline, inappropriate conduct or poor performance.

416.5.2 TRAINING

A deputy selected as an FTO shall successfully complete an MPTSC-approved FTO course prior to being assigned as an FTO (COMAR 12.04.01.17(D)).

All FTOs shall successfully complete an FTO update course approved by the MPTSC every four years while assigned to the position of FTO (COMAR 12.04.01.17(D)).

416.5.3 TRAINING MATERIALS

The FTO shall receive training materials outlining the requirements, expectations and objectives of the FTO position. FTOs should refer to their training materials or the FTO coordinator regarding specific questions related to FTO or field training.

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Field Training Officers

416.5.4 RESPONSIBILITIES

The responsibilities of the FTO include, but are not limited to (COMAR 12.04.01.17(F)):

(a) Issuing his/her assigned trainee field training materials in accordance with the Training Policy.

1. The FTO shall ensure that the trainee has the opportunity to become knowledgeable of the subject matter and proficient with the skills as set forth in the training materials.

2. The FTO shall sign off all completed topics contained in the training materials, noting the methods of learning and evaluating the performance of his/her assigned trainee.

(b) Completing and reviewing daily performance evaluations with the trainee each day.

(c) Completing and submitting a written evaluation on the performance of his/her assigned trainee to the FTO coordinator on a daily basis.

(d) Completing a detailed weekly performance evaluation of his/her assigned trainee at the end of each week.

(e) Completing a monthly evaluation report of his/her assigned trainee at the end of each month.

(f) Providing the shift supervisor with a verbal synopsis of the trainee’s activities at the end of each day or during any unusual occurrence needing guidance or clarification.

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Air Support

417.1 PURPOSE AND SCOPE

The use of air support can be invaluable in certain situations. This policy specifies situations where the use of air support may be requested and the responsibilities for making a request.

417.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to prioritize requests for air support to enhance law enforcement objectives and provide additional safety to deputies and the community.

417.3 REQUEST FOR AIR SUPPORT

If a supervisor or deputy in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support may be made.

417.3.1 CIRCUMSTANCES FOR REQUESTS

Law enforcement air support may be requested under conditions that include, but are not limited to:

(a) Whenever the safety of deputies or the community is in jeopardy and the presence of air support may reduce such hazard.

(b) When the use of air support will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to deputies or the community.

(c) When air support is needed to locate a person who is lost and whose continued absence constitutes a serious health or safety hazard.

(d) Vehicle pursuits.

(e) Pre-planned events or actions that require air support.

(f) When air support is activated under existing mutual aid agreements.

(g) When the Patrol Supervisor or equivalent authority determines a reasonable need exists.

417.3.2 ALLIED AGENCY REQUEST

After consideration and approval of the request for air support, the Patrol Supervisor or the authorized designee will call the closest agency having available air support and will apprise that agency of the specific details of the incident prompting the request.

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Contacts and Temporary Detentions

418.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

418.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When a deputy contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the deputy is voluntary.

Field interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the deputy's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio/Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by deputies in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the deputy, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, a deputy has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When a deputy intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when a deputy actually restrains a person’s freedom of movement.

418.2 POLICY

The Dorchester County Sheriff's Office respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the deputy, the decision to temporarily detain a person and complete an FI, pat-down search or field photograph shall be left to the deputy based on the totality of the circumstances, officer safety considerations and constitutional safeguards.

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418.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, a deputy may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the deputy's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Dorchester County Sheriff's Office to strengthen community involvement, community awareness, and problem identification.

418.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the deputy should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

(a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.

(b) Actions suggesting that he/she is engaged in a criminal activity.

(c) Presence in an area at an inappropriate hour of the day or night.

(d) Presence in a particular area is suspicious.

(e) Carrying of suspicious objects or items.

(f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon.

(g) Location in proximate time and place to an alleged crime.

(h) Physical description of clothing worn that matches a suspect in a recent crime.

(i) Prior criminal record or involvement in criminal activity as known by the deputy.

418.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the deputy's training and experience, a deputy may pat a suspect's outer clothing for weapons if the deputy has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the deputy to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.

(b) Where more than one suspect must be handled by a single deputy.

(c) The hour of the day and the location or area where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.

(e) The actions and demeanor of the suspect.

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(f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, a pat-down search should not be conducted by a lone deputy. A cover deputy should be positioned to ensure safety and should not be involved in the search.

418.4.1 LIMITED SEARCH FOR WEAPONS

A deputy may make an inquiry and conduct a limited search of a person if, in light of the deputy's observations, information and experience, the deputy reasonably believes that (Md. Code CR § 4-206):

(a) A person may be wearing, carrying or transporting a handgun in violation of the law.

(b) Because the person possesses a handgun, the person is or presently may be dangerous to the deputy or to others.

(c) Under the circumstances, it is impracticable to obtain a search warrant.

(d) To protect the deputies or others, swift measures are necessary to discover whether the person is wearing, carrying or transporting a handgun.

418.5 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the deputy shall carefully consider, among other things, the factors listed below.

418.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the deputy should have the individual read and sign the appropriate form accompanying the photograph.

418.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The deputy must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the deputy's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

418.5.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed

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as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Patrol Supervisor should review and forward the photograph to one of the following locations:

(a) If the photograph and associated documentation is relevant to criminal organization/ enterprise enforcement, the Patrol Supervisor will forward the photograph and documents to the designated criminal investigation supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.

(b) Photographs that do not qualify for retention in a criminal investigation or temporary information file shall be attached to the deputy's incident report.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

418.5.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

418.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, deputies should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

(a) Identifying all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.

2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, deputies should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by agency members.

1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

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418.7 TEMPORARY DETENTIONS

At the commencement of any temporary detention, absent exigent circumstances, a deputy should (Md. Code CP § 2-109):

(a) Display identification to the temporarily detained individual.

(b) Provide the individual with the deputy's name and identification number, the name of the Agency, and the reason for the contact.

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Criminal Organizations

419.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Dorchester County Sheriff's Office appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

419.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

419.2 POLICY

The Dorchester County Sheriff's Office recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this agency to collect and share relevant information while respecting the privacy and legal rights of the public.

419.3 CRIMINAL INTELLIGENCE SYSTEMS

No agency member may create, submit to or obtain information from a criminal intelligence system unless the Sheriff has approved the system for agency use.

Any criminal intelligence system approved for agency use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for agency use. The supervisor or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

419.3.1 SYSTEM ENTRIES

It is the designated supervisor’s responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this agency, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Section. Any supporting documentation for an entry shall be retained by the Records Section in accordance with the

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established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Section are appropriately marked as intelligence information. The Chief Deputy may not purge such documents without the approval of the designated supervisor.

419.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the agency-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of criminal intelligence system entries.

419.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the responsible agency supervisor.

(b) Should not be originals that would ordinarily be retained by the Records Section or Criminal Investigations Division, but should be copies of, or references to, retained documents, such as copies of reports, field interview (FI) forms, the Communications Center records or booking forms.

(c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

(d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

419.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

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419.5 INFORMATION RECOGNITION

Agency members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

(a) Gang indicia associated with a person or residence.

(b) Information related to a drug-trafficking operation.

(c) Vandalism indicating an animus for a particular group.

(d) Information related to an illegal gambling operation.

Agency supervisors who utilize an authorized criminal intelligence system should work with the Chief Deputy to train members to identify information that may be particularly relevant for inclusion.

419.6 RELEASE OF INFORMATION

Agency members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to agency members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

419.7 CRIMINAL STREET GANGS

The Criminal Investigation Division supervisor should ensure that there are an appropriate number of agency members who can:

(a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with identification of criminal organizations, criminal organization members, and patterns of organized crime activity (Md. Code CR § 9-801 et seq.).

(b) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.

(c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

419.8 TRAINING

The Chief Deputy should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

(a) The protection of civil liberties.

(b) Participation in a multiagency criminal intelligence system.

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(c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

(d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.

(e) The review and purging of temporary information files.

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Patrol Supervisors

420.1 PURPOSE AND SCOPE

This policy provides guidelines for the designation of a Patrol Supervisor and, as needed, an acting Patrol Supervisor for each shift.

420.2 POLICY

Each shift will be directed by a Patrol Supervisor capable of making decisions and managing in a manner consistent with the mission of the Dorchester County Sheriff's Office. To accomplish this, a Corporal shall be designated as the Patrol Supervisor for each shift.

420.3 DESIGNATION AS ACTING PATROL SUPERVISOR

With prior authorization from the Chief Deputy, generally when a Corporal is unavailable for duty as Patrol Supervisor, a qualified lower-ranking member shall be designated as acting Patrol Supervisor.

420.4 PATROL SUPERVISOR RESPONSIBILITIES

The Patrol Supervisor shall have overall responsibility and accountability for the operation of this agency on an assigned shift. Duties may include, but are not limited to:

(a) Ensuring sufficient members are on-duty to accomplish the mission of the Dorchester County Sheriff's Office.

(b) Providing command-level oversight until relieved of major crime scenes or disasters.

(c) Establishing service level priorities.

(d) Providing job-related training and guidance to subordinates.

(e) Acquiring outside resources or providing assistance to other agencies, when applicable.

(f) Handling service inquiries or complaints from the public.

(g) Acting on behalf of the Sheriff when appropriate.

(h) Managing risk exposure.

(i) Ensuring the security of all agency facilities.

(j) Ensuring the proper equipment and vehicles are available for member use.

(k) Representing the Agency at community functions.

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Mobile Data Terminal Use

422.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Terminal (MDT) system in order to ensure proper access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between agency members and the Communications Center.

422.2 POLICY

Dorchester County Sheriff's Office members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

422.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any agency technology system (see the Information Technology Use Policy for additional guidance).

422.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use Policy.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business related tasks or for communications that are directly related to the business, administration or practices of the agency. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDT system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member’s name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

422.4.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

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In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

422.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Supervisor, all calls for service assigned by a communications operator should be communicated by voice over the Sheriff's radio and electronically via the MDT unless security or confidentiality prevents such broadcasting.

MDT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

(a) All contacts or activity shall be documented at the time of the contact.

(b) Whenever the activity or contact is initiated by voice, it shall be documented by a communications operator.

(c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDT.

422.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the sheriff's radio or through the MDT system.

Members responding to in-progress calls shall advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDT when the vehicle is not in motion.

422.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available deputy should respond in accordance with the Deputy Response to Calls Policy.

Members should ensure the supervisor is notified of the incident without delay. If further notification is necessary the supervisor will notify the Patrol Sergeant.

Deputies not responding to the emergency shall refrain from transmitting on the Sheriff's radio until a no-further-assistance broadcast is made or if they are handling a different emergency.

422.6 EQUIPMENT CONSIDERATIONS

422.6.1 MAL-FUNCTIONING MDT

Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify the Communications Center. It shall be the responsibility of the communications operator to document all information that will then be transmitted verbally over the Sheriff's radio.

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422.6.2 BOMB CALLS

When investigating reports of possible bombs, members should turn off their MDTs when in close proximity of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

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Portable Audio/Video Recorders

423.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this agency while in the performance of their duties (Md. Code CJ § 10-402; Md. Code PS § 3-511). Portable audio/video recording devices include all recording systems whether body-worn, hand-held, or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Dorchester County Sheriff's Office facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

423.2 POLICY

The Dorchester County Sheriff's Office should provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Agency by accurately capturing contacts between members of the Agency and the public (Md. Code PS § 3-511).

423.3 COORDINATOR

The Sheriff or the authorized designee should designate a coordinator responsible for (Md. Code PS § 3-511):

(a) Establishing procedures for the security, storage, and maintenance of data and recordings.

(b) Establishing procedures for accessing data and recordings.

(c) Establishing procedures for logging or auditing access.

(d) Establishing procedures for transferring, downloading, tagging, or marking events.

(e) Addressing any other requirements of the Maryland Police Training and Standards Commission (MPTSC) model body-worn camera policy.

423.4 MEMBER PRIVACY EXPECTATION

All recordings made by members on any agency-issued device at any time, and any recording made while acting in an official capacity of this agency, regardless of ownership of the device it was made on, shall remain the property of the Agency (Md. Code PS § 3-511). Members shall have no expectation of privacy or ownership interest in the content of these recordings.

423.5 MEMBER RESPONSIBILITIES

All deputies who regularly interact with the public as part of their duties should use a body-worn camera in a manner consistent with agency policy/procedure and state law (Md. Code PS § 3-511).

Prior to going into service, uniformed members will be responsible for making sure that they are equipped with a portable recorder issued by the Agency, and that the recorder is in good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to the member's supervisor and obtain

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a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable (Md. Code CJ § 10-402; Md. Code PS § 3-511).

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful and may use it in compliance with the law (Md. Code CJ § 10-402; Md. Code PS § 3-511). Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a portable recorder, the assigned member shall record the member's name, DSO identification number, and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

423.6 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder should be activated in any of the following situations (Md. Code PS § 3-511):

(a) All enforcement and investigative contacts including stops and field interview situations

(b) Traffic stops including but not limited to traffic violations, stranded motorist assistance, and all crime interdiction stops

(c) Self-initiated activity in which a member would normally notify the Communications Center

(d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

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Portable Audio/Video Recorders

At no time is a member expected to jeopardize the member's safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

Body-worn cameras possessing the capability should be set to automatically record and save video footage at least 60 seconds prior to activation (Md. Code PS § 3-511).

423.6.1 CONSENT REQUIRED FOR ACTIVATION OF THE PORTABLE RECORDER

Generally, members are required to first obtain the consent of all parties prior to recording. However, prior consent is not required when (Md. Code CJ § 10-402; Md. Code PS § 3-511):

(a) The member is a party to the conversation and:
    1. The recording is in the course of an investigation of one of the offenses listed in Md. Code CJ § 10-402.
    2. The person has created a barricade situation and there is probable cause to believe a hostage may be involved.

(b) The member has detained a vehicle during a criminal investigation or for a traffic violation and:
    1. The member identifies themselves as a law enforcement officer.
    2. The member is a party to the conversation.
    3. The member informs all other parties of the recording.
    4. The recording is made as part of a video recording.

(c) The member is in uniform or prominently displaying a badge or other agency insignia, indicating the member is a law enforcement officer and:
    1. The member is a party to the communication.
    2. The member is engaged in regular duties as a law enforcement officer.
    3. All involved parties are notified that they are being recorded as soon as it is safe and practical.
    4. The audio recording is being made as part of a video recording.

Members should provide notice that a recording is being made to any parties joining a conversation after the initial notice of recording has been given as soon as it is safe and practical to do so.

423.6.2 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until members reasonably believe that their direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident (Md. Code PS § 3-511).

423.6.3 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Maryland law prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation is private or confidential.

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However, Maryland law exempts members from some of this prohibition during the course of their regular duties pursuant to Md. Code CJ § 10-402. Nothing in this section is intended to interfere with a member's right to openly record during any investigation or interrogation pursuant to Md. Code CJ § 10-402 or Md. Code CP § 2-402.

Members shall not surreptitiously record another agency member without a court order unless lawfully authorized by the Sheriff or the authorized designee (Md. Code PS § 3-511).

423.6.4 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

423.7 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using agency issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on duty, whether the recording was created with agency issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate agency business purposes. All such recordings shall be retained at the agency.

Members are prohibited from using personally owned recording devices while on duty without the express consent of the Supervisor. Any member who uses a personally owned recorder for agency related activities shall comply with the provisions of this policy, including retention and release requirements.

Recordings shall not be used by any member for the purpose of embarrassment, intimidation or ridicule.

423.8 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

(a) The recording contains evidence relevant to potential criminal, civil or administrative matters.

(b) A complainant, victim or witness has requested non-disclosure.

(c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.

(d) Disclosure may be an unreasonable violation of someone’s privacy.

(e) Medical or mental health information is contained.

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(f) Disclosure may compromise an undercover officer or confidential informant.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

423.9 RETENTION OF RECORDINGS

An unaltered version of all recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days. Recordings shall be securely maintained pursuant to agency procedures and a log shall be kept of when a recording is viewed, the length of time it is viewed, and by whom. If copies of a recording or portions of a recording are made, a record shall be kept indicting what portions of a recording were provided and to whom (Md. Code PS § 3-511).

423.9.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy (Md. Code PS § 3-511).

423.10 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource. (See the Officer-Involved Shootings and Deaths Policy for guidance in those cases.) However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed (Md. Code PS § 3-511):

(a) Upon approval by a supervisor, by any member of the Agency who is participating in an official investigation, such as a personnel complaint, administrative investigation, or criminal investigation.

(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Sheriff or the authorized designee.

(d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

423.10.1 PROHIBITED USES

Recordings should not be used (Md. Code PS § 3-511):

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(a) To identify persons present at public gatherings who are not suspected of being engaged in illegal activity or in need of assistance.

(b) To create a database or pool of mug shots.

(c) As fillers in photo arrays.

Recordings shall not be searched with facial or voice recognition software unless a deputy has reason to believe that a specific suspect or person in need of assistance may appear in the recording.

423.11 POSTING OF POLICY

A copy of this policy should be made available to the public on the agency website and upon request (Md. Code PS § 3-511).

423.12 TRAINING

Members should receive periodic training on the operation of body-worn cameras as well as this policy. Training should include methods of providing notice that a recording is being made to persons with limited English proficiency or persons with a disability that renders them otherwise unable to understand (see the Limited English Proficiency Services and Communications with Persons with Disabilities policies) (Md. Code PS § 3-511).

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Public Recording of Law Enforcement Activity

424.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this agency. In addition, this policy provides guidelines for situations where the recordings may be evidence.

424.2 POLICY

The Dorchester County Sheriff's Office recognizes the right of persons to lawfully record members of this agency who are performing their official duties. Members of this agency will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Deputies should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

424.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:

1. Tampering with a witness or suspect.
2. Inciting others to violate the law.
3. Being so close to the activity as to present a clear safety hazard to the deputies.
4. Being so close to the activity as to interfere with a deputy’s effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the deputies, him/herself or others.

424.4 DEPUTY RESPONSE

Deputies should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, deputies should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, deputies or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, a deputy could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, deputies shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

424.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the deputy and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of Agency members, such as how and where to file a complaint.

424.6 SEIZING RECORDINGS AS EVIDENCE

Deputies should not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

(a) To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

(b) If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to an agency-owned device.

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Public Recording of Law Enforcement Activity

Recording devices and media that are seized will be submitted within the guidelines of the Criminal Investigations Division Policy.

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Bicycle Patrol

425.1 PURPOSE AND SCOPE

This policy establishes guidelines for the Dorchester County Sheriff's Office to safely and effectively use bicycle patrol for the purpose of enhancing field patrol efforts in the community.

425.2 POLICY

It is the policy of the Dorchester County Sheriff's Office that patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. The use of the patrol bicycle will emphasize deputy mobility and agency visibility in the community.

425.3 OPERATIONS

Bicycle patrol has been shown to be an effective way to increase deputy visibility in congested areas, and the quiet operation of the patrol bicycle can facilitate a tactical approach to crimes in progress. Patrol bicycles may be deployed to any area, at any hour of the day or night, according to agency needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol deputies shall be coordinated through the bicycle patrol coordinator.

425.4 SELECTION

Interested deputies shall submit a letter requesting to attend bicycle school for police to the Chief Deputy. A copy will be forwarded to the bicycle patrol coordinator. Qualified applicants must pass and complete training before being eligible for bicycle patrol assignments.

Interested deputies shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance

(b) Special skills or training as it pertains to the assignment

(c) Good physical condition

(d) Willingness to perform duties using the bicycle as a mode of transportation

425.4.1 DEPUTY RESPONSIBILITIES

Deputies should operate the bicycle in compliance with Maryland traffic laws under normal operation, unless their duties require otherwise (Md. Code TR § 21-1202).

Deputies may operate the bicycle without lighting equipment during hours of darkness only when it reasonably appears necessary for officer safety or tactical considerations. Deputies must use caution and care when operating bicycles without lighting equipment or when they are operating in violation of the rules of the road.

Deputies are exempt from the rules of the road, while using audible and visual signals, under the following conditions (Md. Code TR § 21-106):

(a) In response to an emergency call

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(b) In the immediate pursuit of an actual or suspected violator of the law

(c) In response to a fire alarm, but not while returning

425.5 BICYCLE PATROL COORDINATOR

The bicycle patrol coordinator shall be appointed by and directly responsible to the Chief Deputy or the authorized designee.

The coordinator may appoint a senior bicycle patrol deputy or other designee to assist in the coordination of bicycle patrol deputies and their activities.

The responsibilities of the coordinator include, but are not limited to:

(a) Organizing bicycle patrol training.

(b) Inspecting and maintaining an inventory of patrol bicycles and program equipment.

(c) Inspecting and documenting, no less than every three months, that bicycles which are not in active service are in serviceable condition.

(d) Scheduling maintenance and repairs.

(e) Evaluating the performance of bicycle patrol deputies.

(f) Coordinating activities with the Patrol Division.

(g) Other activities as required to maintain the efficient operation of bicycle patrol.

425.6 PATROL BICYCLE

Bicycle patrol deputies will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries and a charger.

Patrol bicycles shall be primarily black or white in color with a “Sheriff's” decal affixed to each side of the crossbar or the bicycle’s gear bag. Every patrol bicycle shall be equipped with:

(a) Front and rear reflectors.

(b) A siren and horn.

(c) A steady or flashing blue and red warning light that is visible from the front, sides or rear of the bicycle.

(d) A rear rack and/or gear bag sufficient to carry all necessary equipment to handle routine patrol calls, including report writing, vehicle storage and citations.

(e) A gear bag that shall include a first-aid kit, tire pump, repair tool, tire tube, security lock, high-visibility vest and equipment information and use manuals. These items are to remain with/on the patrol bicycle at all times.

Patrol bicycles shall be properly secured when not in the deputy’s immediate presence.

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425.6.1 TRANSPORTING THE PATROL BICYCLE

The patrol bicycle should be transported using a vehicle bicycle rack. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a law enforcement vehicle push-bumper is discouraged.

425.6.2 MAINTENANCE

(a) Bicycle patrol deputies shall conduct an inspection of the patrol bicycle and equipment prior to use to ensure proper working order of the equipment.

(b) Deputies are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

1. Each patrol bicycle will have scheduled maintenance twice yearly to be performed by a repair shop or technician approved by the Agency.

(c) Deputies shall not modify the patrol bicycle or remove, modify or add components to the patrol bicycle except with the express approval of the bicycle patrol coordinator, or in the event of an emergency.

(d) If a needed repair is beyond the ability of the bicycle patrol deputy, a repair work order will be completed and forwarded to the coordinator for repair by a technician approved by the Agency.

(e) Patrol bicycle batteries shall be rotated on the assigned charger at the end of each tour of duty.

1. During prolonged periods of non-use, each bicycle patrol deputy assigned a patrol bicycle shall periodically rotate the batteries on the respective chargers to increase battery life.

(f) At the end of a patrol bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

425.7 UNIFORMS AND EQUIPMENT

Deputies shall wear uniforms and safety equipment in accordance with the bicycle patrol uniform attire policy Attire Policy.

The uniform consists of the standard short-sleeve uniform shirt or other agency-approved shirt, with Dorchester County Sheriff's Office badge and patches, and agency-approved bicycle patrol pants or shorts. Optional attire may include, but is not limited to, a jacket in colder weather and turtleneck shirts or sweaters when worn under the uniform shirt.

Bicycle patrol deputies shall carry the same equipment on their duty belts as they would on regular patrol assignments. Assignment-specific safety equipment should include, but is not limited to, agency-approved helmet, a radio headset and microphone, riding gloves, protective eyewear and approved footwear.

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Deputies will be responsible for obtaining the necessary forms, citation books and other agency equipment needed while on bicycle patrol.

425.8 TRAINING

Deputies must complete an initial agency-approved bicycle-training course prior to assignment to bicycle patrol. Thereafter, bicycle patrol deputies should receive agency yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

(a) Bicycle patrol strategies

(b) Bicycle safety and accident prevention

(c) Operational tactics and techniques using bicycles

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Automated License Plate Readers (ALPRs)

426.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

426.1.1 DEFINITONS

Definitions related to this policy include:

Official law enforcement purpose - The investigation, detection or analysis of a crime; of a violation of the Maryland vehicle laws; of a terrorist operation; or of missing or endangered person searches or alerts (Md. Code PS § 3-509).

426.2 POLICY

The policy of the Dorchester County Sheriff's Office is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this agency. Because such data may contain confidential information, it is not open to public review.

426.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Dorchester County Sheriff's Office to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access shall be managed by the Chief Deputy. The Chief Deputy will assign a member under his/her command to administer the day-to-day operation of the ALPR equipment and data.

426.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Agency members shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

(a) An ALPR shall only be used for official law enforcement business (Md. Code PS § 3-509).

(b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.

(c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped vehicles to canvass

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areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

(d) No member of this agency shall operate ALPR equipment or access ALPR data without first completing agency-approved training.

(e) No ALPR operator may access confidential agency, state or federal data unless authorized to do so.

(f) If practicable, the deputy should verify an ALPR response through the appropriate official law enforcement database before taking enforcement action that is based solely on an ALPR alert.

426.5 DATA COLLECTION AND RETENTION

The Chief Deputy is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with agency procedures.

All stored ALPR data should be retained in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances, the applicable data should be downloaded onto portable media and booked into evidence.

426.6 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Dorchester County Sheriff's Office will observe the following safeguards regarding access to and use of stored data (Md. Code PS § 3-509):

(a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.

(b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or agency-related civil or administrative action.

(c) ALPR system audits should be conducted on a regular basis.

1. This shall include audits of requests made by individual law enforcement agencies and those made by individual law enforcement officers.

426.7 RELEASING ALPR DATA

Information gathered by the ALPR is not subject to disclosure under the Public Information Act (Md. Code PS § 3-509). The ALPR data may be shared only with other law enforcement or

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prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

(a) The agency makes a written request for the ALPR data that includes:

1. The name of the agency.
2. The name of the person requesting.
3. The intended purpose of obtaining the information.

(b) The request is reviewed by the Chief Deputy or the authorized designee and approved before the request is fulfilled.

(c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy.

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Homeless Persons

427.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that agency members understand the needs and rights of the homeless, and to establish procedures to guide them during all contacts with the homeless, whether consensual or for enforcement purposes.

This policy establishes a liaison to the homeless community, addresses the responsibilities of the agency member appointed to act as a liaison to the homeless, and details the need for special protection and services for homeless persons.

427.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to protect the rights, dignity and private property of all members of the community, including people who are homeless. Abuse of authority to harass any member of the community will not be permitted. The Dorchester County Sheriff's Office will address the needs of homeless persons in balance with the overall mission of this agency.

Homelessness is not a crime and members will not use homelessness as the sole basis for detention or law enforcement action.

427.3 LIAISON TO THE HOMELESS COMMUNITY

The Sheriff should delegate certain responsibilities to a liaison to the homeless community. The liaison shall be appointed by and directly responsible to the Chief Deputy or the authorized designee.

The responsibilities of the liaison include, but are not limited to:

(a) Maintaining and making available to all agency members a list of assistance programs and other resources that are available to homeless persons.

(b) Meeting with social services and representatives of other organizations that render assistance to the homeless community.

(c) Maintaining a list of the areas within and near the jurisdiction of this agency that are used as frequent homeless encampments.

(d) Remaining abreast of laws dealing with homelessness, including personal property rights.

(e) Being present during any clean-up operation conducted by this agency that involves the removal of personal property of the homeless. This is to ensure that the established rights of the homeless are not violated.

(f) Developing training to assist members in understanding current legal and social issues relating to the homeless.

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427.4 FIELD CONTACTS

Deputies are encouraged to contact a homeless person to render aid, offer assistance or to check on the person's welfare. Deputies also will take enforcement action when information supports a reasonable and articulable suspicion of criminal activity. However, such contacts shall not be used for harassment.

When encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, deputies are encouraged to consider long-term solutions, such as shelter referrals and counseling, in lieu of an arrest and criminal charges.

Deputies should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

427.4.1 CONSIDERATIONS

A homeless person will receive the same level and quality of service provided to other members of the community. The fact that a victim, witness or suspect is homeless can, however, require special consideration for a successful investigation and prosecution. When handling investigations involving victims, witnesses or suspects who are homeless, deputies should consider:

(a) Documenting alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.

(b) Documenting locations the person may frequent.

(c) Providing victim/witness resources, when appropriate.

(d) Obtaining sufficient statements from all available witnesses in the event that a victim cannot be located and is unavailable for a court appearance.

(e) Arranging for transportation for investigation-related matters, such as medical exams and court appearances.

(f) Whether a crime should be reported and submitted for prosecution, even when a victim who is homeless indicates that he/she does not desire prosecution.

(g) Whether the person may be an adult abuse victim, and if so, proceed in accordance with the Adult Abuse Policy.

427.5 MENTAL HEALTH ISSUES

When mental health issues are evident, deputies should consider referring the person to the appropriate mental health agency or providing the person with contact information for mental health assistance, as appropriate. In these circumstances, deputies may provide transportation to a mental health facility for voluntary evaluation if it is requested or offered and accepted by the person, and approved by a supervisor. Deputies should consider detaining the person under a mental health evaluation when facts and circumstances reasonably indicate such a detention is warranted (see the Mental Health Evaluations Policy).

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427.6 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the community. Deputies should use reasonable care when handling, collecting and retaining the personal property of homeless persons and shall not destroy or discard the personal property of a homeless person (Md. Code CR § 10-304).

When a homeless person is arrested or otherwise removed from a public place, deputies should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, it should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the deputy, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure it. It will be the supervisor’s responsibility to coordinate its removal and safekeeping.

Deputies should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the homeless liaison. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the liaison.

Deputies who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the liaison if such property appears to involve a trespass, is a blight to the community or the subject of a complaint. It will be the responsibility of the liaison to address the matter in a timely fashion.

427.7 ECOLOGICAL ISSUES

Sometimes homeless encampments can have an impact on the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Deputies are encouraged to notify other appropriate agencies or County departments when a significant impact to the environment has or is likely to occur. A significant impact to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

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Medical Cannabis

428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this agency with guidelines for investigating the acquisition, possession, transportation, delivery, production, and use of cannabis under Maryland's medical cannabis laws (Md. Code CR § 5-601(c)(3); Md. Code AB § 36-101 et seq.).

428.1.1 DEFINITIONS

Definitions related to this policy include (Md. Code AB § 36-101; COMAR 10.62.06.01):

30-day supply - 120 grams of usable cannabis or 36 grams of tetrahydrocannabinol (THC).

Administration – The Maryland Cannabis Administration.

Cannabis licensee – A business licensed by the Administration to operate in the cannabis industry.

Cannabis registrant – An independent testing laboratory, transporter, security guard company, waste disposal company, or any other business authorized under the Administration to work with a cannabis licensee.

Caregiver - A person who has agreed to assist with a qualifying patient's medical use of cannabis, including a parent or legal guardian, or a designee of a parent or legal guardian of a qualified patient under the age of 18.

Certifying provider - A person licensed by the State Board of Physicians, the State Board of Dental Examiners, the State Board of Podiatric Medical Examiners, or the State Board of Nursing who has a state-controlled dangerous substances registration and is approved by the Administration to make cannabis available to patients for medical use.

Dispensary - An entity licensed by the Administration that acquires, possesses, repackages, transports, sells, distributes, or dispenses cannabis; products containing cannabis; related supplies; related products including tinctures, aerosols, oils, or ointments; or educational materials for use by a qualifying patient or caregiver.

Identification card - An identification card provided by the Administration to qualifying patients and caregivers.

Processor - An entity licensed by the Administration that transforms cannabis into another product or extract and packages and labels the cannabis product.

Qualifying patient - A person who possesses a written certification by a certifying provider with whom the person has a bona fide provider-patient relationship. If the person is under the age of 18, the person must have a caregiver.

Written certification - Certification issued by a certifying provider which includes a written statement confirming that, in the certifying provider's professional opinion, the patient has a

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condition justifying the use of medical cannabis and, if appropriate, that a 30-day supply of medical cannabis is not sufficient to meet the patient's medical needs.

428.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to prioritize resources to avoid making arrests related to cannabis that the arresting deputy reasonably believes would not be prosecuted by state or federal authorities.

Maryland medical cannabis laws are intended to provide protection from prosecution to those who possess a written certification by a certifying provider for the use of cannabis for medical use. However, Maryland medical cannabis laws do not affect federal laws, and there is no medical exception under federal law for the possession or distribution of cannabis. The Dorchester County Sheriff's Office will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under Maryland law and the resources of the Agency.

428.3 INVESTIGATION

Investigations involving the possession, delivery, production, or use of cannabis generally fall into the following categories:

(a) Investigations when no person makes a medicinal claim.

(b) Investigations when the person is a qualifying patient or caregiver.

(c) Investigations when the person is otherwise authorized.

428.3.1 INVESTIGATIONS WITH NO MEDICAL CLAIM

In any investigation involving the possession, delivery, production, or use of cannabis or drug paraphernalia where no person claims that the cannabis is used for medicinal purposes, the deputy should proceed with a criminal investigation. A medicinal claim may be raised at any time, so deputies should document any statements and observations that may be relevant to whether the cannabis was possessed or used for medicinal purposes.

428.3.2 INVESTIGATIONS INVOLVING A QUALIFYING PATIENT OR CAREGIVER

A qualifying patient or caregiver shall not be arrested for the authorized medical use or possession of cannabis from a dispensary, provided (Md. Code AB § 36-302; Md. Code AB § 36-1201):

(a) Any qualifying patient possesses no more than a 30-day supply, unless the patient's written certification allows for the possession of more.

(b) In the case of a caregiver, the caregiver is in possession of the cannabis for a qualifying patient the caregiver has agreed to assist in the use of medical cannabis.

Qualifying patients 21 years or older may also possess four or fewer cannabis plants for cultivation in compliance with Md. Code CL § 5-601.2.

A patient or caregiver identification card should suffice as evidence that a written certification has been issued. Certification or lack of certification should be verified through the Administration's

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registry before making an arrest (COMAR 10.62.04.06; COMAR 10.62.06.01 et seq.). No arrest should be made if there is reason to believe that the individual has a valid claim to possess.

428.3.3 INVESTIGATIONS INVOLVING OTHER AUTHORIZED INDIVIDUALS

Any person falling into the following categories shall not be arrested for the authorized medical possession of cannabis (Md. Code AB § 36-1201):

(a) Certifying providers.

(b) Hospitals, medical facilities, and hospice programs where a qualifying patient is receiving treatment.

(c) Academic research representatives authorized under Md. Code AB § 36-701 et seq. to research the medical uses, properties, or composition of cannabis.

(d) Designated school personnel authorized to administer cannabis to a student under Md. Code ED § 7-446 unless there is reasonable belief of gross negligence or wanton or willful misconduct.

(e) Cannabis licensees and cannabis registrants.

428.3.4 ADDITIONAL CONSIDERATIONS

Deputies should consider the following when investigating an incident involving cannabis possession, delivery, production, or use:

(a) Because enforcement of medical cannabis laws can be complex, time consuming, and call for resources unavailable at the time of initial investigation, deputies may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:

1. The suspect has been identified and can be easily located at another time.
2. The case would benefit from review by a person with expertise in medical cannabis investigations.
3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
4. Any other relevant factors, such as available agency resources and time constraints.

(b) Whenever the initial investigation reveals an amount of marijuana greater than that specified by law, deputies should consider and document, in anticipation of an affirmative defense:

1. The amount of marijuana recommended by a medical professional to be ingested.
2. The quality of the marijuana.
3. The method of ingestion (e.g., smoking, eating, nebulizer).
4. The timing of the possession in relation to a harvest (patient may be storing marijuana).

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5. Whether the marijuana is being cultivated indoors or outdoors.
6. The climate.

428.3.5 EXCEPTIONS

This policy does not apply to the following offenses; deputies may take enforcement action if the person is (Md. Code HG § 13-3313; Md. Code HG § 13-3314):

(a) Undertaking any task under the influence of cannabis, when doing so would constitute negligence or professional malpractice.

(b) Operating, navigating, or being in actual physical control of any motor vehicle, aircraft, or boat while under the influence of cannabis.

(c) Smoking cannabis in any public place.

(d) Smoking cannabis in a motor vehicle.

(e) Smoking, which for purposes of this exception does not include vaporizing, cannabis on private property that is:

1. Rented from a landlord and subject to a policy that prohibits smoking cannabis on the property.
2. Subject to a condominium or homeowners' association policy that prohibits the smoking of cannabis on the property of an attached dwelling.

(f) Distributing, possessing, manufacturing, or using cannabis that has been diverted from a qualifying patient, caregiver, academic research representative, grower, or dispensary.

(g) School personnel engaging in gross negligence or wanton or willful misconduct.

428.4 FEDERAL LAW ENFORCEMENT

Deputies should provide information regarding a cannabis investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the deputy believes those authorities would have a particular interest in the information.

428.5 EVIDENCE

428.5.1 MEMBER RESPONSIBILITIES

The investigating member should notify the receiving Criminal Investigations Division member in writing when cannabis may be the subject of a medical cannabis claim.

428.5.2 PROPERTY CONTROL RESPONSIBILITIES

The Criminal Investigations Division supervisor should ensure that cannabis, drug paraphernalia, or other related property seized from a person engaged or assisting in the use of medical cannabis is not destroyed. The Criminal Investigations Division supervisor is not responsible for caring for live cannabis plants.

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Medical Cannabis

Upon the prosecutor’s decision to forgo prosecution, or the dismissal of charges or an acquittal, the Criminal Investigations Division supervisor should return to the person from whom it was seized any usable cannabis, plants, drug paraphernalia, or other related property.

The Criminal Investigations Division supervisor should not destroy cannabis that was alleged to be for medical purposes except upon receipt of a court order.

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Medical Aid and Response

429.1 PURPOSE AND SCOPE

This policy recognizes that deputies often encounter persons in need of medical aid and establishes a law enforcement response to such persons.

429.2 POLICY

It is the policy of the Dorchester County Sheriff's Office that all deputies and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

429.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact the Communications Center and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide the Communications Center with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.

(b) The nature of the incident.

(c) Any known scene hazards.

(d) Information on the person in need of EMS, such as:

1. Signs and symptoms as observed by the member.
2. Changes in apparent condition.
3. Number of patients, sex, and age, if known.
4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
5. Whether the person is showing signs of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel regarding whether to transport the person for treatment.

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429.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Deputies should search any person who is in custody before releasing that person to EMS for transport.

A deputy shall accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes, or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

429.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, a deputy shall not force that person to receive medical care or be transported.

However, members may assist EMS personnel when EMS personnel determine the person lacks the mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the deputy should consider proceeding with a mental health hold in accordance with the Mental Health Evaluations Policy.

If a deputy believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The deputy may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the deputy will require the person to be transported to the nearest medical facility. In such cases, the deputy should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

429.6 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the deputy has reason to believe the arrestee is feigning injury or illness, the deputy should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the deputy should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action

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Arrestees who appear to have a serious medical issue should be transported by ambulance. Deputies shall not transport the arrestee to a hospital without a supervisor's approval

Nothing in this section should delay a deputy from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the deputy's training.

429.7 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Conducted Energy Device policies.

429.8 AIR AMBULANCE (MEDIVAC)

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or delays will affect the EMS response.

The Maryland Fire and Rescue Institute in conjunction with Maryland State Police have developed guidelines for air ambulance landings. Normally Fire and Rescue are responsible for air ambulance landings. In the event that Fire and Rescue are not on location the on scene law enforcement agency should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g. dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas, or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One agency member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights, and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

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- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during the landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

429.9 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member should use an AED only after he/she has received the required training as provided in COMAR 30.06.02.01.

The Sheriff shall designate an AED coordinator who shall be responsible for implementing and administering the AED program in accordance with state regulations including registering and receiving certification through the Maryland Institute for Emergency Medical Services Systems (MIEMSS) (Md. Code ED § 13-517; COMAR 30.06.02.01).

429.9.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in agency vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Chief Deputy who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact the Communications Center as soon as possible and request response by EMS.

429.9.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

The Maryland Facility AED Report Form shall also be completed and forwarded to MIEMSS for each incident of suspected cardiac arrest. If the AED fails when operated, a copy of the report shall be sent to MIEMSS and to the Food and Drug Administration (FDA) (COMAR 30.06.02.03).

429.9.3 AED TRAINING AND MAINTENANCE

The Chief Deputy should ensure appropriate training, including training in the most recent publication of the American Heart Association Guidelines for CPR and emergency cardiovascular care (ECC), is provided to members authorized to use an AED (COMAR 30.06.02.01).

The Chief Deputy is responsible for ensuring AED devices are appropriately maintained and inspected consistent with the manufacturer's guidelines, and will retain records of all maintenance and inspections in accordance with the established records retention schedule (COMAR 30.06.02.01).

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429.10 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Authorized members may administer opioid overdose medication when there is an emergency situation and medical services are not immediately available (Md. Code HG § 13-3105). Administration shall be in accordance with protocol specified by the health care provider who prescribed the overdose medication.

429.10.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Chief of Operations.

Any member who administers an opioid overdose medication should contact the Communications Center as soon as possible and request response by EMS.

429.10.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

The deputy will ensure that the Chief of Operations is provided enough information to meet applicable state reporting requirements (Md. Code HG § 13-3103).

429.10.3 OPIOID OVERDOSE MEDICATION TRAINING

The Chief Deputy should ensure training is provided to members authorized to administer opioid overdose medication. The training should include recognizing the signs and symptoms of opioid overdose and the administration of opioid overdose medication (Md. Code HG § 13-3103).

429.11 FIRST AID TRAINING

Subject to available resources, the Chief Deputy should ensure deputies receive periodic first aid training appropriate for their position.

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First Amendment Assemblies

430.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

430.2 POLICY

The Dorchester County Sheriff's Office respects the rights of people to peaceably assemble. It is the policy of this agency not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

430.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets, or walkways, generally have the right to assemble, rally, demonstrate, protest, or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, or loitering. However, deputies shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors deputies may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential.

The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life, and prevent the destruction of property.

Deputies should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront, or intimidate participants.

(c) Seize the cameras, cell phones, or materials of participants or observers unless a deputy is placing a person under lawful arrest.

Supervisors should continually observe agency members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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430.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating agency performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

430.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding deputy should conduct an assessment of conditions, including but not limited to the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets, or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to the Communications Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

430.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

430.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

430.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for the following:

(a) Command assignments, chain of command structure, roles and responsibilities

(b) Staffing and resource allocation

(c) Management of criminal investigations

(d) Designation of uniform of the day and related safety equipment (helmets, shields, etc.)

(e) Deployment of specialized resources

(f) Event communications and interoperability in a multijurisdictional event

(g) Liaison with demonstration leaders and external agencies

(h) Liaison with County government and legal staff

(i) Media relations

(j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation

(k) Traffic management plans

(l) First aid and emergency medical service provider availability

(m) Prisoner transport and detention

(n) Review of policies regarding public assemblies and use of force in crowd control

(o) Parameters for declaring an unlawful assembly

(p) Arrest protocol, including management of mass arrests

(q) Protocol for recording information flow and decisions

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(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force

(s) Protocol for handling complaints during the event

(t) Parameters for the use of body-worn cameras and other portable recording devices

430.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (Outside Agency Assistance Policy).

430.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

430.7 USE OF FORCE

Use of force is governed by current agency policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual persists in refusing to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm deputies, themselves or others, or will result in substantial property loss or

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damage. Any use of conducted energy devices must conform to the Conducted Energy Device Policy.

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Operational circumstances may preclude contemporaneous completion of use of force reports, in which case use of force incidents shall be communicated to the Communications Center for documentation. After-action reports shall include a detailed explanation of all incidents where force was used.

430.8 ARRESTS

The Dorchester County Sheriff's Office should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been or reasonably appear likely to be unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of deputies and arrestees.

(b) Dedicated arrest, booking and report writing teams.

(c) Timely access to medical care.

(d) Timely access to legal resources.

(e) Timely processing of arrestees.

(f) Full accountability for arrestees and evidence.

(g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

430.9 MEDIA RELATIONS

The Sheriff should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

430.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should

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promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

430.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

(a) Operational plan

(b) Any incident logs

(c) Any assignment logs

(d) Vehicle, fuel, equipment, and supply records

(e) Incident, arrest, use of force, injury, and property damage reports

(f) Photographs, audio/video recordings, and the Communications Center records/tapes

(g) Media accounts (print and broadcast media)

430.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with County legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, to include the following:

(a) Date, time, and description of the event.

(b) Actions taken and outcomes (injuries, property damage, arrests).

(c) Problems identified.

(d) Significant events.

(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts, or circumstances.

430.12 TRAINING

Agency members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Agency should, when practicable, train with its external and mutual aid partners.

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Civil Disputes

431.1 PURPOSE AND SCOPE

This policy provides members of the Dorchester County Sheriff's Office with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy addresses specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Maryland law.

431.2 POLICY

The Dorchester County Sheriff's Office recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this agency will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

431.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.

(d) Members are reminded that they shall not enter a residence or other non-public location without legal authority.

(e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

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431.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for a deputy to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating deputy should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating deputy should document the following:

(a) The person's knowledge of the court order or whether proof of service exists.

(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

431.4.1 STANDBY REQUESTS

Deputies responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Deputies should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

431.5 VEHICLES AND PERSONAL PROPERTY

Deputies may be faced with disputes regarding possession or ownership of vehicles or other personal property. Deputies may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, deputies should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

431.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

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Suspicious Activity Reporting

432.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

432.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity - An incident report will be used to document suspicious activity.

432.2 POLICY

The Dorchester County Sheriff's Office recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain, and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

432.3 RESPONSIBILITIES

The Criminal Investigations Division supervisor and the authorized designee(s) will manage activities. Authorized designees should include supervisors who are responsible for the agency participation in Criminal Intelligence System(s) as outlined in the Criminal Organization policy.

The Criminal Investigations Division Supervisor will have the following duties:

(a) Remain familiar with those databases available to the Dorchester County Sheriff's Office that would facilitate the purpose of this policy.

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(b) Maintain adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.

(c) Ensure a process is available that would allow employees to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.

(d) Ensure that Dorchester County Sheriff's Office personnel are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the agency.

(e) Ensure that suspicious activity information is appropriately disseminated to personnel in accordance with their job responsibilities.

(f) Coordinate investigative follow-up, if appropriate.

(g) Coordinate with the appropriate agency or fusion center.

(h) Ensure that, as resources are available, the Dorchester County Sheriff's Office conducts outreach that is designed to encourage community members to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

432.4 REPORTING AND INVESTIGATION

Any agency member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any agency member who is not a peace officer and receives such information should ensure that it is passed on to a deputy in a timely manner.

If the activity is not directly related to a reportable crime, the information will be recorded which will document information about the involved party and the circumstances of the incident. If a deputy comes across such information while investigating an unrelated crime or incident, he/she will make no mention of the suspicious activity in the original incident/arrest report, and include the incident/arrest report number.

432.5 HANDLING INFORMATION

The Chief of Operations will forward copies of suspicious incident reports, in a timely manner, to the following:

- Criminal Investigations Division supervisor
- Authorized designees

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Chapter 5 - Traffic Operations

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Traffic

500.1 PURPOSE AND SCOPE

This policy provides guidelines for improving public safety through education and enforcement of traffic-related laws.

500.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to educate the public on traffic-related issues and to enforce traffic laws. The efforts of the Agency will be driven by such factors as the location and/or number of traffic accidents based on citizen complaints, traffic volume, traffic conditions and other traffic-related needs. The ultimate goal of traffic law enforcement and education is to increase public safety.

500.3 DEPLOYMENT

Enforcement efforts may include such techniques as geographic/temporal assignment of agency members and equipment, the establishment of preventive patrols to deal with specific categories of unlawful driving, and a variety of educational activities. These activities should incorporate methods that are suitable to the situation, timed to events, seasons, past traffic problems or locations and, whenever practicable, preceded by enforcement activities.

Several factors will be considered in the development of deployment schedules for agency members. State and local data on traffic accidents are a valuable resource. Factors for analysis include, but are not limited to the following:

- Location
- Time
- Day
- Violation factors
- Requests from the public
- Construction zones
- School zones
- Special events

Agency members assigned to uniformed patrol or traffic enforcement functions will emphasize the enforcement of violations that contribute to traffic accidents, and consider the hours and locations where traffic accidents tend to occur. Members will take directed enforcement action on request, and random enforcement action when appropriate, against violators. Members shall maintain high visibility while working general enforcement, especially in areas where traffic accidents frequently occur.

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500.4 ENFORCEMENT

Traffic enforcement will be consistent with applicable laws and take into account the degree and severity of the violation committed. This agency does not establish ticket quotas. The number of arrests or citations issued by any member shall not be used as the sole criterion for evaluating member overall performance.

Several methods are effective in the reduction of traffic accidents, including but not limited to:

500.4.1 WARNINGS

Warnings are a non-punitive option that may be considered by the member when circumstances warrant, for example when a minor violation was inadvertent.

500.4.2 CITATIONS

Citations should be issued when a member believes it is appropriate. When issuing a citation for a traffic violation, it is essential that the rights and requirements imposed on motorists be fully explained. At a minimum, motorists should be provided with (Md. Code TR § 26-201):

(a) A copy of the traffic citation.

(b) An explanation of the violation or charge.

(c) The court appearance procedure, including the optional or mandatory appearance by the motorist.

(d) Notice that:

1. The motorist can enter a plea and pay the fine by mail or at the court.
2. Acknowledgement of receipt of the citation is not an admission of guilt.
3. Failure to acknowledge receipt of the citation may subject the motorist to arrest.

500.4.3 PHYSICAL ARREST

Physical arrest can be made for a number of criminal traffic offenses. These cases usually deal with, but are not limited to (Md. Code TR § 26-202):

(a) A violation relating to vehicles transporting hazardous materials (Md. Code TR § 21-1411; Md. Code TR § 22-409).

(b) A violation relating to the failure or refusal to submit a vehicle to a weighing or to remove excess weight from the vehicle (Md. Code TR § 24-111; Md. Code TR § 24-111.1).

(c) The person does not furnish satisfactory evidence of identity.

(d) The person refuses to acknowledge receipt of a traffic citation by signature (Md. Code TR § 26-203).

(e) The deputy has reasonable grounds to believe that the person will disregard the traffic citation.

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(f) A violation for any of the following offenses:

1. Driving or attempting to drive while under the influence of alcohol, while impaired by alcohol or in violation of an alcohol restriction.
2. Driving or attempting to drive while impaired by any drug, any combination of drugs, or any combination of one or more drugs and alcohol, or while impaired by any controlled dangerous substance.
3. Failure to stop, give information or render reasonable assistance as required by state law in the event of an accident resulting in bodily injury to or death of any person (Md. Code TR § 20-102; Md. Code TR § 20-104).
4. Driving or attempting to drive a motor vehicle without a driver's license unless exempt or otherwise authorized (Md. Code TR § 16-101).
5. Driving or attempting to drive a motor vehicle while the driver's license or privilege to drive is suspended or revoked.
6. Failure to stop or give information, as required by state law, in the event of an accident resulting in damage to a vehicle or other property (Md. Code TR § 20-103; Md. Code TR § 20-104; Md. Code TR § 20-105).
7. Any offense that caused or contributed to an accident resulting in bodily injury to or death of any person.
8. Fleeing or attempting to elude a deputy.
9. Falsifying, manufacturing, possessing or sale of any official document issued by the Maryland Department of Transportation (Md. Code TR § 14-110(b); Md. Code TR § 14-110(c); Md. Code TR § 14-110(d); Md. Code TR § 14-110(e)).
10. Racing a vehicle that results in serious bodily injury to another person (Md. Code TR § 21-1116(a)).

(g) A person is a nonresident and the deputy has probable cause to believe that the person committed a violation that contributed to an accident.

500.5 HIGH-VISIBILITY VESTS

The Agency has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of agency members, who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn when increased visibility would improve the safety of the agency member or when the member will be exposed to the hazards of passing traffic, maneuvering or operating vehicles, machinery and equipment.

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Examples of when high-visibility vests should be worn include traffic control duties, traffic accident investigations, lane closures and disaster scenes.

When emergency conditions preclude the immediate donning of the vest, members should retrieve and wear the vest as soon as conditions reasonably permit.

Use of the vests shall also be mandatory when directed by a supervisor.

500.5.2 CARE AND STORAGE

High-visibility vests shall be maintained in the trunk of each patrol and investigation vehicle, and in the gear bag of each patrol bicycle. Each vest should be stored inside a resealable plastic bag to protect and maintain the vest in a serviceable condition. Before going into service, each member shall ensure that a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained and made available for replacement of damaged or unserviceable vests. The Administrative Sergeant should be promptly notified whenever the supply of vests needs replenishing.

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Traffic Accidents

501.1 PURPOSE AND SCOPE

This policy provides guidelines for responding to and investigating traffic accidents.

501.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to respond to traffic accidents and to render or summon aid to injured victims as needed. The Agency will investigate and prepare reports according to established minimum reporting requirements with the goal of reducing the occurrence of accidents by attempting to identify the cause of the accident and through enforcing applicable laws. Unless restricted by law, accident reports will be made available to the public upon request.

501.3 RESPONSE

Upon arriving at the scene, the responding member should assess the need for additional resources and summon assistance as appropriate. Generally, the member initially dispatched to the scene will be responsible for the investigation and report, if required, unless responsibility is reassigned by a supervisor.

A supervisor should be called to the scene when the incident:

(a) Is within the jurisdiction of this agency and there is:

1. A life-threatening injury.
2. A fatality.
3. A County vehicle involved.
4. A County official or employee involved.
5. Involvement of an on- or off-duty member of this agency.

(b) Is within another jurisdiction and there is:

1. A County of Dorchester vehicle involved.
2. A County of Dorchester official involved.
3. Involvement of an on-duty member of this agency.

501.3.1 MEMBER RESPONSIBILITIES

Upon arriving at the scene, the responding member should consider and appropriately address:

(a) Traffic direction and control.

(b) Proper placement of emergency vehicles, cones, roadway flares or other devices if available to provide protection for members, the public and the scene.

(c) First aid for any injured parties if it can be done safely.

(d) The potential for involvement of hazardous materials.

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(e) The need for additional support as necessary (e.g., traffic control, emergency medical services, fire department, HAZMAT, tow vehicles).

(f) Clearance and cleanup of the roadway.

501.4 NOTIFICATION

If a traffic accident involves a life-threatening injury or fatality, the responding deputy shall notify the Patrol Supervisor, or if unavailable, the Patrol Sergeant. The Patrol Supervisor may assign a traffic investigator or other appropriate personnel to investigate the incident. The Patrol Supervisor will ensure notification is made to the Patrol Sergeant and agency command staff in accordance with the Major Incident Notification Policy.

501.4.1 NOTIFICATION OF FAMILY

In the event of a life-threatening injury or fatality, the supervisor responsible for the incident should ensure notification of the victim's immediate family or coordinate such notification with the Medical Examiner, a chaplain or another suitable person. Notification should be made as soon as practicable following positive identification of the victim.

The identity of any person seriously injured or deceased in a traffic accident should not be released until notification is made to the victim's immediate family.

In the event of a fatality, members involved in notification should ensure that family members of the victim are provided with a victim's representation notification form, and advised of their right to file the form, as appropriate (Md. Code TR § 12-206.1). The form allows family members to request notice of a hearing on a moving violation related to the victim's death.

501.5 MINIMUM REPORTING REQUIREMENTS

An accident report shall be taken when (Md. Code TR § 20-107; Md. Code TR § 20-113):

(a) A fatality, any injury (including complaint of pain), driving under the influence, or hit and run is involved.

(b) An on-duty member of the County of Dorchester is involved.

(c) The accident results in any damage to any County-owned or leased vehicle.

(d) The accident involves any other public agency driver or vehicle.

(e) There is damage to public property.

(f) The accident involves a public or private school bus.

(g) There is damage to any vehicle to the extent that towing is required.

(h) Prosecution or follow-up investigation is contemplated.

(i) Directed by a supervisor.

Accidents involving a Maryland Transit Administration (MTA) vehicle should be handled by MTA.

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501.5.1 PRIVATE PROPERTY
Generally, reports should not be taken when a traffic accident occurs on private property unless there is an injury or fatality, a hit-and-run violation or other traffic law violation. Members may provide assistance to motorists as a public service, such as exchanging information and arranging for the removal of the vehicles.

501.5.2 COUNTY VEHICLE INVOLVED
A traffic accident report shall be taken when a County vehicle is involved in a traffic accident that results in property damage or injury.

A general information report may be taken in lieu of a traffic accident report at the direction of a supervisor when the incident occurs entirely on private property or does not involve another vehicle.

Whenever there is damage to a County vehicle, a vehicle damage report shall be completed and forwarded to the appropriate Supervisor. The traffic investigator or supervisor at the scene should determine what photographs should be taken of the scene and the vehicle damage.

501.5.3 INJURED ANIMALS
Agency members should refer to the Animal Control Policy and make appropriate notifications when a traffic accident involves the disposition of an injured animal or when learning that a domestic animal has been struck by a vehicle (Md. Code TR § 20-106(b)).

501.6 INVESTIGATION
When a traffic accident meets minimum reporting requirements the investigation should include, at a minimum:

(a) Identification and interview of all involved parties.

(b) Identification and interview of any witnesses.

(c) A determination of whether a violation of law has occurred and the appropriate enforcement action.

(d) Identification and protection of items of apparent evidentiary value.

(e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on the appropriate forms.

501.6.1 INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY
The Patrol Sergeant or on-duty Patrol Supervisor should request that the Maryland State Police (MSP) or other outside law enforcement agency investigate and complete a traffic accident investigation when a life-threatening injury or fatal traffic accident/collision occurs within the jurisdiction of the Dorchester County Sheriff's Office and involves:

(a) An on- or off-duty member of the Agency.

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1. The involved member shall complete the agency traffic accident form. If the member is unable to complete the form, the supervisor shall complete it.

(b) An on- or off-duty official or employee of the County of Dorchester.

Agency members shall promptly notify a supervisor when any agency vehicle is involved in a traffic accident. The traffic accident investigation and report shall be completed by the agency having jurisdiction.

501.7 ENFORCEMENT ACTION

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of a traffic law contributed to the accident, authorized members should issue a citation or arrest the offending driver, as appropriate.

More serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced. If a driver who is subject to enforcement action is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

501.8 REPORTS

Agency members shall utilize forms approved by the Maryland State Police as required for the reporting of traffic accidents. All such reports shall be forwarded to the Patrol Sergeant or designee for approval and filing.

501.8.1 REPORT MODIFICATION

A change or modification of a written report that alters a material fact in the report may be made only by the member who prepared the report, and only prior to its approval and distribution. Once a report has been approved and distributed, corrections shall only be made by way of a written supplemental report. A written supplemental report may be made by any authorized member.

501.8.2 PATROL SERGEANT RESPONSIBILITIES

The responsibilities of the Patrol Sergeant include, but are not limited to:

(a) Ensuring all traffic accident reports get submitted to the Maryland State Police (Md. Code TR § 20-107(f)).

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Vehicle Towing

502.1 PURPOSE AND SCOPE

This policy provides guidance related to vehicle towing. Nothing in this policy shall require a member of this agency to tow a vehicle.

502.2 POLICY

The Dorchester County Sheriff's Office will tow vehicles when appropriate and in accordance with the law.

502.3 REMOVAL OF VEHICLES DUE TO HAZARD

When a vehicle should be towed because it presents a hazard, the owner or operator should arrange for the towing. Agency members may assist by communicating requests through the Communications Center to expedite the process.

If the owner or operator is unable to arrange for towing and the vehicle presents a hazard, the vehicle may be towed at the direction of the agency member.

Vehicles that are not the property of the County should not be driven by agency members unless it is necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

502.4 ARREST SCENES

Whenever the owner or operator of a vehicle is arrested, the arresting deputy should provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or when appropriate, by having the vehicle towed, such as when the vehicle presents a traffic hazard or the vehicle would be in jeopardy of theft or damage if left at the scene.

Deputies are not required to investigate whether alternatives to towing a vehicle exist after an arrest. However, a vehicle should not be towed if reasonable alternatives exist. When considering whether to leave a vehicle at the scene, deputies should take into consideration public safety as well as the reasonable safety of the vehicle and its contents.

The following are examples of situations where a vehicle should not be towed:

- The vehicle can be legally parked, left in a reasonably secure and safe location and the vehicle is not needed as evidence.
- The vehicle is parked on private property, on which the arrestee or owner is legally residing, or the property owner does not object to the vehicle being parked at that location.
- The arrestee or owner of the vehicle requests that it be released to a person who is present, willing and able to legally take control of the vehicle.

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- The vehicle is legally parked and the arrestee or owner requests that it be left at the scene. In such cases the requestor should be informed that the Agency will not be responsible for theft or damages.

502.5 VEHICLES RELATED TO CRIMINAL INVESTIGATIONS

Deputies should tow vehicles that are needed for the furtherance of an investigation or prosecution of a case, or that are otherwise appropriate for seizure as evidence. Deputies should make reasonable efforts to return a recovered stolen vehicle to its owner rather than have it towed, so long as the vehicle is not needed for evidence.

502.6 RECORDS

The Deputy that is assigned the operation report of the investigation shall ensure that pertinent data regarding a towed vehicle is promptly entered into the appropriate database.

502.6.1 VEHICLE STORAGE LOG

Agency members towing a vehicle shall complete a vehicle tow log and make notations in the operations report.

502.6.2 NOTICE OF TOW

As soon as reasonably possible and within seven days of a vehicle being towed, it shall be the responsibility of the Patrol Sergeant to send a notice of tow to all registered owners and others having a recorded interest in the vehicle. Notice shall be sent to all such individuals by certified mail. The notice shall include (Md. Code TR § 25-204; Md. Code TR § 16-303.1):

(a) A statement that the vehicle has been taken into custody.

(b) The location of the vehicle.

(c) A description of the vehicle, including the following:

1. Color
2. Manufacturer year
3. Make and model
4. License plate number and/or Vehicle Identification Number (VIN)
5. Mileage

(d) The authority and purpose for the removal of the vehicle.

(e) An explanation of the procedure for release of the vehicle.

(f) Information for the owner, or others having a recorded interest in the vehicle, of the right to reclaim the vehicle within three weeks after the date of the notice, on payment of all towing, preservation and storage charges resulting from taking or placing the vehicle in custody.

1. For vehicles impounded pursuant to Md. Code TR § 16-303.1, the owner or others having a recorded interest in the vehicle shall be notified that the vehicle

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must be reclaimed within 10 days after the date specified in the applicable court order.

(g) A statement that the failure of the owner, or others having a recorded interest in the vehicle, to exercise this right to reclaim the vehicle in the time provided is:

1. A waiver to right, title and interest in the vehicle.
2. Consent to the sale of the vehicle at public auction.
3. Consent by the owner, other than a lessor, to the retention of the vehicle for public purposes as provided by state law (Md. Code TR § 25-207).

If the identity or address of the last registered owner, or others having a recorded interest in the vehicle, cannot be determined or the certified notice is returned as undeliverable, a deputy shall post the notice where the abandoned vehicle was found as provided by state law (Md. Code TR § 25-205(c)).

502.7 TOWING SERVICES

Members shall not show preference among towing services that have been authorized for use by the Agency. A rotation or other system established by the Agency for tow services should be followed.

502.8 VEHICLE INVENTORY

The contents of all vehicles towed at the request of agency members shall be inventoried and listed on the inventory report. When reasonably practicable, photographs may be taken to assist in the inventory.

(a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, any unlocked glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats.

(b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in any other type of unlocked compartments that are a part of the vehicle, including unlocked vehicle trunks and unlocked car top containers.

(c) Any locked compartments including, but not limited to, locked glove compartments, locked vehicle trunks, locked hatchbacks and locked car-top containers should be inventoried, provided the keys are available and released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.

(d) Closed containers located either within the vehicle or any of the vehicle’s compartments will not be opened for inventory purposes except for the following: wallets, purses, coin purses, fanny packs, personal organizers, briefcases or other closed containers designed for carrying money, small valuables or hazardous materials.

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Members should ask the occupants whether the vehicle contains any valuables or hazardous materials. Responses should be noted in the inventory report. If the occupant acknowledges that any closed container contains valuables or a hazardous material, the container shall be opened and inventoried. When practicable and appropriate, such items should be removed from the vehicle and given to the owner, or booked into property for safekeeping.

Any cash, jewelry or other small valuables located during the inventory process will be held for safekeeping, in accordance with the Criminal Investigations Division Policy. A copy of the property receipt should be given to the person in control of the vehicle, or if that person is not present, left in the vehicle.

These inventory procedures are for the purpose of protecting the vehicle owner's property, providing for the safety of agency members and protecting the Agency against fraudulent claims of lost, stolen or damaged property.

Towing a vehicle in order to perform an inventory should not be used as a pretext for an evidence search. Nothing in this policy prevents the towing of a vehicle that would occur for reasons independent of any suspicion that the vehicle may contain evidence if it is otherwise justified by law or this policy.

502.9 SECURITY OF VEHICLES AND RETRIEVAL OF PROPERTY

If the search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, the agency member conducting the search shall take such steps as are reasonably necessary to secure or protect the vehicle or property from such hazards.

Unless it would cause an unreasonable delay in towing the vehicle or create an issue of officer safety, reasonable accommodations should be made to permit the owner, operator or occupant to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions), which are not considered evidence or contraband.

Members who become aware that a vehicle may have been towed by the Agency in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle.

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Under the Influence/Impaired Driving

503.1 PURPOSE AND SCOPE

This policy provides guidance to those agency members who play a role in the detection and investigation of driving under the influence/driving while impaired (DUI/DWI).

503.2 POLICY

The Dorchester County Sheriff's Office is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Maryland’s impaired driving laws.

503.3 INVESTIGATIONS

Deputies are expected to enforce these laws with due diligence. Any DUI/DWI investigation will be documented in an operations report and by utilizing any required forms issued by the Motor Vehicle Administration and the Courts. Information that should be documented includes, at a minimum:

(a) The field sobriety tests (FST) administered and the results.

(b) The deputy’s observations that indicate impairment on the part of the individual, and the deputy’s health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).

(c) Sources of additional information (e.g., reporting party, witnesses) and their observations.

(d) Information about any audio and/or video recording of the individual’s driving or subsequent actions.

(e) The location and time frame of the individual’s vehicle operation and how this was determined.

(f) Any prior related convictions in this state or another jurisdiction.

503.4 FIELD TESTS

The Patrol Sergeant should identify standardized FSTs and any approved alternate tests for deputies to use when investigating violations of DUI/DWI laws.

503.5 CHEMICAL TESTS

A person implies consent under Maryland law to a chemical test or tests, and to providing the associated chemical sample, when a deputy has detained the person on suspicion of driving or attempting to drive a motor vehicle when the person is (Md. Code TR § 16-205.1(a)(2); Md. Code TR § 16-205.2(a); Md. Code TR § 16-813):

(a) Under the influence of alcohol or impaired by alcohol.

(b) So impaired by any drug, any combination of drugs or a combination of a drug and alcohol that he/she cannot safely drive a vehicle.

(c) Impaired by a controlled dangerous substance.

(d) In violation of an alcohol restriction.

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(e) Driving, operating or in physical control of a commercial vehicle with any concentration of alcohol in his/her blood or breath.

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the deputy should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

A test to determine alcohol concentration shall be taken within two hours after the person is apprehended. A test to determine the presence of a drug or a controlled dangerous substance shall be taken within four hours after the person is apprehended (Md. Code CJ § 10-303).

503.5.1 TYPE OF TEST

A blood test may be required: (Md. Code CJ § 10-305):

(a) To determine alcohol concentration when:

1. Injuries to the person require removal of the arrestee to a medical facility.
2. Equipment for administering the test of breath is not available.
3. A deputy has reasonable grounds to believe a person who was involved in a motor vehicle accident that resulted in death or a life-threatening injury to another person was driving while under the influence or impaired by alcohol or drugs, pursuant to Md. Code TR § 16-205.1(c)(1)(ii) or (c)(1)(iii).

(b) The deputy reasonably believes that the impairment is caused by drug or controlled dangerous substance content.

503.5.2 STATUTORY NOTIFICATIONS

Deputies shall advise the detained person that:

(a) Neither a refusal nor the taking of a preliminary breath test shall prevent or require a subsequent chemical test (Md. Code TR § 16-205.2(b)).

(b) Upon receipt of a sworn statement from the deputy that the person was charged with DUI/DWI and refused to take a test, or was tested and the result indicated an alcohol concentration of 0.08 or more, the Motor Vehicle Administration (MVA) shall (Md. Code TR § 16-205.1(b)):

1. Suspend the person’s driving privilege pursuant to state law.
2. Disqualify the person’s privilege to operate a commercial vehicle pursuant to state law.

The result of the preliminary breath test shall be used only to decide whether an arrest should be made (Md. Code TR § 16-205.2(c)).

503.5.3 BREATH SAMPLES

The Allied agencies that maintain Breathalyzers should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

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A breath test shall be administered at the direction of a deputy by a qualified person trained in the use of equipment that has been approved by the Department of State Police Forensic Sciences Division. The arresting deputy may not administer the breath test (Md. Code CJ § 10-304(b)).

Unless otherwise required by law, a breath test shall be used to determine alcohol concentration (Md. Code CJ § 10-305(a)).

503.5.4 BLOOD SAMPLES

Only a qualified medical person trained in the use of equipment that has been approved by the Department of State Police Forensic Sciences Division shall draw blood to collect blood samples. The blood draw should be witnessed by the assigned deputy. No deputy, even if properly certified, should perform this task (Md. Code CJ § 10-304(c)(1)).

The blood sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because the arrestee has a bleeding disorder or has taken medication that inhibits coagulation, the arrestee shall not be required to take a blood test. Such inability to take a blood test shall not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

503.6 REFUSALS

When an arrestee refuses to provide a chemical sample, deputies should (Md. Code TR § 16-205.1(b)(2)):

(a) Advise the arrestee of the requirement to provide a sample and the administrative sanctions or criminal penalties for refusal (Md. Code TR § 16-205.1(b)(1)).

(b) Audio- and/or video-record the admonishment and the response when practicable.

(c) Document the refusal in the appropriate report.

Any person who drives, operates or is in physical control of a commercial motor vehicle and refuses to take a chemical test to determine the alcohol concentration shall be placed out of service for the 24-hour period immediately following the time the deputy detects alcohol in the driver's blood or breath (Md. Code TR § 16-813(b)).

503.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to an alcohol concentration test or a drug and controlled dangerous substance test, deputies shall (Md. Code TR § 16-205.1(b)(3)):

(a) Confiscate the person's driver's license.

(b) Personally serve an order of suspension of the driver’s license on the person.

(c) Issue a temporary license to drive.

(d) Inform the person that the temporary license allows the person to continue driving for 45 days.

(e) Inform the person of his/her rights, as listed on the MVA Advice of Rights form.

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Under the Influence/Impaired Driving

503.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample should be obtained when any of the following conditions exist:

(a) A person has refused to submit to a chemical test and the deputy has reasonable grounds to believe that the person was involved in a vehicle accident while driving under the influence of alcohol or a controlled substance that resulted in serious bodily injury or death of another (Md. Code TR § 16-205.1(c)(1)).

(b) The deputy has reasonable grounds to believe a person was driving while under the influence of alcohol or a controlled substance and the person is dead, unconscious or otherwise in a condition that renders him/her incapable of refusing a test. (Md. Code CJ § 10-305; Md. Code TR § 16-205.1(d)(1)).

(c) A warrant is required if either of these circumstances exists, unless the deputy can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person’s bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay resulting from an accident investigation or medical treatment of the person.

503.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the deputy should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.

(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another deputy), and attempt to persuade the individual to submit to providing such a sample without physical resistance.

1. This dialogue should be recorded on audio and/or video when practicable.

(d) Ensure that the blood sample is taken in a medically approved manner.

(e) Ensure that the forced blood draw is recorded on audio and/or video when practicable.

(f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:

1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.

3. In felony cases, force that reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

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(g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, deputies are expected to use sound judgment and perform the duties of a supervisor, as set forth above.

503.7 ARREST AND INVESTIGATION

503.7.1 REPORTING

The Patrol Sergeant shall ensure that this agency complies with all state reporting requirements pursuant to Md. Code TR § 16-205.1(b)(3)(viii).

503.7.2 TEST ADMINISTERED BY OUTSIDE PHYSICIAN

A person is permitted to have a physician of his/her own choosing administer tests, in addition to the test administered at the direction of a deputy. In the event a test was neither offered nor requested by the deputy, the person may request, and the deputy shall have administered, one or more of the tests provided by state law (Md. Code CJ § 10-304(e)).

503.8 RECORDS SECTION RESPONSIBILITIES

The Patrol Sergeant will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney’s office.

503.9 ADMINISTRATIVE HEARINGS

The Patrol Sergeant will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the MVA.

Any deputy who receives notice of required attendance at an administrative license suspension hearing should promptly notify the prosecuting attorney.

A deputy called to testify at an administrative hearing should document the hearing date and the MVA file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

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Safety Equipment Repair Orders (SERO), Traffic and Parking Citations

504.1 PURPOSE AND SCOPE

This policy outlines the responsibilities for issuing, correcting, voiding and dismissing Safety Equipment Repair Order (SERO), traffic and parking citations.

504.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to enforce traffic laws fairly and equally. Authorized members may issue a SERO, traffic citation, parking citation, written or verbal warning based upon the circumstances of the contact and in the best interest of the motoring public and community safety.

504.3 RESPONSIBILITIES

The Patrol and Administrative Sergeants shall be responsible for the supply and accounting of all SERO, traffic and parking citation books issued to members of this agency using Motor Vehicle Administration (MVA) inventory withdrawal forms (COMAR 11.17.18.01; COMAR 11.17.18.02). Citations and SERO forms will be kept in a secure location and issued to members by the Sergeants. SERO forms (MSP Form 157) may be obtained from the Maryland State Police (MSP) Automotive Safety Enforcement Division (ASED).

Members will sign for the SERO or citation books when issued or upon return of unused citations. A traffic citation book may not be reassigned to another member or another law enforcement agency without the prior authorization of the MVA. Members may not lend, borrow or share traffic citations (COMAR 11.17.18.03).

The Sheriff or the authorized designee shall submit a report on official letterhead advising the MVA within five days of any lost, stolen, mutilated or destroyed traffic citation (COMAR 11.17.18.04(B)).

Upon request, the Sheriff or the authorized designee shall account for the disposition of traffic citations in a format and within the time required by MVA (COMAR 11.17.18.04(D)).

504.3.1 WRITTEN OR VERBAL WARNINGS

Written or verbal warnings may be issued when the agency member believes it is appropriate. The Records Section should maintain information relating to traffic stops in which a written warning is issued. Written warnings are retained by this agency in accordance with the established records retention schedule.

504.4 TRAFFIC CITATIONS

504.4.1 ISSUANCE

Upon issuing a traffic citation, members shall ask the person to acknowledge receipt of a copy of the citation and advise the person that failure to acknowledge receipt may lead to the person's arrest (Md. Code TR § 26-201(b); Md. Code TR § 26-203).

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Safety Equipment Repair Orders (SERO), Traffic and Parking Citations

Following issuance of a traffic citation, members shall promptly file an electronic or written copy of the citation with the District Court. If the person acknowledges receipt on a written copy of the citation, members shall keep that copy to produce as evidence if required in court and dispose of the other copies of the citation in accordance with the regulations adopted by the MVA (Md. Code TR § 26-407(b)).

504.4.2 CORRECTION

When a traffic citation is issued but is in need of correction, the member issuing the citation shall submit the citation and a letter to his/her immediate supervisor requesting a specific correction. Once approved, the citation and letter shall then be forwarded to the Chief Deputy or Chief of Operations. The Chief Deputy or the authorized designee shall prepare a letter of correction to the District Court having jurisdiction and notify the citation recipient in writing.

504.4.3 VOIDING

Voiding a traffic citation may occur when the citation has not been completed or when it is completed but not issued. All copies of the voided citation shall be presented to the supervisor for approval. The citation and copies shall then be forwarded to the District Court of Maryland, Traffic Processing Center-Ticket Room, P.O. Box 6676, Annapolis, MD 21401-0676.

504.4.4 DISMISSAL

Members of this agency do not have the authority to dismiss a traffic citation once it has been issued. Upon a review of the circumstances involving the issuance of the traffic citation, the Patrol Sergeant may request the Chief Deputy to recommend dismissal. If approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal (Md. Code TR § 26-407(c); Md. Code TR § 26-407(g)).

Any request from a recipient to dismiss a citation shall be referred to the District Court (Md. Code TR § 26-408).

Prior to a court hearing, a member may submit a request for dismissal of a traffic citation to his/her supervisor. The request must be in writing and should include the reason for dismissal (i.e., in the interest of justice, prosecution is deemed inappropriate). Upon a review of the circumstances involving the issuance of the traffic citation, the supervisor may forward the request to the Chief Deputy to recommend dismissal. If approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal.

Should a member determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the member may request the court to dismiss the citation. Upon such dismissal, the member shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required, and forward it to the Patrol Chief Deputy for review.

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504.4.5 DISPOSITION
The court and file copies of all traffic citations issued by members of this agency shall be forwarded to the member's immediate supervisor for review by the end of each shift. The citation copies shall then be filed with the Records Section.

Upon separation from appointment or employment with this agency, all members who were issued traffic citations books shall return any unused citations to the Records Section.

504.4.6 JUVENILE CITATIONS
Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency and the type of offense should be considered before issuing a juvenile a citation.

504.4.7 DATA COLLECTION
Whenever a deputy conducts a traffic stop and detains the driver for any period of time for a violation of the Maryland Vehicle Law, he/she shall document the stop as required by law (Md. Code TR § 25-113(d)).

The following are exempt from the reporting requirement:

- Checkpoint or roadblock stops
- Stops of multiple vehicles due to a traffic accident or emergency situation requiring vehicles to stop for public safety purposes
- Stops based on the use of radar, laser or Visual Average Speed Computer and Recorder (VASCAR) technology
- Stops based on the use of automated license plate reader (ALPR) technology

Traffic stop data shall be reported and reviewed as specified in the Bias-Based Policing Policy.

504.5 SERO
A deputy may issue a SERO for defective safety equipment on all classes of Maryland registered motor vehicles, trailers and semi-trailers except those vehicles displaying historic license plates, interchangeable license plates and temporary registration plates. Specific equipment violations subject to a SERO is maintained by the MSP and are included on the SERO form (Md. Code TR § 23-105(a)).

A deputy shall complete a visual inspection and certification upon contact by a member of the public or as assigned (Md. Code TR § 23-105(c)).

504.6 RECORDS
For each citation issued, this agency shall keep:

(a) Every citation, or a record of every citation, for at least three years after issuance (COMAR 11.17.18.04).

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(b) A record of the disposition of the charge by the District Court (Md. Code TR § 26-407(e)).

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Disabled Vehicles

505.1 PURPOSE AND SCOPE

This policy establishes guidelines for agency members who provide assistance to motorists in disabled vehicles within the primary jurisdiction of the Dorchester County Sheriff's Office.

505.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to assist motorists with disabled vehicles until those vehicles are safely removed from the roadway. Members should take appropriate action to mitigate potential problems when a vehicle constitutes a traffic hazard or the safety of the motorist is a concern.

505.3 RESPONSIBILITIES

When an on-duty member of this agency sees a disabled vehicle on the roadway, the member should make a reasonable effort to provide assistance. If this is not reasonably possible, the communications officer should be advised of the location of the disabled vehicle and the need for assistance. The communication officer should then assign another agency member to respond as soon as practicable.

505.4 ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by agency members will be contingent on the time of day, the location, the availability of agency resources and the vulnerability of the disabled motorist.

505.4.1 MECHANICAL REPAIRS

Agency members shall not make mechanical repairs to a disabled vehicle. The use of push bumpers, with consent of the owner, to relocate vehicles to a position of safety is not considered a mechanical repair.

505.4.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this agency by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

505.4.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person’s consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The agency member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

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Chapter 6 - Investigation Operations

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Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and dispositions of criminal investigations.

600.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 DEPUTY RESPONSIBILITIES

A deputy responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
    1. An initial statement from any witnesses or complainants.
    2. A cursory examination for evidence.

(b) If information indicates a crime has occurred, the deputy shall:
    1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
    2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
    3. If assistance is warranted, or if the incident is not routine, notify a supervisor.
    4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
    5. Collect any evidence.
    6. Take any appropriate law enforcement action.
    7. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary and what other resources may be available, and advise the informant or complainant of this information.

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

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600.4.1 AUDIO/VIDEO RECORDINGS

A deputy conducting a custodial interrogation of an individual who is suspected of having committed any violent felony offense, including murder, rape, sexual offense in the first degree or sexual offense in the second degree, shall make reasonable efforts to create an audiovisual recording in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings (Md. Code CP § 2-402).

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Criminal Investigation Division supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes. An audio or audiovisual recording made by a law enforcement unit of a custodial interrogation of a criminal suspect is exempt from the Maryland Wiretapping and Electronic Surveillance Act (Md. Code CP § 2-403).

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

(a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified and the incident has been documented appropriately.

(b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.

1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

(c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

(d) The case has been submitted to the appropriate prosecutor; charges have been filed; further investigation is not reasonable, warranted or requested; and there is no need to take the suspect into custody.

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(e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.

(f) Investigation has proved that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, deputies should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, deputies should take reasonable steps to prepare for such seizure and use the resources that are available.

600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this agency. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using agency equipment.

Information obtained via the Internet should not be archived or stored in any manner other than agency-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

600.7.1 ACCESS RESTRICTIONS

Information that can be accessed from any agency computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

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Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Deputies should seek legal counsel before any such interception.

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Sexual Assault Investigations

601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notification requirements are addressed in the Child Abuse and Adult Abuse policies.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in Md. Code CR § 3-301 et seq. (Sexual Crimes).

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims (Md. Code CP § 11-923).

601.2 POLICY

It is the policy of the Dorchester County Sheriff's Office that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

601.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

(a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

(d) Coordinate with other law enforcement agencies, social service agencies, and medical personnel as needed.

(e) Provide referrals to therapy services, victim advocates, and support for the victim (Md. Code CP § 11-926).

(f) Participate in or coordinate with the SART or other multidisciplinary investigative teams as applicable.

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601.4 REPORTING

In all reported or suspected cases of sexual assault, a report shall be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

601.5 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call the victim makes to the Communications Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of the SART should be included in the initial victim interviews.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded should be included in a report.

Victims should not be asked or required to take a polygraph examination (34 USC § 10451).

Victims should be apprised of applicable victim’s rights provisions, as outlined in the Victim and Witness Assistance Policy.

601.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing (Md. Code PS § 2-504(a)(3)(iii)).

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

601.6.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating sexual assaults or handling related evidence are required to do the following:

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(a) Offer the alleged victim the opportunity to be taken immediately to the nearest medical facility. The offer shall be made without regard for the place of the alleged sexual assault or where it is reported (Md. Code CP § 11-924(b)).

(b) Inform any victim who wants to remain anonymous and not file a criminal complaint that the victim may file a criminal complaint in the future (Md. Code CP § 11-926).

(c) Submit any sexual assault evidence collection kit and any associated reference standards to a forensic laboratory for analysis within 30 days of receipt unless (Md. Code CP § 11-926):

1. Clear evidence exists that disproves the sexual assault allegation.
2. The alleged facts do not amount to a sexual assault, abuse, a crime relating to prostitution, or another covered crime.
3. The victim from whom the evidence was collected declines to give consent for testing.
4. The evidence was collected from a suspect who has pleaded guilty to the offense for the purpose of entry into the Combined DNA Index System (CODIS).

(d) If not already completed, take steps to enter any eligible results of the analysis of a kit into CODIS (Md. Code CP § 11-926).

(e) Promptly retrieve sexual assault evidence collection kits upon notice of their availability (e.g., a hospital calls and advises a kit is ready for law enforcement collection) (COMAR 02.08.01.04).

(f) Record in the agency's records management system all information necessary for reporting the required information about sexual assault evidence collection kits in the member's control or possession to the reporting program established by the Governor's Office of Crime Prevention and Policy and ensure compliance with related regulations (Md. Code CP § 11-926.1). See the Records Section Policy for reporting responsibilities.

Additional guidance regarding evidence retention and destruction is found in the Property Policy.

601.6.2 DNA TEST RESULTS

Members investigating sexual assault cases should (Md. Code CP § 11-926; COMAR 02.08.01.03):

(a) Within 30 days of any request by a victim, provide notification regarding the agency's decision as to whether to send a sexual assault evidence kit for analysis; and if sent, the status and results, unless doing so would impede or compromise the investigation.

(b) If no request is made, victims should be notified of any DNA test results as soon as reasonably practicable.

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available

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information on local assistance programs and organizations as provided in COMAR 02.08.02.04 and the Victim and Witness Assistance Policy.

Members investigating sexual assault cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

601.7 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Criminal Investigation Division supervisor.

Classification of a sexual assault case as unfounded requires the Criminal Investigation Division supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

601.8 CASE REVIEW

The Criminal Investigation Division supervisor should ensure cases are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Sheriff.

601.9 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Criminal Investigation Division supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

601.10 TRAINING

Subject to available resources, periodic training should be provided to:

(a) Members who are first responders. Training should include:

1. Initial response to sexual assaults.
2. Legal issues.
3. Victim advocacy.

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4. Victim’s response to trauma.

(b) Qualified Investigators, who should receive advanced training on additional topics. Advanced training should include:

1. Interviewing sexual assault victims.
2. SART.
3. Medical and legal aspects of sexual assault investigations.
4. Serial crimes investigations.
5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
6. Techniques for communicating with victims to minimize trauma.

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Asset Forfeiture

602.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture, and liquidation of property associated with designated offenses.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Sheriff to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Dorchester County Sheriff's Office seizes property for forfeiture or when the Dorchester County Sheriff's Office is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The agency member assigned by the Sheriff who is responsible for reviewing all forfeiture cases and acting as the liaison between the Agency and the forfeiting authority (Md. Code CP § 12-101(f)).

Property subject to forfeiture - Items that may generally be subject to forfeiture include:

(a) Real property, tangible and intangible personal property, money, weapons, vehicles, aircraft or vessels, and items or objects used in connection with a crime under the Controlled Dangerous Substances law (Md. Code CP § 12-102).

1. Motor vehicles must meet required seizure guidelines (Md. Code CP § 12-204).

(b) A handgun, handgun ammunition, or parts in violation of gun laws (Md. Code CP § 13-201).

(c) A regulated firearm in violation of the law (Md. Code PS § 5-135).

(d) Illegal possession of a handgun (Md. Code CR § 4-206).

(e) Firearms used in specific designated crimes (Md. Code CR § 5-621(e)).

(f) Money seized in illegal gambling investigations (Md. Code CP § 13-102).

(g) Vehicles, vessels, or aircraft used in violation of explosives laws (Md. Code CP § 13-301).

(h) Motor vehicles, money, and real property used in the connection of a violation of human trafficking laws (Md. Code CP § 13-502) or personal property that is directly or indirectly dangerous to health and safety (Md. Code CP § 13-504).

(i) Contraband alcohol, cigarettes, and motor fuel, and conveyances used to transport the products (Md. Code TG § 13-835).

(j) Crimes involving telecommunications and electronics (Md. Code CR § 7-310).

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(k) Property used or intended for use in the course of a violation of the Mortgage Fraud law (Md. Code CP § 13-402).

Seizure - The act of law enforcement officials taking property, cash, or assets that have been used in connection with or acquired by specified illegal activities.

602.2 POLICY

The Dorchester County Sheriff's Office recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime, and reduce the economic incentive of crime. However, the potential of revenue shall not be allowed to jeopardize the effective investigation and prosecution of criminal offenses, officer safety, the integrity of ongoing investigations, or any person's due process rights.

It is the policy of the Dorchester County Sheriff's Office that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeitures.

602.3 ASSET SEIZURE

The following property may be seized for forfeiture as provided in this policy:

602.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in conjunction with the forfeiture reviewer:

(a) Property subject to forfeiture may be seized on a warrant or court order.

(b) Property subject to forfeiture may be seized without a warrant when:

1. The seizure is incident to an arrest or a search under a search warrant and the property is subject to forfeiture due to a controlled dangerous substance violation, human trafficking violation, or handgun violation (Md. Code CP § 12-202; Md. Code CP § 13-504; Md. Code CP § 13-202).
2. The seizure is incident to an inspection under an administrative inspection warrant and the property is forfeitable due to a controlled dangerous substance or human trafficking violation (Md. Code CP § 12-202; Md. Code CP § 13-504).
3. There is probable cause to believe that the property has been used or is intended to be used for a violation of a Controlled Dangerous Substances law (Md. Code CP § 12-202).

(c) Property subject to forfeiture that may be lawfully seized as evidence of a crime.

(d) A vehicle, when there is probable cause to believe that it is subject to forfeiture for a violation of human trafficking (Md. Code CR § 3-1102; Md. Code CR § 3-1103) and after considering (Md. Code CP § 13-507):

1. Evidence that the motor vehicle was acquired with proceeds from a transaction involving a violation of Md. Code CR § 3-1102 or Md. Code CR § 3-1103.
2. The circumstances of the arrest.

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3. How the vehicle was used.

Whenever practicable, obtaining a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money alone is insufficient to establish the probable cause required to make a seizure.

602.3.2 PROPERTY NOT SUBJECT TO SEIZURE
Property that should not be seized for forfeiture includes:

(a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds (Md. Code CP § 12-102).

(b) Any personal property or vehicle if the deputy reasonably knows the owner did not have knowledge of the offense or did not consent to the property's use ("innocent owner").

(c) Real property without a court order.

602.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the deputy making the seizure should ensure compliance with the following:

(a) Complete the applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the deputy must leave the copy in the place where the property was found, if it is reasonable to do so.

(b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.

(c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The deputy will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs shall be taken of seized cash and should be taken of other valuable items (Md. Code CP § 12-202(b)(1); Md. Code CP § 13-103; Md. Code CP § 13-505).

Deputies who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

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602.5 MAINTAINING SEIZED PROPERTY

The Criminal Investigations Division supervisor is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition (Md. Code CP § 12-203).

(b) All property received for forfeiture is checked to determine if the property has been stolen.

(c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

(d) Property received for forfeiture is not used by the Agency unless the forfeiture action has been completed.

(e) All money is deposited into the appropriate financial account (Md. Code CP § 12-202; Md. Code CP § 13-103; Md. Code CP § 13-505).

(f) Pending final disposition, money seized for illegal gambling shall be properly accounted for and deposited in an interest-bearing bank account or invested in accordance with Title 17 of the Local Government Article (Md. Code CP § 13-104).

(g) On receipt of an application, the Agency shall hold an informal review to determine whether the owner knew or should have known of the use or intended use of a handgun that is seized in violation of Md. Code CR § 4-203 or Md. Code CR § 4-204 (Md. Code CP § 13-204).

(h) The Agency shall surrender a motor vehicle to the owner upon request if the motor vehicle falls within the purview of a forfeiture exception or the required legal standards are not met (Md. Code CP § 12-207; Md. Code CP § 13-509).

602.6 FORFEITURE REVIEWER

The Sheriff will appoint a forfeiture reviewer as allowed by law.

The responsibilities of the forfeiture reviewer include:

(a) Remaining familiar with forfeiture laws, particularly Criminal Procedure Article Title 12 and Title 13.

(b) Serving as the liaison between the Agency and the County Treasurer or Director of Finance (Md. Code CP § 12-101(j)).

(c) Serving as the liaison between the Agency and the forfeiting authority and ensuring prompt legal review and filing of all seizures (Md. Code CP § 12-304; Md. Code CP § 13-517).

(d) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing, and tracking forfeitures.

(e) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate (Md. Code CP § 12-212).

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(f) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(g) Ensuring that seizure forms are available and appropriate for agency use. These should include notice forms, a receipt form, and a checklist that provides relevant guidance to deputies. The forms should be available in languages appropriate for the region and should contain spaces for (Md. Code CP § 12-104):

1. Names and contact information for all relevant persons and law enforcement officers involved.
2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
3. A space for the signature of the person from whom cash or property is being seized.
4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure, and a detailed description of the items seized.
5. A case or other reference number associated with the seized property.
6. The notice provisions required by Md. Code CP § 12-104.
7. Any other information required by Md. Code CP § 12-104.

(h) Ensuring that members who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs), or General Orders. The training should cover this policy and address any relevant statutory changes and court decisions.

(i) Reviewing each asset forfeiture case to ensure that:

1. Written documentation of the seizure and the items seized is in the case file.
2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
3. The Sheriff personally reviews and recommends forfeiture of motor vehicles in violation of the Controlled Dangerous Substances or Human Trafficking laws (Md. Code CP § 12-206; Md. Code CP § 13-508).
4. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (Md. Code CP § 12-104; Md. Code CP § 12-209).
5. Property is promptly released to those entitled to its return.
6. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
7. Any cash received is deposited with the fiscal agent.

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8. Assistance with the resolution of ownership claims and the release of property to those entitled is provided (Md. Code CP § 12-203).
9. Current minimum forfeiture thresholds are communicated appropriately to deputies.
10. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

(j) Ensuring that a written plan is available that enables the Sheriff to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement personnel and attorneys who may assist in these matters is available.

(k) Ensuring that the Agency disposes of property as provided by law following any forfeiture.

(l) Ensuring that the process of selling or adding forfeited property to agency inventory is in accordance with all applicable laws and consistent with the use and disposition of similar property.

(m) Upon completion of any forfeiture process, ensuring that no property is retained by the Dorchester County Sheriff's Office unless the Sheriff authorizes in writing the retention of the property for official use.

(n) Ensuring that an annual report is filed with the Maryland Statistical Analysis Center of the Governor's Office of Crime Prevention and Policy as required by Md. Code CP § 12-602.

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and County financial directives.

602.7 DISPOSITION OF FORFEITED PROPERTY

No member of this agency may use property that has been seized for forfeiture until the forfeiture action has been completed and the Sheriff has given written authorization to retain the property for official use. No agency member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

If an order of forfeiture is not entered by the court, the Agency shall return to the owner that part of the proceeds and any costs of the forfeiture proceedings paid from the proceeds of the sale (Md. Code CP § 12-503; Md. Code CP § 13-534).

After a full court hearing, if the court determines that the property should not be forfeited, the property shall be promptly returned to the legal owner (Md. Code CP § 12-402; Md. Code CP § 13-534).

Whenever property is forfeited by the court under the Controlled Dangerous Substances or Human Trafficking laws, the property may be kept for official use, destroyed or otherwise disposed of, or

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the Agency may sell the property if the law does not require the property to be destroyed and the property is not harmful to the public (Md. Code CP § 12-403; Md. Code CP § 13-529).

Whenever property is forfeited under a violation of gun laws, the Agency may only retain the property for official use, destroy the forfeited property, or sell, exchange, or transfer the forfeited property to another law enforcement agency for official use by that agency (Md. Code CP § 13-206(a)).

Shared forfeiture proceeds from a state law enforcement agency under the Controlled Dangerous Substances law shall be deposited in the County general fund (Md. Code CP § 12-403(e)).

Forfeiture proceeds under the Maryland Mortgage Fraud Protection Act shall be deposited in the state’s general fund (Md. Code CP § 13-407(c)(4)).

Proceeds from a violation of the Human Trafficking laws shall be deposited to the County General Fund (Md. Code CP § 13-530).

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Informants

603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Dorchester County Sheriff's Office for law enforcement purposes. This also includes a person agreeing to supply information to the Dorchester County Sheriff's Office for a benefit (.e.g., a quid pro quo in the form of a reduced criminal penalty, money).

603.2 POLICY

The Dorchester County Sheriff's Office recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this agency that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

603.3 USE OF INFORMANTS

603.3.1 INITIAL APPROVAL

Before using an individual as an informant, a deputy must receive approval from his/her supervisor. The deputy shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this agency should not guarantee absolute safety or confidentiality to an informant.

603.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

Except for the enforcement of laws related to the commercial sale of alcohol or tobacco products, the use of any juvenile 13 years of age or older as an informant is only permitted when authorized by court order.

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

(a) The juvenile’s parents or legal guardians

(b) The juvenile’s attorney, if any

(c) The court in which the juvenile’s case is being handled, if applicable

(d) The Sheriff or the authorized designee

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603.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated agency informant agreement. The deputy using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

603.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

(a) The identity of an informant acting in a confidential capacity shall not be withheld from the Sheriff, Chief Deputy, Narcotics Investigator supervisor or their authorized designees.

1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.

(b) Criminal activity by informants shall not be condoned.

(c) Informants shall be told they are not acting as Sheriff's deputies, employees or agents of the Dorchester County Sheriff's Office, and that they shall not represent themselves as such.

(d) The relationship between agency members and informants shall always be ethical and professional.

1. Members shall not become intimately involved with an informant.
2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Narcotics Investigator supervisor.
3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.

(e) Deputies shall not meet with informants in a private place unless accompanied by at least one additional deputy or with prior approval of the Narcotics Investigator supervisor.

1. Deputies may meet informants alone in an occupied public place, such as a restaurant.

(f) When contacting informants for the purpose of making payments, deputies shall arrange for the presence of another deputy.

(g) In all instances when agency funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

(h) Since the decision rests with the appropriate prosecutor, deputies shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

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603.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Agency and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file “unsuitable” when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

(a) The informant has provided untruthful or unreliable information in the past.

(b) The informant behaves in a way that may endanger the safety of a deputy.

(c) The informant reveals to suspects the identity of a deputy or the existence of an investigation.

(d) The informant appears to be using his/her affiliation with this agency to further criminal objectives.

(e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.

(f) The informant engages in any other behavior that could jeopardize the safety of deputies or the integrity of a criminal investigation.

(g) The informant commits criminal acts subsequent to entering into an informant agreement.

603.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of agency members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Narcotics Investigator. The Narcotics Investigator supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Sheriff, Chief Deputy, Narcotics Investigator supervisor or their authorized designees.

The Criminal Investigations Supervisor should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Narcotics Investigator supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file

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content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

603.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

(a) Name and aliases

(b) Date of birth

(c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features

(d) Photograph

(e) Current home address and telephone numbers

(f) Current employers, positions, addresses and telephone numbers

(g) Vehicles owned and registration information

(h) Places frequented

(i) Briefs of information provided by the informant and his/her subsequent reliability

1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.

(j) Name of the deputy initiating use of the informant

(k) Signed informant agreement

(l) Update on active or inactive status of informant

603.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant’s personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant’s previous criminal activity
- The level of risk taken by the informant

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Informants

The Narcotics Investigator supervisor will discuss the above factors with the Chief Deputy and the Chief of Operations and recommend the type and level of payment, subject to approval by the Sheriff.

603.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

(a) Payments of $500 and under may be paid in cash from a Narcotics Investigator buy/expense fund.
    1. The Narcotics Investigator supervisor shall sign the voucher for cash payouts from the buy/expense fund.

(b) Payments exceeding $500 shall be made by issuance of a check, payable to the deputy who will be delivering the payment.
    1. The check shall list the case numbers related to and supporting the payment.
    2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
    3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
    4. Authorization signatures from the Sheriff or Chief Deputy are required for disbursement of the funds.

(c) To complete the payment process for any amount, the deputy delivering the payment shall complete a cash transfer form.
    1. The cash transfer form shall include the following:
        (a) Date.
        (b) Payment amount.
        (c) Dorchester County Sheriff's Office case number.
        (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
    2. The cash transfer form shall be signed by the informant.
    3. The cash transfer form will be kept in the informant’s file.

603.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of deputies or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as “other income” and shall be required to provide a signed acknowledgement

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of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant’s file.

603.6.3 AUDIT OF PAYMENTS

The Narcotics Investigator supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Sheriff or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

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Eyewitness Identification

604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this agency employ eyewitness identification techniques (Md. Code PS § 3-506).

604.1.1 DEFINITIONS

Definitions related to this policy include (Md. Code PS § 3-506.1):

Eyewitness identificationprocess - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

604.2 POLICY

The Dorchester County Sheriff's Office will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

604.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Criminal Investigation Division supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

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(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all individuals present during the identification procedure.

(e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification (Md. Code PS § 3-506.1).

(g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.

(h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(i) A signature line where the witness acknowledges that he/she understands the identification procedures, instructions and identification statement.

(j) A signed statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure (Md. Code PS § 3-506.1).

The process and related forms should be reviewed at least annually and modified when necessary.

604.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

604.6 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup (Md. Code PS § 3-506.1).

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably

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standout. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

604.6.1 MULTIPLE EYEWITNESSES

When there are multiple eyewitnesses (Md. Code PS § 3-506.1):

(a) The identification procedure shall be conducted separately for each eyewitness.

1. Instructions shall be provided to each eyewitness outside the presence of other eyewitnesses.

(b) The suspect shall be placed in a different position for each identification procedure conducted for each eyewitness.

(c) The eyewitnesses may not be allowed to communicate with each other until all identification procedures have been completed.

604.6.2 MULTIPLE SUSPECTS

If an eyewitness has previously participated in an identification procedure in connection with the identification of another person suspected of involvement in the offense, the fillers in the identification procedure shall be different from the fillers used in any prior identification procedure (Md. Code PS § 3-506.1).

604.6.3 NUMBER OF LINEUP MEMBERS

Lineups shall consist of the following number of members, not including the suspect (Md. Code PS § 3-506.1).

(a) For a live lineup, at least four persons.

(b) For a photo lineup, at least five photographs.

604.7 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identification. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

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(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect's face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness's opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.

(e) The person who is the subject of the show-up should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

(g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies a subject of a show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

604.8 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification shall be documented in the case report (Md. Code PS § 3-506.1).

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness shall be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

A written record is not required if a video or audio record of the identification procedure is made that captures all of the information specified in Md. Code PS § 3-506.1.

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Unmanned Aerial System

605.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

605.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned aerial system (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means.

605.2 POLICY

A UAS may be utilized to enhance the agency's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

605.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

605.4 PROGRAM COORDINATOR

The Sheriff will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current, and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for agency operations.
- Ensuring that all authorized operators and required observers have completed all required FAA and agency-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.
- Developing uniform protocols for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require authorization of the Sheriff or the authorized designee, depending on the type of mission.

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- Coordinating the completion of the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations to safeguard human life).
- Developing protocols for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Developing operational protocols governing the deployment and operation of a UAS including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Sheriff.
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.

605.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted consistent with FAA regulations.

605.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.

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- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

605.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.

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Warrant Service

606.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this agency. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by deputies.

606.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to balance the safety needs of the public, the safety of agency members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

606.3 CHIEF OF OPERATIONS

The Chief of Operations (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The Chief of Operations will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

606.4 SEARCH WARRANTS

Deputies should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the deputy will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the Chief of Operations for review and classification of risk (see the Operations Planning and Deconfliction Policy).

606.5 ARREST WARRANTS

If a deputy reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the deputy should complete the risk assessment form and submit it to the appropriate supervisor and the Chief of Operations for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the Chief of Operations. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

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606.6 WARRANT PREPARATION

A deputy who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

(a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution (Md. Code CP § 1-203).

1. No-knock warrant applications shall be consistent with the requirements of state law (Md. Code CP § 1-203).

(b) A clear explanation of the affiant's training, experience and relevant education.

(c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.

(d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.

(e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.

(f) A specific description of the location to be searched, including photographs of the location, if reasonably available.

(g) A sufficient description of the items to be seized.

(h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the *Brady* Information Policy).

606.6.1 WARRANT EXECUTION PROCEDURES

The Chief of Operations should establish procedures regarding execution of search warrants (e.g., appropriate approvals and training, time of service limitations, measures for participants to be identifiable and recognizable as uniformed deputies, use of body-worn cameras where required) (Md. Code CP § 1-203).

606.7 HIGH-RISK WARRANT SERVICE

The Chief of Operations or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of deputies deployed.

The member responsible for directing the service should ensure the following as applicable:

(a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

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(b) Body-worn cameras should be used by deputies executing the warrant (Md. Code CP § 1-203) (see the Portable Audio/Video Recorders Policy).

(c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.

(d) Reasonable efforts are made during the search to maintain or restore the condition of the location.

(e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.

(f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).

(g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.

(h) A copy of the search warrant is left at the location.

(i) The condition of the property is documented with video recording or photographs after the search.

606.8 DETENTIONS DURING WARRANT SERVICE

Deputies must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, deputies must be mindful that only reasonable force may be used and weapons should be displayed no longer than the deputy reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Deputies should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

606.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

606.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The Chief of Operations will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members

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- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the Chief of Operations. The Chief of Operations should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The Chief of Operations should ensure that members of the Dorchester County Sheriff's Office are utilized appropriately. Any concerns regarding the requested use of Dorchester County Sheriff's Office members should be brought to the attention of the Sheriff or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the Chief of Operations is unavailable, the Patrol Supervisor should assume this role.

If deputies intend to serve a warrant outside Dorchester County Sheriff's Office jurisdiction, the Chief of Operations should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Deputies will remain subject to the policies of the Dorchester County Sheriff's Office when assisting outside agencies or serving a warrant outside Dorchester County Sheriff's Office jurisdiction.

606.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Sheriff. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

606.12 TRAINING

The Chief Deputy should ensure deputies receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

606.13 NO-KNOCK ENTRIES

No-knock entries are only authorized if a no-knock warrant has been obtained or if exigent circumstances arise at the scene such that knocking and announcing the deputy's presence would create an imminent threat of physical violence to the deputy or another person.

606.14 DOCUMENTATION

Documentation related to the service of a warrant shall be maintained in accordance with the established records retention schedule.

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Operations Planning and Deconfliction

607.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

607.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by deputies on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

607.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to properly plan and carry out high-risk operations in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

607.3 OPERATIONS DIRECTOR

The Chief of Operations or the Detective Sergeant will assume the duty as the operations director depending on the nature of the high risk operation.

The operations director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high–risk operations.

The operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

607.4 RISK ASSESSMENT

607.4.1 RISK ASSESSMENT FORM PREPARATION

Deputies assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the deputy should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the deputy should also submit information to these resources.

The deputy should gather available information that includes, but is not limited to:

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(a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.

(b) Maps of the location.

(c) Diagrams of any property and the interior of any buildings that are involved.

(d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).

(e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).

(f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).

(g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).

(h) Other available options that may minimize the risk to deputies and others (e.g., making an off-site arrest or detention of the subject of investigation).

607.4.2 RISK ASSESSMENT REVIEW

Deputies will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director.

The supervisor and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

607.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

(a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:

1. Sheriff's Tactical Assault Response Team (STAR Team)
2. Additional personnel
3. Outside agency assistance
4. Special equipment
5. Medical personnel
6. Persons trained in negotiation
7. Additional surveillance

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8. Canines
9. Criminal Investigations Division or analytical personnel to assist with cataloguing seizures
10. Forensic specialists
11. Specialized mapping for larger or complex locations

(b) Contact the appropriate agency members or other agencies as warranted to begin preparation.

(c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.

(d) Coordinate the actual operation.

607.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The deputy who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The deputy should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

607.6 OPERATIONS PLAN

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

(a) Operation goals, objectives and strategies.

(b) Operation location and people:

1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces,

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availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids

3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)

4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children

(c) Information from the risk assessment form by attaching a completed copy in the operational plan.

1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.

(d) Participants and their roles.

1. An adequate number of uniformed deputies should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.

2. How all participants will be identified as law enforcement.

(e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.

(f) Identification of all communications channels and call-signs.

(g) Use of force issues.

(h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).

(i) Plans for detaining people who are not under arrest.

(j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies.

(k) Communications plan.

(l) Responsibilities for writing, collecting, reviewing and approving reports.

607.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

607.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

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(a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.

(b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.

(c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.

1. Exceptions may be made by the operations director for deputies who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.

(d) The briefing should include details of the communications plan.

1. It is the responsibility of the operations director to ensure that the Communications Center is notified of the time and location of the operation, and to provide a copy of the operation plan prior to deputies arriving at the location.
2. If the radio channel needs to be monitored by the Communications Center, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

607.8 STAR TEAM PARTICIPATION

If the operations director determines that STAR Team participation is appropriate, the director and the STAR Team supervisor shall work together to develop a written plan. The STAR Team supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the STAR Team supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the deputies present.

607.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Sheriff. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

607.10 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any STAR Team debriefing.

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607.11 TRAINING

The Chief Deputy should ensure deputies and STAR Team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

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Chapter 7 - Equipment

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Agency-Owned and Personal Property

700.1 PURPOSE AND SCOPE

The policy addresses the care of agency-owned property and the role of the Agency when personal property, the property of another or agency-owned property is damaged or lost.

700.2 POLICY

Members of the Dorchester County Sheriff's Office shall properly care for agency property assigned or entrusted to them. Agency-owned property that becomes damaged shall be promptly replaced. Members' personal property that becomes damaged during the performance of assigned duties will be reimbursed in accordance with this policy.

700.3 AGENCY PROPERTY

All property and equipment issued by the Agency shall be documented in the appropriate property sheet or equipment log. Receipt of issued items shall be acknowledged by the receiving member's signature. Upon separation from the Agency, all issued property and equipment shall be returned. Documentation of the return shall be acknowledged by the signature of a supervisor.

700.3.1 CARE OF PROPERTY

Members shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of agency property that has been assigned or entrusted to them.

Intentional or negligent abuse or misuse of agency property may lead to discipline including, but not limited to, the cost of repair or replacement.

(a) Members shall promptly report, through their chain of command, any loss, damage to, or unserviceable condition of any agency-issued property or equipment.

    1. A supervisor receiving such a report shall notify the Chief of Operations or Chief Deputy, who shall determine the need of an investigation as to whether misconduct or negligence caused the loss, damage or unserviceable condition.

    2. A review by command staff should determine whether additional action is appropriate.

(b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or otherwise reasonable by circumstances, agency property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Agency property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.

(e) A supervisor's approval is required before any attempt to repair damaged or unserviceable property is made by a member.

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700.4 PERSONAL PROPERTY

Carrying and/or using personal property or equipment on-duty requires prior written approval by the Sheriff or Chief Deputy. The member should submit a request that includes a description of the property, and the reason and length of time it will be used. Personal property of the type routinely carried by persons who are not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

The Agency will not replace or repair costly items (e.g., jewelry, expensive watches, exotic equipment) that are not reasonably required as part of work.

700.4.1 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage to, or loss of, personal property must be made on agency letterhead and submitted to the Sheriff or Chief Deputy.

Upon review by command staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Sheriff, who will then forward the claim to the County department responsible for issuing payments.

700.5 DAMAGE TO PROPERTY OF ANOTHER

Members who intentionally or unintentionally damage or cause to be damaged the real or personal property of another while performing any law enforcement function shall promptly report the damage through their chain of command.

The supervisor receiving such a report shall direct a memo to the Chief Deputy or Chief of Operations, which shall include the result of how the property was damaged and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

A review of the incident by command staff to determine whether misconduct or negligence was involved should be completed.

700.5.1 DAMAGE BY PERSONNEL OF ANOTHER AGENCY

Personnel from another agency may intentionally or unintentionally cause damage or cause to be damaged the real or personal property of the County of Dorchester or of another person while performing their duties within the jurisdiction of this agency. It shall be the responsibility of this agency member present or the member responsible for the property to report the damage as follows:

(a) A verbal report shall be made to the member’s immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the member goes off-duty or as otherwise directed by the supervisor.

The supervisor receiving such a report shall conduct an investigation and direct a memo to the Chief Deputy or Chief of Operations, which shall include the result of the investigation and whether misconduct or negligence caused the loss, damage or unserviceable condition.

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Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Agency or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.2 POLICY

The Dorchester County Sheriff's Office allows members to utilize agency-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on- or off-duty for business-related purposes, or reasonably associated with work-related misconduct, will be subject to monitoring and inspection consistent with applicable law and this policy.

Additionally, the use of a PCD either on-duty or after duty hours for business-related purposes, or reasonably associated with work-related misconduct, may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable Maryland Public Information Act (PIA) laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the Agency and shall have no expectation of privacy in their location should the device be equipped with location-detection capabilities. This includes records of all keystrokes or web-browsing history made on the PCD. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through agency PCDs or networks (see the Information Technology Use Policy for additional guidance).

Members have no expectation of privacy regarding any communications while using a personally owned PCD for agency-related business or when the use reasonably implicates work-related misconduct.

701.4 AGENCY-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Agency may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Agency-

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issued or funded PCDs may not be used for personal business either on or off-duty unless authorized by the Sheriff or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Agency and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Since members are authorized for off-duty use of the PCD, the PCD will be answered in a timely manner when called or a text message has been received.

701.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.

(b) The Agency accepts no responsibility for loss of or damage to a personally owned PCD.

(c) The PCD and any associated services shall be purchased, used, and maintained solely at the member's expense.

(d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications) or as otherwise authorized by agency procedures.

1. Use of a personally owned PCD for work-related business constitutes consent for the Agency to access the PCD to inspect and copy the work-related data (e.g., for litigation purposes, public records retention and release obligations, internal investigations).
2. Use of and data within a personally owned PCD may be discoverable in cases when there is reason to believe it is associated with work-related misconduct.
3. Searches of a personally owned PCD by the Agency should be limited to those matters reasonably associated with the work-related business or work-related misconduct.

(e) The device shall not be utilized to record or disclose any agency business-related information, including photographs, video, or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the Agency, without the express authorization of the Sheriff or the authorized designee.

(f) If the PCD is carried on-duty, members will provide the Agency with the telephone number of the device.

(g) All work-related documents, emails, photographs, recordings, and other public records created or received on a member's personally owned PCD should be transferred to the Dorchester County Sheriff's Office and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor, or respond to electronic communications using a

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personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements or memorandums of understanding, or if the member has prior express authorization from their supervisor, the member may engage in agency business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty agency-related business activities in any manner shall promptly provide the Agency with a copy of such records to ensure accurate recordkeeping.

701.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct agency business:

(a) A PCD shall not be carried in a manner that allows it to be visible while in uniform unless it is in an approved carrier.

(b) All PCDs in the workplace shall be set to silent or vibrate mode.

(c) A PCD may not be used to conduct personal business while on-duty except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times unless an emergency exists.

(d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.

(e) Members are prohibited from taking pictures, audio or video recordings, or making copies of any such picture or recording media unless it is directly related to official agency business. Disclosure of any such information to any third party through any means requires the express authorization of the Sheriff or the authorized designee.

(f) Members will not access social networking sites for any purpose that is not official agency business. This restriction does not apply to a personally owned PCD used during authorized break times.

(g) Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

(a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.

(b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.

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1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Sheriff or the authorized designee.

701.8 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other agency communications network.

701.9 USE WHILE DRIVING

The use of a PCD while driving is only permitted for deputies who are acting within the scope of their official duties. However, such use can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Therefore, deputies should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD (Md. Code TR § 21-1124.2).

Except in an emergency, members who are operating vehicles that are not equipped with lights and siren shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (Md. Code TR § 21-1124.2). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

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Vehicle Maintenance

702.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that agency vehicles are appropriately maintained.

702.2 POLICY

The Dorchester County Sheriff's Office will service agency vehicles to ensure they remain operational and maintain their appearance, as resources allow.

702.3 GENERAL DUTIES

Members are responsible for assisting in maintaining agency vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

702.4 DEFECTIVE VEHICLES

When a vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service. Proper documentation shall be promptly completed by the member who becomes aware of the defective condition and forwarded for action.

Documents describing the correction of the safety issue shall be filed with the vehicle history without delay.

702.4.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

702.4.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer’s parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

702.4.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the agency armory prior to the vehicle being released for maintenance, service or repair.

702.5 VEHICLE EQUIPMENT

Certain items shall be maintained in all agency vehicles.

702.5.1 PATROL VEHICLES

Members shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is in the vehicle:

- emergency road flares
- 1 roll crime scene barricade tape

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- 1 first-aid kit and CPR mask
- 1 blanket
- 1 fire extinguisher
- 1 bloodborne pathogen kit, including protective gloves and a National Institute for Occupational Safety and Health (NIOSH) particulate respirator mask
- 1 high-visibility vest
- 1 hazardous materials emergency response handbook
- 1 evidence collection kit
- 1 camera
- Spare tire, jack and lug wrench
- Rain gear

702.5.2 UNMARKED VEHICLES
Members driving unmarked agency vehicles shall ensure that the following equipment, at a minimum, is in the vehicle (This policy does not pertain to covert vehicles):

- emergency road flares
- 1 roll crime scene barricade tape
- 1 first-aid kit and CPR mask
- 1 blanket
- 1 hazardous waste disposal bag
- 1 high-visibility vest
- 1 hazardous materials emergency response handbook
- 1 evidence collection kit
- 1 camera
- Spare tire, jack and lug wrench (Except removed to have lock box installed)
- Rain gear

702.6 VEHICLE REFUELING
Absent emergency conditions or supervisor approval, patrol vehicles shall not be placed into service with less than one-quarter tank of fuel. Patrol vehicles should not be retired at the end of shift with less than one-quarter tank of fuel. Vehicles shall only be refueled at authorized locations.

702.7 WASHING OF VEHICLES
Vehicles shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to maintain the professional appearance of the Agency.

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Vehicle Maintenance

Only one patrol vehicle should be at the car wash at a time unless otherwise approved by a supervisor.

Members assigned a vehicle or using a spare vehicle shall remove any trash or debris at the end of their shifts. Confidential material should be placed in a designated receptacle that has been provided for shredding this material.

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Vehicle Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure agency vehicles are used appropriately. This policy provides guidelines for on and off-duty use of agency vehicles and shall not be construed to create or imply any contractual obligation by the County of Dorchester to provide assigned take-home vehicles.

703.2 POLICY

The Dorchester County Sheriff's Office provides vehicles for agency-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the agency, requirements for tactical deployments and other considerations.

703.3 USE OF VEHICLES

703.3.1 INSPECTIONS

The interior of any vehicle that has been used to transport any person other than a member of this agency should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All agency vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.3.2 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Deputies who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

703.3.3 MOBILE DATA TERMINAL

Members assigned to vehicles equipped with a Mobile Data Terminal (MDT) shall log onto the MDT with the required information when going on-duty. Use of the MDT is governed by the Mobile Data Terminal Use Policy.

703.3.4 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the **discretion of the Sheriff**, may be equipped with a system designed to track the vehicle’s location. While the system may provide vehicle location and

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other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor.

System data may be accessed by supervisors at any time. However, access to historical data by personnel other than supervisors will require Chief Deputy approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

703.3.5 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

703.3.6 AUTHORIZED PASSENGERS

Members operating agency vehicles shall not permit persons other than County personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Alongs Policy or approved by the Sheriff.

703.3.7 ALCOHOL

Members who have consumed alcohol are prohibited from operating any agency vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

703.3.8 PARKING

Except when responding to an emergency or when urgent agency-related business requires otherwise, members driving agency vehicles should obey all parking regulations at all times.

703.3.9 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

703.3.10 CIVILIAN MEMBER USE

Civilian members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian members shall not operate the emergency lights or siren of any vehicle.

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703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Agency vehicles may be assigned to individual members at the discretion of the Sheriff. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

703.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other agency members at the discretion of the Sheriff or the authorized designee.

703.4.2 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the member's duties, job description and essential functions; and the member's employment or appointment status. Residence in the County of Dorchester is a prime consideration for assignment of a take-home vehicle. Members who reside outside the County of Dorchester may be required to secure the vehicle at a designated location or the agency at the discretion of the Sheriff.

Members are cautioned that under federal and local tax rules, personal use of a County vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

(a) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.

(b) Off-duty use of assigned vehicles is limited to Dorchester County unless approved by the Sheriff or Chief Deputy.

(c) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.

(d) The two-way communications radio, MDT and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.

(e) Unattended vehicles are to be locked and secured at all times.

    1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).

    2. All weapons shall be secured while the vehicle is unattended.

    3. All agency identification, portable radios and equipment should be secured.

(f) Vehicles should be parked off-street whenever possible at the member's residence unless prior arrangements have been made with the Sheriff or the authorized

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designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be properly secured in lockboxes in the vehicle (see the Firearms Policy regarding safe storage of firearms at home).

(g) Vehicles are to be secured at the member's residence or the appropriate agency facility, at the discretion of the Agency when a member will be away (e.g., on vacation) for periods exceeding one week.

1. If the vehicle remains at the residence of the member, the Agency shall have access to the vehicle.
2. If the member is unable to provide access to the vehicle, it shall be parked at the Agency.

(h) The member is responsible for the care and maintenance of the vehicle.

703.4.3 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Dorchester County Sheriff's Office or while off-duty, a deputy shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Deputies may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Deputies driving take-home vehicles shall be armed, appropriately attired and carry their agency-issued identification. Deputies should also ensure that agency radio communication capabilities are maintained to the extent feasible.

703.4.4 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Agency. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

(a) Members shall make daily inspections of their assigned vehicles for service/ maintenance requirements and damage.

(b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

(c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the agency supervisor in charge of vehicle maintenance.

(d) The Agency shall be notified of problems with the vehicle and approve any major repairs before they are performed.

(e) When leaving the vehicle at the maintenance facility during closed hours, the member will complete a vehicle repair card normally provided by the maintenance facility explaining the service or repair, and putting it in the drop box along with the vehicle keys.

(f) All weapons shall be removed from any vehicle left for maintenance.

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(g) Supervisors should make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

703.5 UNMARKED VEHICLES

Unmarked vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a supervisor.

703.6 DAMAGE, ABUSE AND MISUSE

When any agency vehicle is involved in a traffic accident or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic accident report shall be filed with the agency having jurisdiction (see the Traffic Accidents Policy).

Damage to any agency vehicle that was not caused by a traffic accident shall be immediately reported during the shift in which the damage was discovered, documented in an operations report and forwarded to the Patrol Supervisor. The supervisor shall make a notification of the damage through the chain of command. The Sheriff or Chief Deputy shall determine if an administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

703.7 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempt from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating agency vehicles on a toll road shall adhere to the following:

(a) Members operating agency vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the County for any toll fees incurred in the course of official business.

(b) Members passing through a toll plaza or booth during a response to an emergency or pursuit shall notify, in writing, the Chief Deputy within five working days explaining the circumstances.

703.8 ATTIRE AND APPEARANCE

When operating any agency vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Agency.

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Cash Handling, Security and Management

704.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure agency members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Informants policies.

704.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of agency operations and ensure the public trust.

704.3 PETTY CASH FUNDS

The Sheriff shall select a member of the Agency as the fund manager. This person is responsible for maintaining and managing petty cash funds. In the absence of the fund manager, the Sheriff may delegate this responsibility to an authorized designee.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

704.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

704.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the fund manager and at least one command staff member, selected by the Sheriff, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Sheriff.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Sheriff or the County.

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704.6 ROUTINE CASH HANDLING

Members who handle cash as part of their regular duties, e.g., Criminal Investigators, the Narcotics Investigator supervisor and those who accept payment for agency services will discharge those duties in accordance with the procedures established for those tasks (see the Property and Informants policies).

704.7 OTHER CASH HANDLING

Members who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Criminal Investigations Division Policy.

Cash in excess of $1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

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Personal Protective Equipment

705.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Agency as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

705.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

705.2 POLICY

The Dorchester County Sheriff's Office endeavors to protect members by supplying certain PPE to members as provided in this policy.

705.3 DEPUTY RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Workplace Safety and Health Policy to recommend new or improved PPE or additional needs for PPE.

705.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in COMAR 09.12.31.9999 and 29 CFR 1910.95.

705.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in COMAR 09.12.31.9999 and 29 CFR 1910.133.

705.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as required by any collective bargaining agreement.

705.7 RESPIRATORY PROTECTION

The Chief of Operations is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (29 CFR 1910.134; COMAR 09.12.31.9999):

(a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.

(b) Fit testing, including identification of members or contractors qualified to conduct fit testing.

(c) Medical evaluations.

(d) PPE inventory control.

(e) PPE issuance and replacement.

(f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.

(g) Regularly reviewing the PPE plan.

(h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

705.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (29 CFR 1910.134; COMAR 09.12.31.9999):

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(a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

(b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.

(c) The member needs to replace the respirator, filter, cartridge or canister.

705.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (29 CFR 1910.134; COMAR 09.12.31.9999):

(a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.

(b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.

(c) Perform a user seal check per agency-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.

(d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

705.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (29 CFR 1910.134; COMAR 09.12.31.9999).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

(a) They smell, taste or are irritated by a contaminant.

(b) They experience difficulty breathing due to filter loading.

(c) The cartridges or filters become wet.

(d) The expiration date on the cartridges or canisters has been reached.

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705.7.4 RESPIRATOR FIT TESTING
No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (29 CFR 1910.134; COMAR 09.12.31.9999).

After initial testing, fit testing for respiratory PPE shall be repeated (29 CFR 1910.134; COMAR 09.12.31.9999):

(a) At least once every 12 months.

(b) Whenever there are changes in the type of SCBA or facepiece used.

(c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

705.7.5 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE
No member shall be issued respiratory protection that forms a complete seal around the face until (29 CFR 1910.134; COMAR 09.12.31.9999):

(a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.

(b) A physician or other licensed health care professional has reviewed the questionnaire.

(c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

705.8 RECORDS
The Chief Deputy is responsible for maintaining records of all:

(a) PPE training.

(b) Initial fit testing for respiratory protection equipment.

(c) Annual fit testing.

(d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the established records retention schedule (29 CFR 1910.1020; COMAR 09.12.31.9999).

705.9 TRAINING
Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove, and adjust PPE; how to care for the PPE; and the limitations (29 CFR 1910.132; COMAR 09.12.31.9999).

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Personal Protective Equipment

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134; COMAR 09.12.31.9999).

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Chapter 8 - Support Services

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Crime Analysis

800.1 PURPOSE AND SCOPE

This policy provides guidelines for utilizing crime analysis to support the overall law enforcement efforts of the Dorchester County Sheriff's Office. It addresses the collection and dissemination of crime analysis data that is useful to long-range planning and that can assist in identifying enforcement priorities, strategies and tactics.

800.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to utilize crime analysis as a tool in crime control and prevention efforts. This entails gathering, analyzing and correlating data to effectively deploy the Agency’s resources.

800.3 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to, the following:

- Crime reports
- Field Interview (FI) cards
- Parole and probation records
- Activity records from the Communications Center
- Maryland Statistical Analysis Center (MSAC)
- ComStat

800.4 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for crime analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

800.5 CRIME ANALYSIS DISSEMINATION

Information developed through crime analysis should be disseminated to the appropriate divisions or members on a timely basis. Information that is relevant to the operational or tactical plans of specific line members should be sent directly to them.

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Crime Analysis

Information relevant to the development of agency strategic plans should be provided to the appropriate command staff members.

When information pertains to tactical and strategic plans, it should be provided to all affected members.

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Property

802.1 PURPOSE AND SCOPE

This policy provides guidelines for the proper processing, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and identifies those persons authorized to remove and/or destroy property.

802.1.1 DEFINITIONS

Definitions related to this policy include:

Property - All articles placed in secure storage within the Criminal Investigations Division, including the following:

- Evidence - Items taken or recovered in the course of an investigation that may be used in the prosecution of a case, including photographs and latent fingerprints.
- Found property - Items found by members of the Agency or the public that have no apparent evidentiary value and where the owner cannot be readily identified or contacted.
- Safekeeping - Items received by the Agency for safekeeping, such as a firearm, the personal property of an arrestee that has been not taken as evidence, and items taken for safekeeping under authority of law.

802.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to process and store all property in a manner that will protect it from loss, damage or contamination, while maintaining documentation that tracks the chain of custody, the location of property and its disposition.

802.3 CRIMINAL INVESTIGATIONS DIVISION SECURITY

The Criminal Investigations Division shall maintain secure storage and control of all property in the custody of this agency. Criminal Investigators shall be appointed by the sheriff and will be directly responsible to the Criminal Investigations Supervisor. The Criminal Investigators are responsible for the security of the Criminal Investigations Division.

802.3.1 REFUSAL OF PROPERTY

The Criminal Investigator has the obligation to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the Criminal Investigator refuse an item of property, the Criminal Investigator shall maintain secure custody of the item in a temporary property locker or other safe location and inform the submitting member's supervisor of the reason for refusal and the action required for acceptance into the Criminal Investigations Division.

802.3.2 KEY CONTROL

Criminal Investigations Division keys should be maintained by the Criminal Investigator Supervisor and members assigned to the Criminal Investigations Division. Criminal Investigations Division keys shall not be loaned to anyone and shall be maintained in a secure manner. If a Criminal

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Investigations Division key is lost, all access points shall be re-keyed and new keys issued as necessary.

802.3.3 ACCESS

Only authorized members assigned to the Criminal Investigations Division shall have access to property storage areas. Any individual who needs to enter the property storage area (e.g., maintenance or repair contractors) must be approved by the Criminal Investigations Sergeant and accompanied by the Criminal Investigator. Each individual must sign the Criminal Investigations Division access log and indicate:

(a) The date and time of entry and exit.

(b) The purpose for access, including the specific case or property number.

Each access log entry shall be initialed by the accompanying agency member.

802.4 PROPERTY HANDLING

The member who first comes into possession of any property is generally responsible for the care, custody and control of such property until it is transferred to the Criminal Investigator and/or processed and placed in a temporary property locker or storage area. Care shall be taken to maintain the chain of custody for all items of evidence.

Whenever property is taken from an individual, a property receipt form will be completed. The receipt shall describe the property and contain a notice on how to retrieve the property from the Agency. A copy of the property receipt form shall be given to the individual from whom the property was taken.

802.4.1 PROCESSING AND PACKAGING

All property must be processed prior to the responsible member going off-duty, unless otherwise approved by a supervisor. Members shall process and package property as follows:

(a) A property form shall be completed, separately describing each item of property. List all known information including:

1. Serial numbers
2. Owner’s name
3. Finder's name
4. Other identifying information or markings

(b) Each item shall be marked with the member’s initials and the date processed using a method that will not damage, deface, degrade, or devalue the item. Items too small or too delicate to mark should be individually packaged and labeled and the package marked with the member’s initials and date.

(c) Property shall be packaged in a container suitable for its size.

(d) A property tag shall be completed and attached to the property or container in which the property is stored.

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(e) The case number shall be indicated on the property tag and the container.

(f) The property form, without the hard card portion (property control card), shall be submitted with the case report.

(g) The property control card shall be submitted with the property directly to the Criminal Investigator or placed in a temporary property locker. Items too large to fit in a temporary property locker may be placed in a designated storage area that can be secured from unauthorized entry, and the property control card placed in a temporary property locker.

802.4.2 EXCEPTIONAL PROCESSING

The following items require special consideration and shall be processed as follows, unless special conditions dictate a reasonable deviation:

Bicycles - Bicycles and bicycle frames shall have a property tag securely attached and should be placed in the bicycle storage area.

Biological and related items - Evidence that may contain biological samples shall be indicated as such on the property form.

Property stained with bodily fluids, such as blood or semen, shall be air-dried in a secure location (e.g., locked drying cabinet) prior to processing.

Items of evidence collected from a crime scene that require specific storage requirements pursuant to laboratory processing shall have such storage requirements clearly indicated on the property form.

Items that are potential biohazards shall be appropriately packaged and marked “Biohazard” to reduce the risk of exposure or contamination.

Cash - Cash shall be counted in the presence of another member. The cash shall be placed in a property envelope and initialed by both members. A supervisor shall be contacted for cash in excess of $1,000. The supervisor shall witness the count, initial and date the envelope, and specify any additional security procedures that may be necessary.

Explosives and fireworks - Explosives will not be retained in the sheriff's facility. Fireworks that are considered stable and safe, as well as road flares or similar signaling devices, may be stored in proper containers in an area designated for storage of flammable materials.

The Criminal Investigator is responsible for transporting to the fire department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

Firearms and other weapons - Firearms shall be unloaded and packaged separately from ammunition. Knife boxes should be used to package knives.

Government property - License plates that have not been reported stolen or are of no evidentiary value should be placed in the designated container for return to the Motor Vehicle Administration. No formal property processing is required.

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County property that is of no evidentiary value should be released directly to the appropriate County department. No formal property processing is required.

If no responsible County personnel can be located, the property should be held for safekeeping.

Sharps - Syringe tubes should be used to package syringes and needles.

802.4.3 CONTROLLED DANGEROUS SUBSTANCES

(a) Controlled dangerous substances (CDS) shall not be packaged with other property, but shall be processed separately using a separate property form.

(b) The member processing CDS shall retain such property in his/her possession until it is weighed, packaged, tagged, and placed in the designated CDS locker, accompanied by the property control card and lab copy of the property form.

(c) Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected CDS. If conducted, the result of the test shall be included in the crime report.

1. The member shall package CDS as follows:

    (a) Maintain the property in the container in which it was seized and place it in a property envelope of appropriate size.

    (b) Seal and initial the property envelope and cover the initials with cellophane tape.

    (c) Weigh the property envelope to obtain the Gross Package Weight (GPW).

    (d) Write the GPW and then initial and date the outside of the package and the property form.

(d) When the quantity of CDS exceeds the available safe storage capacity as determined by the Criminal Investigator, the quantity shall be photographed and weighed.

1. A representative sample of sufficient quantity to allow scientific analysis of the CDS should be taken as allowed by state law and placed in a separate package or container.

2. Excess quantities should be stored or disposed of as required by law or directed by court order.

(e) Marijuana with any perceptible moisture content shall be loosely packaged in a container that allows for drying or shall be dried prior to storage. The Criminal Investigator shall monitor stored marijuana for growth of mold.

802.4.4 EXTREME RISK PROTECTIVE ORDERS

Whenever a firearm or ammunition is received under an extreme risk protective order, the receiving member should complete a property form identifying the firearm by make, model, and serial number, retain the form, and provide a copy of the form to the person, along with information on the process for reclaiming the firearm/ammunition (Md. Code PS § 5–608).

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All firearms taken in relation to an extreme risk protective order should be stored and transported in a protective case, if available, and in a manner intended to prevent damage to the firearm. No identifying or other marks may be placed on the firearm (Md. Code PS § 5–608).

802.4.5 FIREARMS REPORTING REQUIREMENTS

Whenever a firearm is recovered in connection with illegal firearm possession, transportation, or transfer, or that was used in the commission of a crime of violence as defined in Md. Code PS § 5-101, or that was surrendered pursuant to a final protective order issued under Md. Code FL § 4-506, the responsible member should record on the appropriate form, when applicable (Md. Code PS § 5-803):

(a) The number and type of firearms recovered.

(b) The jurisdiction where the firearm was recovered or surrendered.

(c) The source of the firearm recovered if it can be determined.

(d) Information concerning any person found in possession of the firearm or who surrendered the firearm.

(e) Any additional information required by the Maryland State Police Gun Center.

802.5 RECORDING OF PROPERTY

The Criminal Investigator receiving custody of property shall ensure a property control card for each item or group of items is created. The property control card will be the permanent record of the property in the Criminal Investigations Division. The Criminal Investigator will record on the property control card his/her signature, GPW if the package contains CDS, the date and time the property was received and where the property will be stored.

A unique property number shall be obtained for each item or group of items from the property log. This number shall be recorded on the property form, property tag and the property control card. The property log shall document the following:

(a) Property number

(b) Case number

(c) Property tag number

(d) Item description

(e) Item storage location

(f) Receipt, release and disposal dates

Any change in the location of property held by the Dorchester County Sheriff's Office shall be noted in the property log.

802.6 PROPERTY CONTROL

The Criminal Investigator relinquishing custody of property to another person shall record his/her signature, the date and time the property was released and the name of the person accepting custody of the property on the property control card.

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The Criminal Investigator shall obtain the signature of the person to whom the property is released, and the reason for release. Any member receiving property shall be responsible for such property until it is properly returned to the Criminal Investigations Division or properly released to another authorized person or entity.

The return of the property to the Criminal Investigations Division should be recorded on the property control card, indicating the date, time and the name of the person who returned the property, and to whom the property is returned.

802.6.1 EVIDENCE

Every time evidence is released or received, an appropriate entry on the property control card shall be completed to maintain the chain of custody. No evidence is to be released without first receiving written authorization from a supervisor or investigator.

Temporary release of evidence to members for investigative purposes, or for court proceedings, shall be noted on the property control card, stating the date, time and to whom released. Requests for items of evidence needed for court proceedings shall be submitted to the Criminal Investigator at least one day prior to the court date.

Requests for laboratory analysis for items other than CDS shall be completed on the appropriate lab form and submitted to the Criminal Investigator. This request may be submitted any time after the property has been processed.

802.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The Criminal Investigator releasing items of evidence for laboratory analysis must complete the required information on the property control card. The transporting member will acknowledge receipt of the evidence by indicating the date and time on the property control card. The lab form will be transported with the evidence to the examining laboratory. Upon delivering the item involved, the member will record the delivery time on the lab form and the property control card and obtain the signature of the person accepting responsibility of the evidence. The original copy of the lab form will remain with the evidence and a copy of the form will be returned to the Records Section for filing with the case.

802.6.3 CONTROLLED DANGEROUS SUBSTANCES

The Criminal Investigation Division will be responsible for the storage, control and destruction of all CDS coming into the custody of the Agency. The GPW will be verified every time CDS are checked in or out of the Criminal Investigations Division and any discrepancies will be noted on the outside of the package. Any change in weight should be immediately reported to the Criminal Investigations Chief Deputy.

802.6.4 UNCLAIMED MONEY

The Criminal Investigations Division Supervisor or the authorized designee shall submit an annual report regarding money that is presumed to have been abandoned to the Sheriff and the County department responsible for auditing property, or more frequently as directed. The Criminal

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Investigations Division Supervisor may transfer such money in compliance with existing laws upon receipt of proper authorization from the Sheriff.

802.7 RELEASE OF PROPERTY

The Criminal Investigation Division shall authorize the release of all property coming into the care and custody of the Agency. All reasonable attempts shall be made to identify the rightful owner of found property or items of evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized property release form, listing the name and address of the person to whom the property is to be released. The property release form shall be signed by the authorizing supervisor or investigator and must conform to the items listed on the property control card or must specify the specific items to be released. Release of all property shall be documented on the property control card.

Found property and property held for safekeeping shall be held for the period of time required by law. During such period, Criminal Investigations Division members shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. The final disposition of all such property shall be fully documented in related reports.

A Criminal Investigator shall release the property when the owner presents proper identification and an authorized property release form has been received. A signature of the person receiving the property shall be recorded on the property control card. If some items of property have not been released, the property control card will remain with the Criminal Investigations Division. After release of all property entered on the property control card, the card shall be forwarded to the Records Section for filing with the case. Upon release, the proper entry shall be documented in the property log.

Firearms or ammunition should only be released upon presentation of valid identification and determination that the individual may legally possess the item.

802.7.1 DISCREPANCIES

The Patrol Supervisor shall be notified whenever a person alleges there is a shortage or discrepancy regarding the person’s property. The Patrol Supervisor will interview the person claiming the shortage. The Patrol Supervisor shall ensure that a search for the alleged missing items is complete and shall attempt to prove or disprove the claim.

802.7.2 DISPUTED CLAIMS TO PROPERTY

Occasionally, more than one party may claim an interest in property being held by the Agency and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Agency should be contacted.

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802.7.3 EXTREME RISK PROTECTIVE ORDERS

Firearms or ammunition taken in relation to an extreme risk protective order should only be released as follows (Md. Code PS § 5–608):

(a) On the expiration or termination of the order, the Criminal Investigator should notify the respondent on the order that the respondent may request a return of the firearms/ammunition.

(b) If the respondent requests a return of the firearms/ammunition and is not prohibited from possessing the firearms/ammunition, the Criminal Investigator should return the firearms/ammunition no later than 14 days after the expiration of an interim or temporary order or termination of a final order and no later than 48 hours after the expiration of a final order.

(c) If the respondent does not desire that the firearms/ammunition be returned, the Criminal Investigator may release the firearms/ammunition to a licensed firearms dealer or another person who is not prohibited from possessing the firearms/ammunition and who does not live with the respondent, but only upon written verification that the respondent has agreed to the transfer.

(d) If another person claims ownership of the firearms/ammunition, the Criminal Investigator may release the property to the person upon proof of ownership if the person is not prohibited from possessing the firearms/ammunition.

802.8 DESTRUCTION OR DISPOSAL OF PROPERTY

The Criminal Investigation Division shall authorize the destruction or disposal of all property held by the Agency. All property not held for evidence in a pending criminal investigation or proceeding may be destroyed or disposed of in compliance with existing laws upon receipt of proper authorization from a supervisor. The disposition of all property shall be entered on the property control card and property log.

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law, unless a different disposition is ordered by a court:

- Weapons or devices that are forfeited or declared by law to be illegal to possess (Md. Code CP § 13-206).
- CDS declared by law to be illegal to possess without a legal prescription (Md. Code CP § 12-403).
- Money seized in connection with arrest for unlawful bookmaking, betting, or gaming (Md. Code CP § 13-106).
- A forfeited motor vehicle, other vehicle, vessel, or aircraft that was used to conceal, convey, or transport explosives in violation of law (Md. Code CP § 13-301(d)).
- Firearms or ammunition surrendered pursuant to an extreme risk protective order, upon a respondent’s request for destruction, or if such property is not reclaimed within six months of the notice provided to the respondent (Md. Code PS § 5-608).

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Property

802.8.1 BIOLOGICAL EVIDENCE

The Criminal Investigator shall ensure that no biological evidence held by this agency is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant

(b) The defendant's attorney

(c) The appropriate prosecutor and Attorney General

(d) Any sexual assault victim

(e) The Criminal Investigations Chief Deputy

Biological evidence shall be retained for a minimum period established by law (Md. Code CP § 8-201) or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice, unless a motion seeking an order to retain the sample is filed and served on this agency within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Criminal Investigations Chief Deputy. If the Criminal Investigator determines that biological evidence should be destroyed before the end of the statutorily required retention period, the Criminal Investigator should give 120-days' notice to the appropriate parties pursuant to Maryland law, if applicable (Md. Code CP § 8-201).

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Sheriff and the head of the applicable prosecutor's office.

Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of the applicable statute of limitations, the Criminal Investigations Chief Deputy should be consulted and the sexual assault victim should be notified.

Sexual assault evidence collection kits and other crime scene evidence relating to sexual assaults that has been identified by the prosecutor as relevant to the prosecution should not be disposed of prior to 75 years from the date of collection, unless allowed by law (Md. Code CP § 11-926; COMAR 02.08.01.04).

802.8.2 REQUEST FOR NOTICE

Upon written request by a victim of sexual assault, the Dorchester County Sheriff's Office should notify the victim 60 days before the date of intended disposal of biological or other evidence relating to the victim’s case or retain the evidence for 12 months longer than the time period required by law unless a different time period has been agreed upon by the victim (Md. Code CP § 11-926; COMAR 02.08.01.04).

802.8.3 MARIJUANA

At the first sign of mold growth, stored marijuana shall be photographed showing the mold growth and the Criminal Investigator shall make efforts to lawfully destroy the contaminated marijuana

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in compliance with this policy and as soon as practicable. The Criminal Investigator should consult with the member assigned to the case investigation for his/her authorization to destroy the remaining marijuana after taking representative samples and should request assistance from the appropriate prosecutor in obtaining a court order for immediate destruction.

802.8.4 MEDICAL CANNABIS

The investigating member should advise the Criminal Investigator and the prosecutor if the party from whom the marijuana was seized claims that the possession of the marijuana is for medical purposes.

The Criminal Investigator shall store marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical cannabis consistent with the provisions of the Medical Cannabis Policy.

Marijuana that is infected with mold shall not be returned. This includes marijuana seized from a person who holds a valid medical permit to possess marijuana or who claims that possession of the marijuana is for medical purposes.

802.9 INSPECTIONS OF THE CRIMINAL INVESTIGATIONS DIVISION

The Criminal Investigations Chief Deputy shall ensure that periodic, unannounced inspections of the Criminal Investigations Division operations and storage facilities are conducted to ensure adherence to appropriate policies and procedures. The Criminal Investigations Chief Deputy also shall ensure that an audit is conducted annually, or as directed by the Sheriff. Inspections and audits shall be conducted by a member of this agency who is not routinely or directly connected with the Criminal Investigations Division operations.

Whenever there is a change of assignment for any member with authorized access to the Criminal Investigations Division, an inventory of all property shall be conducted by a person who is not associated with the Criminal Investigations Division or function. This is to ensure that all property is accounted for and records are correct.

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Records Section

803.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Dorchester County Sheriff's Office Records Section. The policy addresses agency file access and internal requests for case reports.

803.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to maintain agency records securely, professionally and efficiently.

803.3 RESPONSIBILITIES

803.3.1 CHIEF DEPUTY

The Sheriff shall appoint and delegate certain responsibilities to a Chief Deputy. The Chief Deputy shall be directly responsible to the Sheriff.

The responsibilities of the Chief Deputy include but are not limited to:

(a) Overseeing the efficient and effective operation of the Records Section.

(b) Scheduling and maintaining Records Section time records.

(c) Supervising, training, and evaluating Records Section staff.

(d) Maintaining and updating a Records Section procedure manual.

(e) Ensuring compliance with established policies and procedures.

(f) Supervising the access, use, and release of protected information (see the Protected Information Policy).

(g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:

1. Homicides
2. Cases involving agency members or public officials
3. Any case where restricted access is prudent

803.3.2 RECORDS SECTION

The responsibilities of the Records Section include but are not limited to:

(a) Maintaining a records management system for case reports.

1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.

(b) Entering case report information into the records management system.

1. Modification of case reports shall only be made when authorized by a supervisor.

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(c) Providing members of the Agency with access to case reports when needed for investigation or court proceedings.

(d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics.

(e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.

(f) Identifying missing case reports and notifying the responsible member's supervisor.

(g) Establishing a process for collecting and submitting data to appropriate federal data collection authorities (e.g., FBI National Use-of-Force Data Collection, U.S. Department of Justice's National Law Enforcement Accountability Database), as applicable, for the following types of occurrences:

1. Deputy suicides
2. Deputy misconduct
3. Uses of force
4. Deputy deaths or assaults
5. Crime incidents
6. Deaths in custody

(h) Complying with the annual reporting requirements established by the Maryland Police Training and Standards Commission (MPTSC) regarding (Md. Code PS § 3-518; Md. Code PS § 3-207):

1. The number of serious officer-involved incidents.
2. The number of deputies disciplined.
3. The type of discipline administered to each deputy.

(i) Complying with state requirements regarding the annual reporting of deputy-involved deaths and deaths in the line-of-duty (Md. Code PS § 3-507).

(j) Complying with reporting requirements related to sexual assault evidence collection kits in accordance with Md. Code CP § 11-926.1 and any related regulations, and with COMAR 02.08.04.01.

(k) Complying with reporting requirements related to searches and seizures involving potential handgun violations under Md. Code CR § 4-203 (Md. Code CR § 4-206).

(l) Complying with reporting requirements related to incidents apparently directed against an individual or group because of race, color, religious beliefs, sexual orientation, gender, disability, national origin, homelessness, or any other class specified by state law as specified by Md. Code PS § 2-307.

(m) Complying with the annual reporting requirements related to use of force incidents involving a deputy that result in a monetary settlement or judgment against the Agency (Md. Code PS § 3-528).

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(n) Complying with the annual reporting requirements related to search warrants (Md. Code PS § 3-525).

(o) Complying with the annual reporting requirements to the MPTSC related to the number of use of force complaints made against the Dorchester County Sheriff's Office's deputies (Md. Code PS § 3-514).

(p) Complying with reporting requirements related to Sheriff's Tactical Assault Response Team (STAR Team) activation and deployment, if applicable (Md. Code PS § 3-508).

(q) Complying with reporting requirements regarding firearms-related crimes or firearms surrendered under final protective orders (Md. Code PS § 5-803).

803.4 FILE ACCESS AND SECURITY

The security of files in the Records Section must be a high priority and shall be maintained as mandated by state or federal law. All case reports including, but not limited to, initial, supplemental, follow-up, evidence and any other reports related to a Sheriff's Office case, including field interview (FI) cards, criminal history records and publicly accessible logs, shall be maintained in a secure area within the Records Section, and accessible only by authorized members of the Records Section.

The Records Section will also maintain a secure file for case reports deemed by the Sheriff as sensitive or otherwise requiring extraordinary access restrictions.

803.5 CONFIDENTIALITY

Records Section staff has access to information that may be confidential or sensitive in nature. Records Section staff shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether in hard copy or electronic file format, or any other confidential, protected or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Section procedure manual.

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Records Maintenance and Release

804.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of agency records. Protected information is separately covered in the Protected Information Policy.

804.2 POLICY

The Dorchester County Sheriff's Office is committed to providing access to public records in a manner that is consistent with the Maryland Public Information Act (PIA) (Md. Code GP § 4-101 et seq.).

804.3 CUSTODIAN OF RECORDS

The Sheriff shall designate a Custodian of Records for each unit responsible for record retention. The responsibilities of the Custodian of Records include but are not limited to (Md. Code GP § 4-201 et seq.):

(a) Managing the records management system for the Agency, including the retention, archiving, release, and destruction of agency public records.

(b) Maintaining and updating the agency records retention schedule including (Md. Code SG § 10-610; Md. Code SG § 10-615; COMAR 14.18.02.04):

1. Identifying the minimum length of time the Agency must keep records.
2. Identifying the agency division responsible for the original record.

(c) Establishing rules regarding the inspection and copying of agency public records as reasonably necessary for the protection of such records.

(d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing procedures for correcting an error in records (Md. Code GP § 4-502).

(f) Establishing rules regarding the processing of subpoenas for the production of records.

(g) Ensuring a current schedule of fees for public records as allowed by law is available.

(h) Preparing and making available to the public a description of the basic rights of a person who requests public information, the responsibilities of the Agency, and the procedures, including the cost of inspecting or obtaining copies.

(i) Ensuring that the Agency only maintains information about a person that is (Md. Code GP § 4-102):

1. Authorized or required by law.
2. Relevant to the accomplishment of a legitimate purpose.

(j) Adopting rules defining sociological information held by the Dorchester County Sheriff's Office and restricted release of the information (Md. Code GP § 4-330).

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(k) Ensuring updated contact information for the Chief Deputy is maintained on the agency's website and submitted annually to the Maryland Office of the Attorney General as required by Md. Code GP § 4-503.

(l) Establishing database access requirements consistent with state and federal laws related to immigration enforcement (8 USC § 1373; Md. Code PS § 3-529).

(m) Adopting rules for the appropriate proactive disclosure of public records that are available for inspection under the Maryland PIA (Md. Code GP § 4-104).

(n) Posting in a prominent public location an explanation of the procedures for filing a request to obtain records relating to deputy misconduct as defined by Md. Code PS § 3-101 (Md. Code PS § 3-515).

804.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any agency member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

804.4.1 REQUESTS FOR RECORDS

The processing of requests for any public record is subject to the following (Md. Code GP § 4-203):

(a) Absent a valid reason for denial, the Custodian of Records shall grant access to the requested records promptly or within the reasonable period that is needed to retrieve the public record, but not more than 30 days after receipt of the request.

(b) If the Custodian of Records reasonably believes that it will take more than 10 working days to produce the requested records, written or electronic notice shall be provided to the applicant within 10 working days indicating the amount of time needed to produce the records, the reason for the delay, and the estimated fees that may be charged for the production.

(c) The Agency is not required to create records that do not exist.

(d) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.

1. A copy of the redacted release should be maintained in the case file, or in an electronic file, as proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the agency-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

(e) A Custodian of Records may not ignore a request to inspect public records on the grounds that the request was made for the purpose of harassment.

(f) If a request for records is denied, the Custodian of Records must notify the applicant within 10 working days in writing of the following (Md. Code GP § 4-203):

1. The reasons for the denial.

2. The legal authority for the denial.

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3. A brief description of the undisclosed record that will allow the applicant to evaluate the applicability of the legal authority for the denial. The description provided shall not disclose any protected information from the record.
4. The remedies available to the applicant for review of the denial (Md. Code GP § 4-362).

(g) The time limits set forth above in this section may be extended for an additional 30 days with the agreement of the applicant (Md. Code GP § 4-203).

(h) The time limits set forth above in this section may be extended in the event of a dispute under Md. Code GP § 4-1A-01 et seq. or Md. Code GP § 4-1B-01 et seq.

Whenever the Custodian of Records reasonably believes that inspection would cause substantial injury to the public interest, the Custodian of Records may deny inspection temporarily, but within 10 working days after the denial, the Custodian of Records shall petition a court to issue an order permitting the continued denial of inspection (Md. Code GP § 4-358). If the Custodian of Records reasonably believes that inspection of part of a public record would be contrary to the public interest, the Custodian may deny inspection of that part of the record, but shall provide an explanation of why denial is necessary and why redaction would not address the reason for the denial (Md. Code GP § 4-203; Md. Code GP § 4-343).

804.4.2 DISPUTES

Anytime a written complaint regarding a dispute is received from the State Public Information Act Compliance Board (Board), the Custodian of Records shall notify the Administration Chief Deputy. A written response containing the required information shall be filed with the Board within 30 days after receipt of the complaint (Md. Code GP § 4-1A-06). The Custodian of Records shall cooperate with the Board and participate in any processes outlined by law (Md. Code GP § 4-1A-05 et seq.). Legal counsel should be consulted with regard to all such challenges unless waived by the Administration Chief Deputy.

In the event that the Custodian of Records becomes aware that an applicant has made a complaint to the Office of the Public Access Ombudsman, the Custodian of Records shall notify the Administration Chief Deputy. Legal counsel should be consulted with regard to all such complaints unless waived by the Administration Chief Deputy (Md. Code GP § 4-1B-04; Md. Code GP § 4-301).

If the Custodian of Records believes that an applicant's request or pattern of requests is frivolous or has been made in bad faith or with the purpose to annoy, the Custodian of Records should notify the Administration Chief Deputy, who, in consultation with legal counsel, should determine whether a complaint should be made with the Ombudsman or Board as allowed by law (Md. Code GP § 4-1A-01 et seq.; Md. Code GP § 4-1B-01 et seq.).

804.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

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(a) Any personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, personal email address, and telephone number; and medical or disability information that is contained in any driver's license record, motor vehicle record, or any agency record, including traffic accident reports, is restricted except as authorized by the Agency, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

(b) Records of ongoing investigations (Md. Code GP § 4-351).

(c) Traffic and criminal records may not be released to persons reasonably known to be soliciting or marketing legal services (Md. Code GP § 4-315).

(d) Arrest warrants and associated charging documents may not be released until the warrant has been served or 90 days has elapsed since the warrant was issued (Md. Code GP § 4-316).

(e) Traffic control signal monitoring and speed monitoring system records (Md. Code GP § 4-321).

(f) Personnel records, including retirement records, medical records, and personal employee information, including an employee's home address, email address, or telephone number (Md. Code GP § 4-306; Md. Code GP § 4-311; Md. Code GP § 4-312; Md. Code GP § 4-331).

(g) Surveillance images (Md. Code GP § 4-322).

(h) Information systems, alarm or security systems, and emergency policies, procedures, and plans (Md. Code GP § 4-314.1; Md. Code GP § 4-338; Md. Code GP § 4-339; Md. Code GP § 4-352).

(i) Any record that the Custodian of Records reasonably believes would cause substantial injury to the public interest may be temporarily denied (Md. Code GP § 4-358).

(j) Records relating to juveniles (Md. Code CJ § 3-8A-27).

(k) Criminal history records (Md. Code CP § 10-219).

(l) Information protected by the Address Confidentiality Program (Md. Code SG § 7-310).

(m) Reports of suspected cruelty received from a veterinarian, including the identity of the veterinarian who filed the report (COMAR 15.14.15.04).

(n) Portions of 9-1-1 communications records that depict a victim (Md. Code GP § 4-356).

(o) Certain records sought for the purpose of enforcing federal immigration laws (Md. Code GP § 4-320; Md. Code GP § 4-320.1; Md. Code PS § 3-529).

804.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

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Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the State’s Attorney, County Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Agency so that a timely response can be prepared.

804.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the agency name and to whom the record was released.

Each audio/video recording released should include the agency name and to whom the record was released.

804.8 SECURITY BREACHES

Members who become aware that any Dorchester County Sheriff's Office system containing personal information may have been breached should notify the Chief Deputy as soon as practicable.

The Chief Deputy shall ensure the required notice is provided to the Office of the Attorney General, the Department of Information Technology, and the persons whose personal information is reasonably believed to have been breached pursuant to the requirements set forth in Md. Code SG § 10-1305. Notice shall be in the form and manner specified in Md. Code SG § 10-1305.

Notice shall be given as soon as reasonably practicable after discovery of the possible breach consistent with the legitimate needs of the Dorchester County Sheriff's Office and any measures to determine the scope of the breach, the identity of those affected, and to restore the integrity of the breached system. Notice may be delayed if notification will impede a criminal investigation or jeopardize homeland or national security (Md. Code SG § 10-1305).

For purposes of the notice requirement, personal information includes a person’s first name, first initial and last name, personal mark, or unique biometric or genetic print or image in combination with any one or more of the following (Md. Code SG § 10-1301):

(a) Social Security number and Individual Taxpayer Identification Number

(b) Driver’s license number, Maryland identification card number or other similar identification number, including a passport number

(c) Full account number, credit or debit card number, or any required security code, access code, or password that would permit access to an individual’s financial account

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Chief Deputy should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

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804.9 EXPUNGEMENT

Expungement orders received by the Agency shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall expunge such records as ordered by the court. Records may include, but are not limited to, a record of arrest, investigation, detention or conviction. Once a record is expunged, members shall respond to any inquiry as though the record did not exist (Md. Code CP § 10-101 et seq.).

Unless an order is stayed pending an appeal, the Custodian of Records served with an order of expungement of a juvenile record under Md. Code CJ § 3-8A-27.1 shall notify the court, the petitioner, and all parties in writing within 60 days after entry of the order that the Agency has complied with the order.

804.10 TRAINING

All members authorized to manage, release or facilitate public access to agency records shall complete a training program that includes identification of material appropriate for public access and the agency systems and procedures guiding such release and access.

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Protected Information

805.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Dorchester County Sheriff's Office. This policy addresses the protected information that is used in the day-to-day operation of the Agency and not the public records information covered in the Records Maintenance and Release Policy.

805.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Dorchester County Sheriff's Office and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

805.2 POLICY

Members of the Dorchester County Sheriff's Office will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

805.3 RESPONSIBILITIES

The Sheriff shall select one or two members of the Agency to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Motor Vehicle Administration (MVA) records, Maryland Criminal Justice Information System (CJIS) and Maryland Electronic Telecommunications Enforcement Resource System (METERS).

(b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice’s current Criminal Justice Information Services (CJIS) Security Policy.

(c) Developing, disseminating and maintaining procedures necessary to comply with confidentiality and release of information obtained from the Biological Agents Registry Program (BAR) (Md. Code HG § 17-604).

(d) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.

(e) Developing procedures to ensure training and certification requirements are met.

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(f) Resolving specific questions that arise regarding authorized recipients of protected information.

(g) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

805.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Dorchester County Sheriff's Office policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

805.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to the Chief Deputy for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Agency may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Chief Deputy or Chief of Operations to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of deputies, other agency members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

805.6 SECURITY OF PROTECTED INFORMATION

The Sheriff will select a member of the Agency to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

(a) Developing and maintaining security practices, procedures and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

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(c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.

(d) Tracking, documenting and reporting all breach of security incidents to the Sheriff and appropriate authorities.

805.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

805.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

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Dog Control

806.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

806.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

806.3 DOG CONTROL

Dog control services are generally the primary responsibility of Dog Control and include the following:

(a) Dog-related matters during periods when Dog Control is available.

(b) Ongoing or persistent dog nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Dog Control is available for investigation and resolution.

(c) Follow-up on dog-related calls, such as locating owners of injured animals.

806.4 DEPUTIES RESPONSIBILITIES

Deputies who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding deputies generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Deputies may consider acting before the arrival of such assistance when:

(a) There is a threat to public safety.

(b) An animal has bitten someone; deputies should take measures to confine the animal and prevent further injury.

(c) An animal is creating a traffic hazard.

(d) An animal is seriously injured.

(e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the deputyr should find appropriate placement for the animal.

1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.

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2. With the owner’s consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

806.5 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced including but not limited to:

(a) Abuse or neglect of an animal (Md. Code CR § 10-604).

(b) Aggravated cruelty to animals (Md. Code CR § 10-606).

(c) Dogfights (Md. Code CR § 10-607).

(d) Cockfights (Md. Code CR § 10-608).

(e) Poisoning a dog (Md. Code CR § 10-618).

(f) Endangering the health or safety of a dog or cat by leaving the animal unattended in a motor vehicle (Md. Code TR § 21-1004.1).

(g) An investigation should be conducted on all reports of animal cruelty.

(h) Dog Control Officer/Deputy may seize an animal if necessary to protect an animal that is in need of immediate care or protection from acts of cruelty (Md. Code CR § 10-615(b)(1)).

1. If an animal is impounded, yarded, or confined without necessary food, water, or proper attention, or is subject to cruelty or is neglected, Dog Control Officer/ Deputy may enter the place where the animal is located, except if the animal is in a private dwelling, and supply the animal with necessary food, water, and attention, or seize the animal if seizure is necessary for the animal's health (Md. Code CR § 10-615(c)).
2. The Dog Control Officer/Deputy shall notify the animal's owner or custodian by personal service or certified mail with 24 hours of the seizure and any administrative or judicial remedies that may be available (Md. Code CR § 10-615(d)).
3. Seizure of livestock, poultry, or a dog actively engaged in livestock herding or guarding requires the prior recommendation of a veterinarian licensed in the state (Md. Code CR § 10-615(f)).
4. If an animal or livestock is seized, the Dog Control Officer/Deputy should follow the requirements of Md. Code CR § 10-615.1 for filing a petition with the court.

806.5.1 CONFIDENTIAL REPORTS

Reports of suspected cruelty received from a veterinarian and the identity of the veterinarian shall be confidential, must be kept in a secure location, and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (COMAR 15.14.15.04).

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806.6 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Members shall complete the Maryland Animal-Bite Report and Rabies Quarantine Agreement Form and make the report available within 24 hours to the local health officers and, on request, to the Public Health Veterinarian (COMAR 10.06.02.05; Md. Code HG § 18-316).

Efforts should be made to capture or otherwise have the animal placed under quarantine in accordance with Md. Code HG § 18-320. Members should attempt to identify and notify the owner of the final disposition of the animal.

806.7 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate shelter/ holding pen.

Dog Control Officers/Deputies shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

806.8 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Patrol Supervisor will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

806.9 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Dog Control Officers/Deputies should diligently address calls related to nuisance animals (i.e., barking dogs), as such calls may involve significant quality of life issues.

806.10 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag, and properly disposed of by the responding member.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

806.11 INJURED ANIMALS

When Dog Control Officers/Deputies becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

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When an animal is injured in a traffic accident, the Dog Control Officers/Deputies shall notify the appropriate local organization to give such injured animal medical care (Md. Code TR § 20-106(b)).

806.12 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the on scene deputy shall follow the Firearms Policy.

806.13 TRAINING

Dog Control Officers/Deputies shall receive training as follows (COMAR 15.14.15.04):

(a) All members handling reports of animal cruelty shall receive training on the confidentiality and restrictions on dissemination of records and information relating to these reports.

(b) All members shall receive training on the requirements of COMAR 15.14.15.04 and the consequences for releasing confidential information (Md. Code AG § 12-101 et seq.).

(c) All members shall receive training on the requirements of the Public Information Act and how to protect confidential information.

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Chapter 9 - Custody

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Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Dorchester County Sheriff's Office for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times for a member of the Agency.

Safety checks - Direct, visual observation by a member of this agency performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody

Temporary custody - The time period an adult is in custody at the Dorchester County Sheriff's Office prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The Dorchester County Sheriff's Office is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Agency. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA AND SUPERVISION

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Dorchester County Sheriff's Office, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

(a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.

(b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision or medication while in temporary custody.

(c) Any individual who is seriously injured.

(d) Individuals who are suspected suicide risk (see the Mental Health Evaluation Policy).

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1. If the deputy taking custody of an individual believes that he/she may be a suicide risk, the deputy shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.

(e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.

(f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(g) Any individual who has exhibited extremely violent or continuously violent behavior.

(h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.

(i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Deputies taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Agency unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized agency member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

If possible, at least one female agency member should be present when a female adult is in temporary custody. In the event that none is readily available, two male deputies should be present to supervise the female in temporary custody. A female officer from an allied agency or corrections department may be requested to assist.

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

900.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

(a) Authorized members entering for official business purposes.

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(b) Emergency medical personnel when necessary.

(c) Any other person authorized by the Patrol Supervisor.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.4 INITIATING TEMPORARY CUSTODY

The deputy responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The deputy should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving deputy should ask the arresting deputy if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the County jail or the appropriate mental health facility.

The deputy should promptly notify the Patrol Supervisor of any conditions that may warrant immediate medical attention or other appropriate action. The Patrol Supervisor shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

900.4.1 SCREENING AND PLACEMENT

The deputy responsible for an individual in custody shall:

(a) Advise the Patrol Supervisor of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).

(b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:

1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.

2. Provide an individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):

    (a) Continuous, direct sight and sound supervision.

    (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.

3. Ensure individuals are separated according to severity of the crime (e.g. felony or misdemeanor).

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4. Ensure males and females are separated by sight and sound when in cells.

5. Ensure restrained individuals are not placed in cells with unrestrained individuals.

(c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.

(d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

900.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Patrol Supervisor will ensure that the U.S. Department of State’s list of countries and jurisdictions that require mandatory notification is readily available to agency members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Agency members assigned to process a foreign national shall:

(a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.

1. If the country is on the mandatory notification list, then:

(a) Notify the country’s nearest embassy or consulate of the arrest or detention by fax or telephone.

(b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.

(c) Forward any communication from the individual to his/her consular officers without delay.

(d) Document all notifications to the embassy or consulate and retain the faxed notification and any faxed confirmation for the individual’s file.

2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:

(a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.

(b) Forward any communication from the individual to his/her consular officers without delay.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

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900.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Dorchester County Sheriff's Office, the custody shall be promptly and properly documented in a custody log, including:

(a) Identifying information about the individual, including his/her name.

(b) Date and time of arrival at the Agency.

(c) Any charges for which the individual is in temporary custody and any case number.

(d) Any medical and other screening requested are completed.

(e) Any emergency situations or unusual incidents.

(f) Any other information that may be required by other authorities, such as compliance inspectors.

(g) Date and time of release from the Dorchester County Sheriff's Office.

900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

(a) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.

1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.

2. This prohibition does not apply to surreptitious and legally obtained recorded interrogations

(b) There is reasonable access to toilets and wash basins.

(c) There is reasonable access to a drinking fountain or water.

(d) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.

(e) There is privacy during attorney visits.

(f) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(g) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.

(h) Adequate furnishings are available, including suitable chairs or benches.

900.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to agency members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an

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individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by a deputy.

Those who require medication while in temporary custody should not be at the Dorchester County Sheriff's Office. They should be released or transferred to another facility as appropriate.

900.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Patrol Supervisor shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

900.5.5 TELEPHONE CALLS

Every individual in temporary custody may be allowed to make a reasonable number of telephone calls as soon as possible to contact an attorney or to notify family of their location.

(a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.

    1. The Agency should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see Child and Dependent Adult Safety Policy).

(b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.

    1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.

(c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

900.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

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Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

900.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Dorchester County Sheriff's Office unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

900.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Agency shall maintain a copy of the property receipt.

The Patrol Supervisor shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Patrol Supervisor shall attempt to prove or disprove the claim.

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900.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

(a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.

(b) The individual shall constantly be monitored by an audio/video system during the entire custody.

(c) The individual shall have constant auditory access to agency members.

(d) The individual's initial placement into and removal from a locked enclosure shall be logged.

(e) Safety checks by agency members

1. Safety checks should be at varying times.
2. The safety check should involve questioning the individual as to his/her well-being.
3. Individuals who are sleeping or apparently sleeping should be awakened.
4. Requests or concerns of the individual should be logged.

900.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Chief Deputy will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Dorchester County Sheriff's Office. The procedures should include the following:

(a) Immediate request for emergency medical assistance if appropriate.

(b) Immediate notification of the Patrol Supervisor, Sheriff and Chief Deputy.

(c) Notification of the spouse, next of kin or other appropriate person.

(d) Notification of the appropriate prosecutor.

(e) Notification of the State's Attorney.

(f) Notification of the Medical Examiner.

(g) Evidence preservation.

900.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

(a) All proper reports, forms and logs have been completed prior to release.

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(b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.

(c) It has been confirmed that the correct individual is being released or transported.

(d) All property, except evidence, contraband or dangerous weapons, has been return to, or sent with, the individual.

(e) All pertinent documentation accompanies the individual being transported to another facility (copies of booking forms, medical records, an itemized list of his/her property, warrant copies).

(f) The individual is not permitted in any non-public areas of the Dorchester County Sheriff's Office unless escorted by a member of the Agency.

(g) Any known threat or danger the individual may pose (escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.

1. The agency member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.

(h) Generally, persons of the opposite sex, or adults and juveniles, shall not be transported in the same vehicle unless they are physically separated by a solid barrier.

(i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex when possible as the person being transferred to assist with his/her personal needs as reasonable.

900.11 ASSIGNED ADMINISTRATOR

The Chief Deputy will ensure any reasonably necessary supplemental procedures are in place to address the following issues:

(a) General security

(b) Key control

(c) Sanitation and maintenance

(d) Emergency medical treatment

(e) Escapes

(f) Evacuation plans

(g) Fire and life safety

(h) Disaster plans

(i) Building and safety code compliance

900.12 TRAINING

Agency members should be trained and familiar with this policy and any supplemental procedures.

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Temporary Custody of Juveniles

901.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Dorchester County Sheriff's Office (34 USC § 11133).

901.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held by law enforcement for the juvenile's own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for the juvenile's protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person.

Juvenile offender - A juvenile 13 to 17 years of age who is alleged to have committed an offense that would subject an adult to arrest or a juvenile 10 to 12 years of age who is alleged to have committed a crime of violence as defined in Md. Code CR 14-101 (Md. Code CJ § 3-8A-01). A juvenile offender also includes a juvenile in custody for handgun possession by a person under age 21 years under Md. Code PS § 5-133 (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of a deputy or other agency member at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication, is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

Safety checks - Direct, visual observation by a member of this agency performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of juveniles in temporary custody.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

(b) A juvenile handcuffed to a rail or other object.

(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

(d) A juvenile being processed in a secure booking area when a non-secure booking area is available.

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(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

(g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

901.2 POLICY

The Dorchester County Sheriff's Office is committed to releasing juveniles from temporary custody as soon as reasonably practicable and to keeping juveniles safe while in temporary custody at the agency. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

901.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit certain behaviors or conditions should not be held at the Dorchester County Sheriff's Office. These include:

(a) Unconsciousness or having been unconscious while being taken into custody or transported.

(b) Serious injuries or a medical condition requiring immediate medical attention.

(c) A suspected suicide risk or showing obvious signs of severe emotional or mental disturbance (see the Mental Health Evaluations Policy).

1. If the deputy taking custody of a juvenile believes that he/she may be a suicide, risk, the deputy shall ensure continuous direct supervision until evaluation, release or transfer to an appropriate facility is completed.

(d) Significant intoxication or showing signs of having ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(e) Extremely violent or continuously violent behavior.

(f) Afflicted with, or displaying symptoms of, a communicable disease that poses an unreasonable exposure risk.

Deputies taking custody of a juvenile exhibiting any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and should notify a supervisor of the situation. These juveniles should not be held at the agency unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

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901.4 CUSTODY OF JUVENILES

Deputies should take custody of a juvenile and temporarily hold the juvenile at the Dorchester County Sheriff's Office when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile who is suspected of being a victim.

No juvenile should be held in temporary custody at the agency without authorization of the arresting deputy's supervisor or the Patrol Supervisor. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent, legal guardian, or other responsible adult, or transferred to a juvenile custody facility or to another authority as soon as practicable. In no event shall a juvenile be held beyond six hours from the time of his/her entry into the agency (34 USC § 11133).

901.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Dorchester County Sheriff's Office. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

901.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, deputies may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133).

The following offenses require a citation in lieu of custody absent a separate justification for custody (Md. Code CJ § 3-8A-33):

(a) Alcoholic beverage violations (Md. Code CR § 10-113; Md. Code CR § 10-114; Md. Code CR § 10-115; Md. Code CR § 10-116)

(b) Possession of Salvia divinorum (Md. Code CR § 10-132)

(c) Table game and video lottery terminal violations (Md. Code CR § 10-136)

(d) Alcohol possession or consumption on school premises (Md. Code ED § 26-103)

(e) Use or possession of cannabis (Md. Code CR § 5-601)

901.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Dorchester County Sheriff's Office unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Juvenile offenders are subject to custody when (Md. Code CJ § 3–8A–14; Md. Code CJ § 3-8A-19.5):

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(a) A deputy has probable cause to believe the juvenile committed an offense that would subject an adult to arrest or violated a peace order.

(b) There is a valid warrant for the juvenile's arrest (Md. Code CJ § 3-8A-14.1).

A deputy should contact the court or an intake officer in cases when there is reason to believe a juvenile offender in custody may need to be detained because the juvenile needs protection, the juvenile is a danger to others, or the juvenile is likely to abscond (Md. Code CJ § 3–8A–15).

901.5 NOTIFICATIONS

When a juvenile is taken into custody, deputies should immediately notify the juvenile's parent, guardian, or custodian of the custody, the reason for the custody, the juvenile's location, and how to meet with the juvenile. Other reasonable attempts to communicate this information should be made if direct contact cannot be immediately made (Md. Code CJ § 3-8A-14; Md. Code CP § 2-108). If the juvenile has been taken into protective custody, the deputies should also immediately notify the county department of social services (Md. Code CJ § 3-814). If there is reason to believe that the juvenile is a victim of sex or human trafficking, as soon as practicable, deputies shall notify the appropriate regional navigator, report to the local department of social services, and release the juvenile to a parent, guardian, or custodian, or to social services, as appropriate (Md. Code CJ § 3-8A-14).

901.5.1 REQUIRED SCHOOL NOTIFICATION

If a juvenile between the ages of 5 and 21 (inclusive) is taken into custody for one of the reportable offenses listed in Md. Code ED § 7-303(a)(6) or for an offense related to the juvenile’s membership in a criminal organization, the deputy must notify the following officials of any school the juvenile attends within 24 or as soon as practicable:

- Local superintendent
- School principal
- School security officer (if applicable)

The deputy may also notify the State’s Attorney (Md. Code ED § 7-303).

901.6 JUVENILE CUSTODY LOGS

Any time a juvenile is in temporary custody at the Dorchester County Sheriff's Office, the custody shall be promptly and properly documented in the custody log, including:

(a) Identifying information about the juvenile.

(b) Date and time of arrival and release from the Agency.

(c) Patrol Supervisor notification and approval to temporarily hold the juvenile.

(d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.

(e) Any changes in status (e.g., emergency situations, unusual incidents).

(f) Any medical and other screening requested and completed.

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(g) Circumstances that justify any secure custody.

(h) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Patrol Supervisor should initial the log to approve the temporary custody, including any secure custody, and should initial the log when the juvenile is released.

901.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Dorchester County Sheriff's Office (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the agency shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

901.7.1 TRANSPORTATION

A juvenile may not be transported from the field or to another detention facility with any adult who has been charged with or convicted of a crime unless the court has waived its jurisdiction and the juvenile is being prosecuted as an adult (Md. Code CJ § 3-8A-16(c)).

901.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Dorchester County Sheriff's Office shall ensure:

(a) The Patrol Supervisor is notified if it is anticipated that a juvenile may need to remain at the Agency more than four hours. This will enable the Patrol Supervisor to ensure no juvenile is held at the Agency more than six hours.

(b) Safety checks and significant incidents/activities are noted on the log.

(c) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.

1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.

2. This prohibition does not apply to surreptitious and legally obtained recorded interrogations.

(d) A member of the same sex will supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

(e) There is reasonable access to toilets and wash basins.

(f) There is reasonable access to a drinking fountain or water.

(g) Food is provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.

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(h) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.

(i) There is privacy during family, guardian, and/or attorney visits.

(j) Juveniles are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(k) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.

1. The supervisor should ensure that there is an adequate supply of clean blankets.

(l) Adequate shelter, heat, light, and ventilation are provided without compromising security or enabling escape.

(m) Adequate furnishings are available, including suitable chairs or benches.

(n) Juveniles have the right to the same number of telephone calls as an adult in temporary custody (see the Temporary Custody of Adults Policy).

(o) Discipline is not administered to any juvenile, nor will juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse.

901.9 RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as an adult in temporary custody (see the Temporary Custody of Adults Policy).

901.10 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Dorchester County Sheriff's Office when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Patrol Supervisor. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

901.10.1 PREGNANT JUVENILES

Juveniles who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

901.11 PERSONAL PROPERTY

The personal property of a juvenile shall be processed in the same manner as an adult in temporary custody (see the Temporary Custody of Adults Policy).

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901.12 SECURE CUSTODY

Only juvenile offenders 14 years of age or older may be placed in secure custody. Patrol Supervisor approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others.

Members of this agency should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

When practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. A member must be present at all times to ensure the juvenile’s safety while secured to a stationary object.

Generally, juveniles should not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

901.12.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the locked enclosure to ensure there are no weapons or contraband and that the area is clean and sanitary. An inspection should be conducted when the juvenile is released. Any damage noted to the area should be photographed and documented.

The following requirements shall apply:

(a) Anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.

(b) The juvenile shall constantly be monitored by an audio/video system during the entire temporary custody.

(c) The juvenile shall have constant auditory access to agency members.

(d) The juvenile's initial placement into and removal from a locked enclosure shall be logged.

(e) Unscheduled safety checks by agency members shall occur no less than every 15 minutes.

1. All safety checks shall be logged.
2. The safety check should involve questioning the juvenile as to his/her well-being.
3. Juveniles who are sleeping or apparently sleeping should be awakened.
4. Requests or concerns of the juvenile should be logged.

(f) Males and females shall not be placed in the same locked room.

(g) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

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(h) Restrained juveniles shall not be placed in a cell or room with unrestrained juveniles.

901.13 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

The Chief Deputy will ensure procedures are in place to address any suicide attempt, death, or serious injury of any juvenile held at the Dorchester County Sheriff's Office. The procedures should include the following:

(a) Immediate request for emergency medical assistance if appropriate.

(b) Immediate notification of the Patrol Supervisor, Sheriff, and Chief Deputy

(c) Notification of the parent, guardian, or person standing in loco parentis, of the juvenile

(d) Notification of the appropriate prosecutor

(e) Notification of the State's Attorney

(f) Notification of the Medical Examiner

(g) Notification of the juvenile court

(h) Evidence preservation

901.14 INTERVIEWING OR INTERROGATING

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent, to an interview or interrogation.

No custodial interrogation of a juvenile should occur without the juvenile having consulted with an attorney and without an actual or attempted contact of a parent, guardian, or custodian as set forth in Md. Code CJ § 3–8A–14.2 (Md. Code CJ § 3–8A–14.2; Md. Code CP § 2-405). Associated documentation of the attorney contacted and the contact or efforts to contact a parent, guardian, or custodian are also to be made (Md. Code CJ § 3–8A–14.2; Md. Code CP § 2-405).

All custodial interrogations of juveniles should be recorded in an audio and video format (e.g., body-worn camera) and only after the juvenile is advised the interrogation will be recorded (Md. Code CJ § 3–8A–14.2; Md. Code CP § 2-405).

901.15 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

Any agency record, including fingerprints and photographs, concerning a child is confidential and shall be maintained separate from those of adults. These may not be divulged, by subpoena or otherwise, except by order of the court upon good cause shown or as otherwise provided by law (Md. Code CJ § 3-8A-27(a)).

901.16 TRAINING

Agency members should be trained on and familiar with this policy and any supplemental procedures.

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Custodial Searches

902.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Dorchester County Sheriff's Office facility. Such items can pose a serious risk to the safety and security of agency members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

902.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

902.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

902.3 FIELD AND TRANSPORTATION SEARCHES

A deputy should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any agency vehicle.

Whenever practicable, a custody search should be conducted by a deputy of the same sex as the person being searched. If a deputy of the same sex is not reasonably available, a witnessing deputy should be present during the search.

902.4 SEARCHES AT SHERIFF'S FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Dorchester County Sheriff's Office facilities. Except in exigent circumstances, the search should be conducted

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by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

902.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this agency, such as weapons or large items. These items should be retained for safekeeping in accordance with the Criminal Investigations Division Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another agency member. The inventory should include the case number, date, time, member's Dorchester County Sheriff's Office identification number and information regarding how and when the property may be released.

902.4.2 VERIFICATION OF MONEY

All money, when practical, should be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The agency member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

902.5 STRIP SEARCHES

No individual in temporary custody at any Dorchester County Sheriff's Office facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

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(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on agency members, escape attempts).

(d) The individual's actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

902.5.1 STRIP SEARCHES PROCEDURES

Strip searches at Dorchester County Sheriff's Office facilities shall be conducted as follows (28 CFR 115.115):

(a) Authorization from the supervisor shall be obtained prior to the strip search.

(b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.

(c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.

(d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.

(e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.

(f) The primary member conducting the search shall prepare a written report to include:

1. The facts that led to the decision to perform a strip search.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The authorization for the search, obtained from the supervisor.
4. The name of the individual who was searched.
5. The name and sex of the members who conducted the search.
6. The name, sex and role of any person present during the search.
7. The time and date of the search.
8. The place at which the search was conducted.

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9. A list of the items, if any, that were recovered.

10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.

(g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

902.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with supervisor authorization and only in exceptional circumstances, such as when:

(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

(b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the supervisor authorization does not need to be in writing.

902.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following:

(a) No individual shall be subjected to a physical body cavity search without the approval of the supervisor and only upon a search warrant or approval of legal counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

(b) Only a physician or other qualified medical practitioner may conduct a physical body cavity search.

(c) Except for the physician conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary agency members needed to maintain the safety and security of the medical personnel shall be present.

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented, including:

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1. The facts that led to the decision to perform a physical body cavity search of the individual.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The supervisor's approval.
4. A copy of the search warrant, if applicable.
5. The time, date and location of the search.
6. The medical personnel present.
7. The names, sex and roles of any agency members present.
8. Any contraband or weapons discovered by the search.

(f) A copy of the authorization shall be retained and may be provided/made available to the individual who was searched or other authorized representative upon request.

902.7 TRAINING

The Chief Deputy shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.

(b) Conducting searches of transgender and intersex individuals.

(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

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Chapter 10 - Personnel

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Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Dorchester County Sheriff's Office.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Dorchester County Sheriff's Office provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Agency does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Agency will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Sheriff should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

(a) Identification of racially and culturally diverse target markets.

(b) Use of marketing strategies to target diverse applicant pools.

(c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive agency website and the use of agency-managed social networking sites, if resources permit.

(d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.

(e) Employee referral and recruitment incentive programs.

(f) Consideration of shared or collaborative regional testing processes.

The Sheriff shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Agency should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

1000.4 SELECTION PROCESS

The Agency shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Agency shall employ

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a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)

(b) Driving record

(c) Personal and professional reference checks

(d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.

(e) Information obtained from public internet sites

1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).

(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)

(g) Local, state, and federal criminal history record checks

(h) Polygraph or voice stress analyzer examination (when legally permissible)

(i) Medical and psychological examination (may only be given after a conditional offer of employment)

(j) Review board or selection committee assessment

(k) Relevant national and state decertification records, if available

(l) Any relevant information in the National Law Enforcement Accountability Database

1000.4.1 CRIMINAL HISTORY INQUIRIES

The Chief Deputy should establish procedures to ensure that inquiries into the criminal history of applicants conform to the requirements of Md. Code LE § 3-1501 et seq.

1000.4.2 FACIAL RECOGNITION

The Agency should not use any facial recognition service to create a facial template of a candidate during an interview for employment unless the candidate provides a written consent waiver containing (Md. Code LE § 3-717):

(a) The candidate’s name.

(b) The date of the interview.

(c) A statement that the candidate consents to the use of facial recognition during the interview.

(d) A statement that the candidate has read and understood the consent waiver form.

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1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify the candidate's personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Dorchester County Sheriff's Office.

The Sheriff shall ensure that background investigations for candidates for deputy include (COMAR 12.04.01.05):

(a) A check of military records, when applicable, including obtaining a complete copy of the candidate's discharge document.

(b) A report from a credit agency regarding the candidate's current and past credit history.

(c) An investigation of the prior illegal use of controlled substances by the candidate as specified under COMAR 12.04.01.16. Prior marijuana use is not a disqualifier for certification as a deputy and may not be the basis for disqualifying an applicant for a position as a deputy (Md. Code PS § 3-209; Md. Code PS § 3-215).

(d) An examination of school records or interviews with school officials if the candidate attended school within the last five years.

(e) Interviews of:

1. Personal references furnished by the candidate.
2. Neighbors of the candidate within the past five years.
3. Current and past employers within the last five years.
4. Coworkers within the last five years.

The Sheriff shall maintain a record of the background investigation on each candidate hired as a deputy by this agency. The results of the investigation shall be recorded on an Application for Certification (AFC), including any supplemental information, as specified in COMAR 12.04.01.01 and submitted to the Maryland Police Training and Standards Commission (MPTSC). The MPTSC may refuse to certify the candidate based upon supplemental information (COMAR 12.04.01.05).

1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

1000.5.2 STATE NOTICES

The Sheriff or designee shall complete an AFC for a deputy hired by this agency. The Sheriff is responsible for (COMAR 12.04.01.02):

(a) Accurately completing the AFC.

(b) Submitting the AFC to the MPTSC (COMAR 12.04.01.08).

(c) Signing the AFC to certify that the MPTSC's selection standards have been met.

(d) Including on the AFC the:

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1. Date the candidate completed the certification requirements.
2. Agency telephone number for the Sheriff.

(e) Submitting the AFC to the MPTSC if he/she has, within one year before submitting the AFC:

1. Completed or verified for the candidate each of the selection standards as required under COMAR 12.04.01.04 or COMAR 12.04.01.08.
2. Determined that the candidate meets each of the selection standards under COMAR 12.04.01.04 or COMAR 12.04.01.08.

False or misrepresented information on the AFC is a basis for rejection or revocation of certification by the MPTSC and may be the basis for separate administrative or legal action (COMAR 12.04.01.02).

1000.5.3 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private, or protected information, the Chief Deputy shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Md. Code LE § 3-712).

The Chief Deputy should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

(a) The legal rights of candidates are protected.

(b) Material and information to be considered are verified, accurate, and validated.

(c) The Agency fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Chief Deputy should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.4 INTERVIEWS

Background investigation interviews may be conducted (COMAR 12.04.01.05):

(a) In person.

1. A personal interview conducted as part of a background investigation is considered appropriate when an interviewee is available within 50 miles of this agency.

(b) By telephone.

(c) By using a designated agency form and questionnaire that the interviewer or individual interviewed is required to complete.

(d) By using other lawful methods designed to elicit useful information from an individual concerning the candidate.

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Personal references and others residing outside the state may be contacted by correspondence or telephone (COMAR 12.04.01.05).

1000.5.5 OUT-OF-STATE CANDIDATES

When the candidate for deputy has resided or been employed out-of-state, the background investigation may be performed by an appropriate law enforcement agency or a legitimate private background investigation agency in the area where the candidate lived or worked (COMAR 12.04.01.05).

If a candidate has been employed as a police officer for the federal government or in another state, the Sheriff shall:

(a) Report the law enforcement agency's name and jurisdiction to the MPTSC.

(b) Forward any supplemental information obtained from the previous out-of-state law enforcement agency or from any other source.

1000.5.6 INVESTIGATIONS BY OTHER AGENCIES

The Agency may authorize another individual, office or agency to conduct a background investigation (COMAR 12.04.01.05).

The Maryland State Police or a local law enforcement agency may assist this agency in a background investigation.

1000.5.7 CRIMINAL RECORD CHECKS AND FINGERPRINTS

The Agency shall fingerprint candidates for deputy and submit the fingerprints to the appropriate local, state, and national agencies for a search of criminal records (COMAR 12.04.01.05).

1000.5.8 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.5.9 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate’s background investigation file.

1000.5.10 PRIOR PEACE OFFICER EMPLOYMENT

The Sheriff or the authorized designee should require candidates for deputy to disclose, under penalty of perjury, all prior instances of employment as a deputy at other law enforcement agencies and to authorize the Dorchester County Sheriff's Office to obtain the candidate's personnel and disciplinary records from those agencies (Md. Code PS § 3-215). The background investigator should obtain and review any personnel and disciplinary records and include the results in the

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background report. The Sheriff or the authorized designee should certify to the MPTSC that applicant's disciplinary record was reviewed (Md. Code PS § 3-215).

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate’s qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law. Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Agency and the community.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position’s essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR DEPUTIES

Candidates for certification as a deputy shall meet the following MPTSC minimum standards (COMAR 12.04.01.04):

(a) Be 21 years old or older.

(b) Be a United States citizen and submit documents supporting a claim of citizenship to this agency.

1. Candidates may be permanent legal residents if they are honorably discharged veterans of the United States armed forces and have applied to obtain United States citizenship, provided that their application for citizenship must be ultimately approved (Md. Code PS § 3-209).

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(c) Possess and submit either of the following:

1. A high school diploma issued by a high school or recognized by the State Board of Education.
2. A General Education Development (GED) certificate or diploma issued by Maryland or another state or recognized by the State Board of Education.
    (a) A college degree may be accepted in place of high school diploma or GED requirements.
    (b) In the absence of a copy of a diploma, the Sheriff may accept a certified transcript indicating that a candidate successfully completed the requirements for graduation from a high school or college.

(d) Be eligible under federal and Maryland law to possess and use a handgun.

(e) Be of good moral character as determined by a thorough background investigation and criminal history investigation, including a fingerprint check, according to the requirements under COMAR 12.04.01.05.

(f) Submit to mental health and physical agility assessments as required by the MPTSC and any related regulations and be free from any physical, emotional, or mental condition which might adversely affect the exercise of police powers as evidenced by examinations and recommendations by appropriate health care officials (Md. Code PS § 3-209).

(g) Possess a valid driver's license

(h) Participate in an interview with the Sheriff or the authorized designee.

(i) Submit to a screening for controlled dangerous substances, narcotic drugs, and marijuana according to procedures outlined in COMAR 12.04.01.15.

(j) Submit to an implicit bias test as required by the MPTSC and any related regulations (Md. Code PS § 3-207).

The Sheriff may establish more restrictive standards than those of the MPTSC for selection of a candidate for the position of deputy.

The Sheriff may submit a request for a waiver of MPTSC selection standards in accordance with the requirements of COMAR 12.04.01.14.

1000.8 PROBATIONARY PERIODS

The Chief Deputy should coordinate with the Dorchester Department of Human Resources to identify positions subject to probationary periods and procedures for:

(a) Appraising performance during probation.

(b) Assessing the level of performance required to complete probation.

(c) Extending probation.

(d) Documenting successful or unsuccessful completion of probation.

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Performance Evaluations

1001.1 PURPOSE AND SCOPE

This policy provides guidelines for the Dorchester County Sheriff's Office performance evaluation system.

1001.2 POLICY

The Dorchester County Sheriff's Office may use a performance evaluation system to measure, document and recognize work performance. The performance evaluation will serve as an objective guide for the recognition of good work and the development of a process for improvement.

The Agency evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee’s position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

1001.3 TYPES OF EVALUATIONS

The Agency may use the following types of evaluations:

Regular - An evaluation completed at regular intervals by the employee's immediate supervisor.

When an employee transfers to a different assignment in the middle of an evaluation period and less than six months has transpired since the transfer, the evaluation should be completed by the current supervisor with input from the previous supervisor.

Special - An evaluation that may be completed at any time the supervisor and Chief Deputy or the authorized designee determine an evaluation is necessary to address less than standard performance. The evaluation may include a plan for follow-up action (e.g., performance improvement plan (PIP), remedial training, retraining).

See attachment: Evaluation Form

1001.3.1 RATINGS

When completing an evaluation, the supervisor will identify the rating category that best describes the employee's performance. The definition of each rating category is as follows:

Outstanding - Performance is well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Exceeds standards - Performance is better than demonstrated by a competent employee. It is performance superior to what is required, but is not of such nature to warrant a rating of outstanding.

Meets standards - Performance of a competent employee. It is satisfactory performance that meets the standards required of the position.

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Needs improvement - Performance is less than the standards required of the position. A needs improvement rating shall be thoroughly discussed with the employee.

Unsatisfactory - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be allowed to continue.

Supervisor comments may be included in the evaluation to document the employee's strengths, weaknesses and requirements for improvement. Any job dimension rating marked as unsatisfactory or outstanding shall be substantiated with supervisor comments.

1001.3.2 PERFORMANCE IMPROVEMENT PLAN
Employees who receive an unsatisfactory rating may be subject to a PIP. The PIP shall delineate areas that need improvement, any improvement measures and a timetable in which to demonstrate improvement. The issuing supervisor shall meet with the employee to review his/her performance and the status of the PIP at least monthly.

1001.4 EVALUATION PROCESS

Supervisors should meet with the employees they supervise at the beginning of the evaluation period to discuss expectations and establish performance standards. Each supervisor should discuss the tasks of the positions, standards of expected performance and the evaluation criteria with each employee.

Performance evaluations cover a specific period of time and should be based upon documented performance dimensions that are applicable to the duties and authorities granted to the employee during that period. Evaluations should be completed by each employee’s immediate supervisor. Other supervisors directly familiar with the employee’s performance during the rating period should be consulted by the evaluating supervisor for input.

Assessment of an employee’s job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise and to acknowledge good work. Periodic discussions with the employee during the course of the evaluation period are encouraged. Supervisors should document all discussions in the prescribed manner.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

1001.5 EVALUATION FREQUENCY

At the discretion of the Sheriff, an evaluation may be done yearly.

Those employees who are required to successfully complete a probationary period should be evaluated monthly.

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Performance Evaluations

1001.6 EVALUATION INTERVIEW

When the supervisor has completed his/her evaluation, a private discussion of the evaluation should be scheduled with the employee. The supervisor should discuss the evaluation ratings and respond to any questions the employee may have. The supervisor should provide relevant counseling regarding advancement, specialty positions and training opportunities. Any performance areas in need of improvement and goals for reaching the expected level of performance should be identified and discussed. If the employee has reasonable objections to any of the ratings, the supervisor may make appropriate adjustments to the evaluation. The reason for such adjustments shall be documented.

Employees may write comments in an identified section of the evaluation. The supervisor and employee will sign and date the evaluation.

1001.7 APPEAL

An employee who disagrees with his/her evaluation may provide a formal written response that will be attached to the evaluation, or may request an appeal.

To request an appeal, the employee shall forward a written memorandum within three days to the evaluating supervisor’s Chief Deputy or the authorized designee. The memorandum shall identify the specific basis for the appeal and include any relevant information for the reviewer to consider.

1001.8 CHAIN OF REVIEW

The signed performance evaluation and any employee attachment should be forwarded to the Chief Deputy or the authorized designee. The Chief Deputy or the authorized designee shall review the evaluation for fairness, impartiality, uniformity and consistency, and shall consider any written response or appeal made by the employee.

The Chief Deputy or the authorized designee should evaluate the supervisor on the quality of ratings given.

1001.9 RETENTION AND DISTRIBUTION

The original performance evaluation and any original correspondence related to an appeal shall be maintained by the Agency in accordance with the Personnel Records Policy.

A copy of the evaluation and any documentation of a related appeal shall be provided to the employee.

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Special Assignments and Promotions

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Dorchester County Sheriff's Office.

1002.2 POLICY

The Dorchester County Sheriff's Office determines assignments and promotions in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Sheriff.

1002.3 SPECIAL ASSIGNMENT POSITIONS

The following positions are considered special assignments and not promotions:

(a) Sheriff's Tactical Assault Response Team member

(b) Investigator

(c) Bicycle Patrol deputy

(d) Canine handler

(e) Accident Reconstruction investigator

(f) Field Training Officer

(g) Community Relations/Training Officer

(h) School Resource and/or Drug Abuse Resistance Education (D.A.R.E.) deputy

(i) Court Deputy

1002.3.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

(a) Three years of relevant experience

(b) Off probation

(c) Possession of or ability to obtain any certification required by the Maryland Police Training and Standards Commission (MPTSC) or law

1. School resource officers are required to be specially trained as required by Md. Code ED § 7–1508.

(d) Exceptional skills, experience, or abilities, related to the special assignment

1002.3.2 EVALUATION CRITERIA

The following criteria will be used in evaluating candidates for a special assignment:

(a) Presents a professional, neat appearance.

(b) Maintains a physical condition that aids in his/her performance.

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(c) Expressed an interest in the assignment.

(d) Demonstrates the following traits:

1. Emotional stability and maturity
2. Stress tolerance
3. Sound judgment and decision-making
4. Personal integrity and ethical conduct
5. Leadership skills
6. Initiative
7. Adaptability and flexibility
8. Ability to conform to agency goals and objectives in a positive manner

1002.3.3 SELECTION PROCESS

The selection process for special assignments will include an administrative evaluation as determined by the Sheriff to include:

(a) Supervisor recommendations - Each supervisor who has supervised or otherwise been involved with the candidate will submit a recommendation.

1. The supervisor recommendations will be submitted to the Chief Deputy for whom the candidate will work.

(b) Chief Deputy interview - The Chief Deputy will schedule interviews with each candidate.

1. Based on supervisor recommendations and those of the Chief Deputy after the interview, the Chief Deputy will submit his/her recommendations to the Sheriff.

(c) Assignment by the Sheriff.

The selection process for all special assignment positions may be waived for temporary assignments, emergency situations, for training, and at the discretion of the Sheriff.

1002.4 PROMOTIONAL REQUIREMENTS

Promotional eligibility requirements are at the Sheriff's discretion.

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Grievances

1003.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the filing and processing of employee grievances.

1003.1.1 GRIEVANCE DEFINED

A grievance is a difference of opinion or dispute regarding the meaning, interpretation, or application of any of the following:

- The employee collective bargaining agreement or memorandum of understanding
- This Policy Manual
- Rules and regulations governing personnel practices or working conditions
- Workplace issues that do not amount to misconduct under the Personnel Complaints Policy, such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of members

Specifically outside the category of grievances are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any agency employee that, if true, would constitute a violation of agency policy, federal, state, or local law, as set forth in the Personnel Complaints Policy.

1003.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to provide a just and equitable system for the prompt handling of employee grievances without discrimination, coercion, restraint or retaliation against any employee who submits or is otherwise involved in a grievance.

1003.3 PROCESS

Grievances may be brought by an individual employee or by an employee group representative. Employees may have representation during the grievance process.

Except as otherwise required under a collective bargaining agreement or memorandum of understanding, if an employee believes that he/she has a grievance as defined above, that employee shall:

(a) Attempt to resolve the issue through informal discussion with his/her immediate supervisor.

(b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the appropriate Chief Deputy.

(c) If a successful resolution is not found with the Chief Deputy, the employee may request a meeting with the Sheriff.

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(d) If the employee and the Sheriff are unable to arrive at a mutual solution, the employee shall proceed as follows:

1. Submit a written statement of the grievance to the Sheriff and provide a copy to the employee's immediate supervisor.
2. Include the following information in the written statement:
    (a) The basis for the grievance (i.e., the facts of the case).
    (b) The allegation of any specific wrongful act and the harm done.
    (c) The specific policies, rules or regulations at issue.
    (d) The remedy or goal being sought by the grievance.

(e) The supervisor shall provide the employee with a signed acknowledgment of the grievance that shall include the date and time of receipt.

(f) The Sheriff and the County Manager should review the grievance and respond to the employee within 14 calendar days.

1. The response will be in writing, and will affirm or deny the allegations.
2. The response shall include any remedies, if appropriate.
3. The decision of the County Manager is considered final.

1003.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the Chief Deputy for inclusion into a secure file for all written grievances. Copies of the documents may also be sent to the Department of Human Resources.

1003.5 POLICY OR TRAINING IMPLICATIONS

If an employee who participates in the grievance review process identifies any issue that may warrant an immediate revision to this Policy Manual, a procedural change or an immediate training need, the employee should promptly notify the Sheriff in a memorandum.

1003.6 GRIEVANCE AUDITS

The Chief Deputy should perform an annual audit of all grievances filed the previous calendar year to evaluate whether any change in policy, procedure or training may be appropriate to avoid future grievances. The Chief Deputy should record these findings in a confidential memorandum to the Sheriff without including any identifying information about any individual grievance.

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Anti-Retaliation

1004.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or collective bargaining agreement or memorandum of understanding.

1004.2 POLICY

The Dorchester County Sheriff's Office has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1004.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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1004.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, or the Sheriff.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1004.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Sheriff via the chain of command and explaining to the member how the complaint will be handled.

(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.

(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

(h) Not interfering with or denying the right of a member to make any complaint.

(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

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1004.6 COMMAND STAFF RESPONSIBILITIES

The Sheriff should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

1004.7 WHISTLE-BLOWING

State law protects deputies from discrimination or other negative consequences for disclosing mismanagement, waste, dangers to public health/safety, or law/policy violations, or for lawfully exercising constitutional rights (Md. Code PS § 3-110). State law also protects employees from discrimination or retaliation for opposing discriminatory practices prohibited by Md. Code SG § 20-601 et seq. or participating in matters related to possible violations of that law (Md. Code SG § 20-606).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Chief of Operations for investigation pursuant to the Personnel Complaints Policy.

1004.8 RECORDS RETENTION AND RELEASE

The Chief Deputy shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1004.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

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Reporting of Arrests, Convictions and Court Orders

1005.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions and court orders restrict their ability to perform the official duties and responsibilities of the Dorchester County Sheriff's Office. This policy will also describe the notification requirements and procedures that certain retired deputies must follow when an arrest, conviction or court order disqualifies them from possessing a firearm.

1005.2 POLICY

The Dorchester County Sheriff's Office requires disclosure of member arrests, convictions and certain court orders to maintain the high standards, ethics and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Agency.

1005.3 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and Maryland law prohibits individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Md. Code PS § 5-133).

All members and retired deputies with identification cards issued by the Agency are responsible for ensuring that they have not been disqualified from possessing firearms by any such conviction or court order, and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1005.4 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

COMAR 12.04.01.04 prohibits any individual who is ineligible under federal or Maryland law to possess or use a handgun from receiving or maintaining a deputy certification through the Maryland Police Training and Standards Commission (MPTSC). Additionally, Md. Code PS § 3-107 and Md. Code PS § 3-212 require the termination and decertification of a deputy who is convicted of a felony, perjury, or other misdemeanor related to truthfulness.

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this agency may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

1005.5 REPORTING

All members and all retired deputies with identification cards issued by the Agency shall immediately notify their supervisors (retired deputies should immediately notify the Patrol Supervisor or the Sheriff) in writing of any past or current criminal detention, arrest, charge,

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or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending or on appeal, and regardless of the penalty or sentence, if any.

All members and all retired deputies with identification cards issued by the Agency shall immediately notify their supervisors (retired deputies should immediately notify the Patrol Supervisor or the Sheriff) in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired deputy from possessing a firearm or requires suspension or revocation of applicable MPTSC certification.

Any member whose criminal arrest, conviction, or court order restricts or prohibits that member from fully and properly performing the member's duties, including carrying a firearm, may be disciplined. This includes but is not limited to being placed on administrative leave, reassignment, and/or termination.

Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on the member's own time and at the member's own expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired deputies may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

1005.5.1 NOTIFICATION REQUIREMENTS

The Agency shall report arrests or convictions to the MPTSC for possible suspension and revocation of any applicable certification (Md. Code PS § 3-212).

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Drug- and Alcohol-Free Workplace

1006.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding controlled dangerous substances (CDS) and alcohol in the workplace (41 USC § 8103).

1006.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to provide a drug- and alcohol-free workplace for all members.

1006.3 GENERAL GUIDELINES

Alcohol and CDS use in the workplace or on agency time can endanger the health and safety of agency members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Patrol Supervisor or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1006.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

1006.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

1006.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using CDS or alcohol on agency premises or on agency time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to CDS, medication or alcohol use.

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Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1006.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and CDS problems (41 USC § 8103). Insurance coverage that provides treatment for CDS and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or CDS problems lead to performance problems.

1006.6 WORK RESTRICTIONS

If a member is on-duty informs a supervisor that he/she has consumed any alcohol, CDS or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol, CDS or medication, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Agency.

1006.7 SCREENING TESTS

A supervisor may require an employee to submit to a screening under any the following circumstances (Md. Code HG § 17-214(h)):

(a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or CDS that is impairing the employee's ability to perform duties safely and efficiently.

(b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).

(c) The employee discharges a firearm issued by the Agency while off-duty, resulting in injury, death, or substantial property damage.

(d) The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

A deputy who is under investigation may be ordered to submit to a blood alcohol test and/or a blood, breath, or urine test for CDS when the testing specifically relates to the investigation (Md. Code PS § 3-107).

1006.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

(a) The test will be given to detect either alcohol or CDS, or both.

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(b) The result of the test is not admissible in any criminal proceeding against the employee.

(c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1006.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

(a) Fails or refuses to submit to a screening test (Md. Code PS § 3-107).

(b) After taking a screening test that indicates the presence of a CDS, fails to provide proof, within 72 hours after being requested, that the employee took the CDS as directed, pursuant to a current and lawful prescription issued in the employee's name.

1006.7.3 TESTING REQUIREMENTS

The provisions of a collective bargaining agreement that cover preliminary drug testing of a job applicant preempt conflicting portions of this policy (Md. Code HG § 17-214(l)).

When an employee is required to be tested for job-related reasons for the use or abuse of any CDS or alcohol, this agency shall:

(a) When using a single-use test device, collect, handle, store and ship each specimen in a manner that maintains the employee donor's identity and confidentiality, the physical integrity of the specimen and precludes contamination of the specimen (Md. Code HG § 17-214(d)(1)).

(b) Maintain a written record of the chain of custody of each specimen from the time that the specimen is collected until the time that the specimen is no longer needed for retesting (Md. Code HG § 17-214(d)(2)).

(c) Have the specimen tested by a laboratory that is certified or otherwise approved and at the time of testing provide the name and address of the laboratory, if requested by the employee (Md. Code HG § 17-214(b)(1)).

(d) Upon notice from the laboratory that an employee has tested positive, deliver to the employee by certified mail or in person and within 30 days from the date the test was performed (Md. Code HG § 17-214(c)(1)):

1. A copy of the laboratory test indicating the test results.
2. A copy of this policy.
3. If applicable, written notice of intent to take disciplinary action, terminate employment or change the conditions of continued employment.
4. A statement or copy of the provisions set forth in Md. Code HG § 17-214(e) which permits the employee to request independent testing of the same sample for verification of the test result.

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1006.7.4 DISCLOSURE OF INFORMATION
Information that may not be disclosed to the Agency includes (Md. Code HG § 17-214(i)(1)):

(a) The use of a nonprescription drug, excluding alcohol, that is not prohibited under state law.

(b) The use of a medically prescribed drug, unless the employee being tested is unable to establish that the drug was medically prescribed for the employee in accordance with state law.

The prohibitions against disclosure of information do not apply to the extent that they prevent a person from complying with the applicable provisions of the federal Commercial Motor Vehicle Safety Act of 1986 and the federal Motor Carrier Safety Regulations (Md. Code HG § 17-214(i)(2)).

The results of a mandatory test are not admissible or discoverable in a criminal proceeding against a deputy (Md. Code PS § 3-107).

1006.7.5 TRAINING
The Agency shall establish a program to train individuals to collect specimens and perform CDS tests in the workplace in accordance with the provisions of Md. Code HG § 17-214(k).

The responsibilities of this agency shall include:

(a) Keeping a record of the training received by each trainee.

(b) Establishing a procedure to ensure that each trainee receives the minimum training required to properly perform and demonstrate competency in performing the test.

(c) Maintaining documentation that indicates the trainee has been trained in accordance with state law.

1006.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT
No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Agency will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1006.9 CONFIDENTIALITY
The Agency recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the employee’s medical file in accordance with the Personnel Records Policy.

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Sick Leave

1007.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees is detailed in the County personnel manual.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.) or the Maryland Flexible Leave Act (Md. Code LE § 3-802).

1007.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to provide eligible employees with a sick leave benefit.

1007.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences.

Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational or other activity that may impede recovery from the injury or illness (see the Outside Employment and Outside Overtime Policy).

Qualified appointments should be scheduled during a member’s non-working hours when it is reasonable to do so.

1007.3.1 NOTIFICATION

All members should notify the Patrol Supervisor or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Agency with no less than 30-days' notice of the impending absence.

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

1007.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return

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to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days.

1007.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.

(b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources as appropriate.

(c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:

1. Negatively affected the member's performance or ability to complete assigned duties.
2. Negatively affected agency operations.

(d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.

(e) Referring eligible members to an available employee assistance program when appropriate.

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Communicable Diseases

1008.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of agency members contracting and/or spreading communicable diseases.

1008.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, or tissue, or by breathing or coughing. These diseases commonly include but are not limited to hepatitis B virus (HBV), HIV, and tuberculosis.

Exposure - When an eye, mouth, mucous membrane, or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing, or coughing (i.e., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Dorchester County Sheriff's Office. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1008.2 POLICY

The Dorchester County Sheriff's Office is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1008.3 EXPOSURE CONTROL OFFICER

The Sheriff will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

(a) Exposure prevention and decontamination procedures.

(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

(c) The provision that agency members will have no-cost access to the personal protective equipment (PPE) (e. g., gloves, face masks, eye protection, pocket masks) that is appropriate for each member's position and risk of exposure.

(d) Evaluation of persons in custody for any exposure risk and measures to separate them.

(e) Compliance with all relevant laws or regulations related to communicable diseases, including:

1. Communicable disease prevention (Md. Code HG § 18-102).

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2. Responding to a notification that a deputy has been exposed to a contagious disease or virus (Md. Code HG § 18-213; Md. Code HG § 18-213.2; COMAR 10.35.01.17).
3. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
4. HIV testing ordered by an infectious disease/communicable disease officer of a hospital (Md. Code HG § 18-338.3; COMAR 10.18.08.12).
5. Bloodborne pathogen standards in 29 CFR 1910.1030 (Md. Code LE § 5-308.1).
6. Providing protection and testing during a catastrophic health emergency as required by the Maryland Essential Workers' Protection Act (Md. Code LE § 3-1601 et seq.).

The ECO should also act as the liaison with Maryland Occupational Safety and Health (MOSH) and may request voluntary compliance inspections. The ECO should periodically review and update the exposure control plan and review implementation of the plan.

1008.4 EXPOSURE PREVENTION AND MITIGATION

1008.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes but is not limited to:

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks, and other specialized equipment in the work area or agency vehicle, as applicable.

(b) Wearing agency-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes, and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing, portable radio) as soon as possible if the equipment is a potential source of exposure.

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

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(i) Avoiding eating, drinking, or smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1008.4.2 IMMUNIZATIONS
Members who could be exposed to HBV (Hepatitis) due to their positions may receive the HBV vaccine and any routine booster at no cost.

1008.5 POST EXPOSURE

1008.5.1 INITIAL POST-EXPOSURE STEPS
Members who experience an exposure or suspected exposure shall:

(a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).

(b) Obtain medical attention as appropriate.

(c) Notify a supervisor as soon as practicable.

1008.5.2 REPORTING REQUIREMENTS
The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented:

(a) Name of the member exposed

(b) Date and time of incident

(c) Location of incident

(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

(e) Work being done during exposure

(f) How the incident occurred or was caused

(g) PPE in use at the time of the incident

(h) Actions taken post-event (e.g., cleanup, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Work-Related Injury and Illness Reporting and Workplace Safety and Health policies).

1008.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT
Agency members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary. The ECO should request a written

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opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the member has been informed of the results of the evaluation.

(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1008.5.4 COUNSELING
The Agency shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure.

1008.5.5 SOURCE TESTING
Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

(a) Obtaining consent from the individual.

(b) Seeking testing through the procedures in the Md. Code HG § 18-338.3 and COMAR 10.18.08.12.

(c) Seeking testing through the procedures in Md. Code CP § 11-107 et seq. and COMAR 10.52.10.01 et seq.

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the County Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1008.6 CONFIDENTIALITY OF REPORTS
Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1008.7 TRAINING
All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training:

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(a) Should be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

(b) Should be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

(c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

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Smoking and Tobacco Use

1009.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Dorchester County Sheriff's Office facilities or vehicles.

For the purpose of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device that is intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1009.2 POLICY

The Dorchester County Sheriff's Office recognizes that tobacco use is a health risk and can be offensive to others. Smoking and tobacco use also presents an unprofessional image for the Agency and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all agency facilities, buildings and vehicles, and as further outlined in this policy (Md. Code HG § 24-504; COMAR 04.05.01.03F).

1009.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited any time members are in public view representing the Dorchester County Sheriff's Office.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside County facilities and vehicles.

1009.4 ADDITIONAL PROHIBITIONS

A “NO SMOKING” sign that conforms to the requirements of COMAR 10.19.04.06E shall be conspicuously displayed at every public entrance to an indoor area that is open to the public and at every public entrance to an indoor area that is open to the public where smoking is prohibited (COMAR 10.19.04.06).

A sign stating “Smoking in This Elevator Is Illegal and Subject to a Penalty Not to Exceed $25.00” shall be posted in any elevator that is available to the public (Md. Code HG § 24-212(a)).

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Personnel Complaints

1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of members of the Dorchester County Sheriff's Office. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment, or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1010.2 POLICY

The Dorchester County Sheriff's Office takes seriously all complaints regarding the service provided by the Agency and the conduct of its members.

The Agency will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local laws; municipal and county rules; and the requirements of any collective bargaining agreement or memorandum of understanding.

It is also the policy of this agency to ensure that the community can report misconduct without concern for reprisal or retaliation.

The Dorchester County Sheriff's Office will conduct trial boards in accordance with Maryland Public Safety Article 3-106. This policy applies to all misconduct alleged to have occurred on or after July 1, 2022. Trial boards for complaints received for misconduct that occurred prior to July 1, 2022 will be handled in accordance with the law in effect on June 30, 2022.

1010.3 DEFINITIONS

REPRESENTATIVE: An attorney or any other representative the accused deputy chooses.

TRIAL BOARD:A three-member group selected to determine the final outcome of a disciplinary case. A trial board will be composed of an actively serving or retired administrative law judge appointed by the Chief Administrative Law Judge of the Maryland Office of Administrative Hearings; a civilian who is not a member of an administrative charging committee or the Maryland Police Training and Standards Commission (MPTSC), appointed by the police accountability board for Dorchester County, a deputy of equal rank to the deputy who is accused of misconduct appointed by the Sheriff or his designee. Before serving as a member of a trial board, an individual will receive training on the matters related to police procedures from the MPTSC.

1010.4 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of agency policy, or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate agency policy, federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered

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a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Agency.

1010.4.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Patrol Supervisor is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Chief of Operations, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Chief of Operations, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1010.4.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.

(b) Any agency member becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

(d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(e) Tort claims and lawsuits may generate a personnel complaint.

1010.5 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1010.5.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the sheriff's facility and be accessible through the agency website.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1010.5.2 ACCEPTANCE

All complaints will be courteously accepted by any agency member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain

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contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

1010.6 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Agency should audit the log and send an audit report to the Sheriff or the authorized designee.

1010.6.1 COMPLAINTS ALLEGING DEPUTY MISCONDUCT

A complaint that alleges a pattern, practice, or conduct by a deputy that includes the deprivation of constitutional rights, a violation of criminal law, or a violation of agency standards or policy should include (Md. Code PS § 3-103):

(a) The name of the deputy.

(b) A description of the alleged facts leading to the complaint.

(c) Contact information of the person making the complaint.

(d) Any other information required by law.

1010.7 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1010.7.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Sheriff or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.

    1. The original complaint form will be directed to the Patrol Supervisor of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.

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2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Chief Deputy or the Sheriff, who will initiate appropriate action.

(b) Responding to all complainants in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.

1. Follow-up contact with the complainant should be made within 24 hours of the Agency receiving the complaint.

2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Patrol Supervisor.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Chief Deputy and the Sheriff are notified via the chain of command as soon as practicable.

(e) Promptly contacting the Chief Deputy or Sheriff for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

(f) Forwarding unresolved personnel complaints to the Chief of Operations, who will determine whether to contact the complainant or assign the complaint for investigation.

(g) Informing the complainant of the investigator’s name and the complaint number within three days after assignment.

(h) Investigating a complaint as follows:

1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.

2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

(i) Ensuring that the procedural rights of the accused member are followed.

(j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1010.7.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Chief of Operations, the following applies to employees:

(a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, the employee shall be compensated.

(b) Unless waived by the employee, interviews of an accused employee shall be at the Dorchester County Sheriff's Office or other reasonable and appropriate place.

(c) No more than two interviewers should ask questions of an accused employee.

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(d) Prior to any interview, the employee should be informed in writing of the nature of the investigation.

(e) All interviews should be for a reasonable period, and the employee's personal needs should be accommodated.

(f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards, or other inducements be used to obtain answers.

(g) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

1. An employee should be given an order to answer questions in an administrative investigation that might incriminate the employee in a criminal matter only after the employee has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

(h) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview may be provided to the employee prior to any subsequent interview.

(i) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(j) All employees shall provide complete and truthful responses to questions posed during interviews.

(k) The agency may require an employee to submit to a polygraph examination when it specifically relates to the subject matter of an administrative investigation. The results are not admissible in a criminal proceeding unless agreed upon by the employee and the agency. (Md. Code PS § 3-107).

1010.7.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

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Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1010.7.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve agency members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1010.7.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation.

A complaint of deputy misconduct (as defined in Md. Code PS § 3-101) made by a member of the public is subject to immediate review and completion within a sufficient amount of time so that any disposition by the appropriate administrative charging committee can be accomplished within the obligated statutory timeframe (Md. Code PS § 3-113).

1010.7.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

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1010.7.7 NOTICE RELATED TO DEPUTY MISCONDUCT

The crime victim liaison should serve as the agency's contact for the public in complaints related to deputy misconduct covered by Md. Code PS § 3-101 et seq. and should (Md. Code PS § 3-108):

(a) Explain to a complainant the various processes involved and any decisions made, including status updates through each stage.

(b) Provide a complainant with an opportunity to review a deputy's statement before completion of the agency's investigation, with any redactions of protected information that may be required by law.

(c) Provide any other support required by law.

The Agency should create and maintain a database that enables a complainant to enter their case number to follow the status of the case throughout each stage, and the crime victim liaison should make sure that a complainant is provided information with how to access this database (Md. Code PS § 3-108).

1010.8 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1010.9 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Agency, the Sheriff or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

(a) May be required to relinquish any agency badge, identification, assigned weapons, and any other agency equipment.

(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

(c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift and will report as ordered.

1010.9.1 EMERGENCY SUSPENSION

For complaints against deputies covered by Md. Code PS § 3-101 et seq., administrative leave may only be imposed as provided by Md. Code PS § 3-107, which addresses when pay and law enforcement authority may be suspended and which limits suspensions to considerations of the public's best interest and a period of 30 days if the suspension is without pay.

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1010.10 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Sheriff shall be notified as soon as practicable when a member is accused of criminal conduct. The Sheriff may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Sheriff may release information concerning the arrest or detention of any member, including a deputy, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1010.11 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Sheriff through the chain of command. Each level of command should review the report and include their comments in writing before forwarding the report. The Sheriff may accept or modify any classification or recommendation for disciplinary action.

1010.11.1 CHIEF DEPUTY RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Chief Deputy of the involved member shall review the entire investigative file, the member's personnel file, and any other relevant materials.

The Chief Deputy may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Sheriff, the Chief Deputy may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Sheriff, the Chief Deputy shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1010.11.2 SHERIFF RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Sheriff shall review the recommendation and all accompanying materials. The Sheriff may modify any recommendation and/or may return the file to the Chief Deputy for further investigation or action.

Once the Sheriff is satisfied that no further investigation or action is required by staff, the Sheriff shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Sheriff shall provide the member with a written notice and the following:

(a) Access to all the materials considered by the Sheriff in recommending the proposed discipline.

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(b) An opportunity to respond orally or in writing to the Sheriff within five days of receiving the notice.

1. Upon a showing of good cause by the member, the Sheriff may grant a reasonable extension of time for the member to respond.
2. If the member elects to respond orally, the presentation shall be recorded by the Agency. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed the member's response, or if the member has elected to waive any such response, the Sheriff shall consider all information received in regard to the recommended discipline. The Sheriff shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Sheriff has issued a written decision, the discipline shall become effective. Discipline for deputies shall be in compliance with the uniform state disciplinary matrix adopted by the Maryland Police Training and Standards Commission (MPTSC) (Md. Code PS § 3-105).

1010.11.3 HEARING BY TRIAL BOARD

If a deputy refuses the Sheriff's offer of discipline or the administrative charging committee's disciplinary decision, the matter should be referred to a trial board for a hearing as provided by Md. Code PS § 3-106 and any related regulations. The Sheriff or the authorized designee should establish a trial board process consistent with state law that will govern these proceedings (Md. Code PS § 3-106). At least 30 days before any trial board proceeding begins, the deputy should be (Md. Code PS § 3-105):

(a) Provided with a copy of the investigatory record.

(b) Notified of the charges against the deputy.

(c) Notified of the discipline being recommended.

Once the decision from the trial board is final, the Sheriff should proceed to conclude the matter in accordance with its recommendations.

1010.11.4 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Sheriff or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

1010.11.5 NOTICE REQUIREMENTS

The Sheriff or the authorized designee shall provide any notifications required by the uniform citizen complaint process developed by the MPTSC (Md. Code PS § 3-207).

For complaints related to deputy misconduct covered by Md. Code PS § 3-101 et seq., the crime victim liaison should provide a case summary to the complainant within 30 days after the final disposition of the complaint, with any redactions of protected information that may be required by law (Md. Code PS § 3-108).

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1010.11.6 ADMINISTRATIVE CHARGING COMMITTEE

For complaints alleging a pattern, practice, or conduct by a deputy that includes the deprivation of constitutional rights, a violation of criminal law, or a violation of agency standards or policy involving a member of the public, before the determination or imposition of any discipline, the Sheriff or the authorized designee should forward the investigatory files to the appropriate Administrative Charging Committee, with any redactions of protected information that may be required by law (Md. Code PS § 3-101; Md. Code PS § 3-104). All such submissions to the Administrative Charging Committee may include certain written recommendations from the Sheriff and should be made within the timeframe established by law (COMAR 12.04.09.06).

If the Administrative Charging Committee issues an administrative charge against a deputy, within 15 days thereafter, the Sheriff should offer that deputy discipline that is consistent with the uniform state disciplinary matrix, but in no case less than the discipline recommended by the Administrative Charging Committee (Md. Code PS § 3-105).

1010.12 PRE-DISCIPLINE EMPLOYEE RESPONSE

Employees not covered by Md. Code PS § 3-101 et seq. will be given a pre-discipline meeting with the Sheriff.

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Sheriff after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

(a) The response is not intended to be an adversarial or formal hearing.

(b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.

(c) The employee may suggest that further investigation be conducted or may offer any additional information or mitigating factors for the Sheriff to consider.

(d) In the event that the Sheriff elects to conduct further investigation, the employee shall be provided with the results prior to the imposition of any discipline.

(e) The employee may thereafter have the opportunity to further respond orally or in writing to the Sheriff on the limited issues of information raised in any subsequent materials.

1010.13 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

Notice that a licensed member separated shall be sent to the MPTSC within 30 days of member's change in employment status (COMAR 12.04.01.02).

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1010.14 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by an employment agreement or other rules.

In the event of punitive action against a deputy under Md. Code PS § 3-101 et seq., the appeal process shall be as provided in Md. Code PS § 3-109.

1010.15 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees or deputies under Md. Code PS § 3-101 et seq. may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their name through a liberty interest hearing, which shall be limited to a single appearance before the Sheriff or the authorized designee.

Any probationary period may be extended at the discretion of the Sheriff in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

1010.16 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

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Seat Belts

1011.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in agency vehicles.

1011.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213 (Md. Code TR § 22-412.2).

1011.2 POLICY

It is the policy of the Dorchester County Sheriff's Office that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle accident.

1011.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this agency while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the agency, are properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the agency member or the public. Members must be prepared to justify any deviation from this requirement.

1011.4 TRANSPORTING CHILDREN

Child passengers under 8 years old and under 4 feet 9 inches tall shall be transported using an approved child restraint system in compliance with Md. Code TR § 22-412.2(d).

Child passengers under 16 years old shall be transported in an approved child restraint system or with a seat belt in compliance with Md. Code TR § 22-412.2(e).

A child safety seat or seat belt may not be used to restrain, seat or position more than one individual at a time (Md. Code TR § 22-412.2(g)).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer’s design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

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Seat Belts

1011.5 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any agency vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1011.6 INOPERABLE SEAT BELTS

Agency vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Agency vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Sheriff.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1011.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer’s operator requirements for safe use.

1011.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

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Body Armor

1012.1 PURPOSE AND SCOPE

This policy provides guidelines for the proper issuance, use, care and maintenance of body armor.

1012.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to maximize officer safety through the use of body armor, in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1012.3 ISSUANCE

The Sergeant designated as quartermaster shall ensure that body armor is issued to all deputies and that, when issued, the body armor meets or exceeds the standards of the U.S. Department of Justice, National Institute of Justice.

Body armor shall be issued when a deputy begins service at the Dorchester County Sheriff's Office and shall be replaced when it becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

The Sheriff may authorize issuance of body armor to uniformed, civilian members whose jobs may make wearing of body armor advisable.

1012.3.1 USE

Generally, the required use of body armor is subject to the following:

(a) Members shall only wear agency-approved body armor.

(b) Members shall wear body armor any time they are in a situation where they could reasonably be expected to take enforcement action.

(c) Members shall wear body armor when working in uniform or taking part in agency range training.

(d) Members are not required to wear body armor when they are functioning primarily in an administrative or support capacity and would not reasonably be expected to take enforcement action.

(e) Deputies may be excused from wearing body armor when they are involved in undercover or plainclothes work that a supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1. In those instances when body armor is not worn, deputies should have reasonable access to their body armor.

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1012.3.2 INSPECTION
Supervisors should ensure through routine observation and periodic documented inspections that body armor is worn and maintained in accordance with this policy.

Annual inspections of body armor should be conducted by a person trained to perform the inspection for fit, cleanliness and signs of damage, abuse and wear.

1012.3.3 CARE AND MAINTENANCE
The required care and maintenance of body armor is subject to the following:

(a) Members are responsible for inspecting their body armor for signs of damage, wear and cleanliness at the start of each shift.
    1. Unserviceable body armor shall be reported to the supervisor.

(b) Members are responsible for the proper storage of their body armor.
    1. Body armor should not be stored for an extended period of time in an area where environmental conditions (e.g., temperature, light, humidity) could potentially degrade its effectiveness.

(c) Members are responsible for the care and cleaning of their body armor pursuant to the manufacturer’s care instructions.
    1. Body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer.
    2. Failure to follow manufacturer’s care instructions may damage the ballistic performance capabilities of the body armor. If care instructions for the body armor cannot be located, the manufacturer should be contacted to request the instructions.

(d) Body armor should be replaced in accordance with the manufacturer’s recommended replacement schedule, or when its effectiveness or functionality has been compromised.

1012.4 QUARTERMASTER RESPONSIBILITIES
The responsibilities of the Quartermaster include, but are not limited to:

(a) Monitoring technological advances in the body armor industry for any appropriate changes to agency-approved body armor.

(b) Assessing the current level of weapons and ammunition utilized by the public and the suitability of approved body armor to protect against those threats.

(c) Educating deputies about the safety benefits of wearing body armor.

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Personnel Records

1013.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1013.2 POLICY

It is the policy of this agency to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Maryland.

1013.3 AGENCY FILE

The agency file shall be maintained as a record of a person's employment/appointment with this agency. The agency file should contain, at a minimum:

(a) Personal data, including photographs, marital status, names of family members, educational, and employment history or similar information. A photograph of the member should be permanently retained.

(b) Election of employee benefits.

(c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.

(d) Original performance evaluations. These should be permanently maintained.

(e) Discipline records, including copies of sustained personnel complaints.

(f) Adverse comments such as supervisor notes or memos may be retained in the agency file after the member has had the opportunity to read and initial the comment (Md. Code).

1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment.
2. Any member response shall be attached to and retained with the original adverse comment.
3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.

(g) Commendations and awards.

(h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

(i) Only information required to accomplish a necessary governmental purpose shall be kept on a member (Md. Code GP § 4-102).

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1013.4 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct, and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

1013.5 TRAINING FILE

An individual training file shall be maintained by the Chief Deputy for each member. Training files will contain records of all training, original or photocopies of available certificates, transcripts, diplomas and other documentation, education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

(a) The involved member is responsible for providing the Chief Deputy or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Chief Deputy or supervisor shall ensure that copies of such training records are placed in the member’s training file.

1013.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Chief Deputy in conjunction with the office of the Sheriff. Access to these files may only be approved by the Sheriff, Chief Deputy, or Chief of Operations.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's agency file but will be maintained in the internal affairs file.

(a) Not sustained

(b) Unfounded

(c) Exonerated

1013.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member’s medical condition and history, including but not limited to:

(a) Materials relating to a medical leave of absence, including leave under the Family Medical Leave Act (FMLA).

(b) Documents relating to workers’ compensation claims or the receipt of short- or long-term disability benefits.

(c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

(d) Medical release forms, doctor’s slips and attendance records that reveal a member’s medical condition.

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(e) Any other documents or material that reveals the member’s medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1013.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures (Md. Code GP § 4-311).

Nothing in this policy is intended to preclude review of personnel records by the County Manager, County Attorney or other attorneys or representatives of the County in connection with official business (Md. Code GP § 4-311).

1013.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure, which result in access to a member’s personnel records, shall be logged in the corresponding file.

1013.8.2 RELEASE OF PERSONNEL INFORMATION

The Agency may not release personal information about a member unless allowed by law, regulation, or order (Md. Code GP § 4-311; Md. Code GP § 4-401; Md. Code GP § 4-351).

The Agency may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

1013.9 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files (Md. Code GP § 4-311).

Any member seeking the removal of any item from his/her personnel records shall file a written request to the Sheriff through the chain of command. The Agency shall remove any such item if

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appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Agency shall be retained with the contested item in the member's corresponding personnel record.

Members may be restricted from accessing files containing any of the following information:

(a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.

(b) Confidential portions of internal affairs files that have not been sustained against the member.

(c) Criminal investigations involving the member.

(d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.

(e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.

(f) Materials used by the Agency for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for agency planning purposes.

(g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

(h) Records relevant to any other pending claim between the Agency and the member that may be discovered in a judicial proceeding.

1013.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule (Md. Code SG § 10-615).

(a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Sheriff.

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(c) If, in the opinion of the Sheriff, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

1013.10.1 RECORDS RELATED TO DEPUTY MISCONDUCT

A record relating to an administrative or criminal investigation of misconduct by a deputy, including an internal affairs investigatory record, a hearing record, and records relating to a disciplinary decision, may not be expunged or destroyed (Md. Code PS § 3-112).

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Request for Change of Assignment

1014.1 PURPOSE AND SCOPE

This policy establishes guidelines for agency members to request a change of assignment in response to an announced vacancy.

1014.2 POLICY

It is the policy of the Dorchester County Sheriff's Office that all requests for change of assignment be considered in an equitable and nondiscriminatory manner.

1014.3 REQUEST FOR CHANGE OF ASSIGNMENT

Members requesting a change of assignment shall submit a request in writing on agency letterhead to the Chief Deputy and the Sheriff.

The change of assignment request should contain a list of the employee's qualifications for the specific assignments. It should include:

(a) The member’s relevant experience, education and training.

(b) All assignments in which the member is interested.

The document will remain in effect until the end of the calendar year in which it was submitted. Effective January 1 of each year, members still interested in a change of assignment should complete and submit a new request.

1014.4 RESPONSIBILITIES

1014.4.1 CHIEF DEPUTY

When the Chief Deputy receives a change of assignment request document, the document will be placed in the employee's personnel file.

The Chief Deputy will review all change of assignment requests and submit his/her recommendation to the Sheriff.

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Commendations and Awards

1015.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Dorchester County Sheriff's Office and individuals from the community.

1015.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its' members and individuals from the community through commendations and awards.

1015.3 COMMENDATIONS

Commendations for members of the agency or for individuals from the community may be initiated by any agency member or by any person from the community.

1015.4 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action of performance that is above and beyond typical duties.

1015.5 AGENCY MEMBER DOCUMENTATION

Members of the Agency should document meritorious or commendable acts. The documentation should contain:

(a) Identifying information:

1. For members of the agency name, division and assignment at the date and time of the meritorious or commendable act
2. For individuals from the community - name, address, telephone number

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the member submitting the documentation.

1015.6 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Agency members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

(a) Identifying information:

1. For members of the Agency - name, division and assignment at the date and time of the meritorious or commendable act

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2. For individuals from the community - name, address. telephone number

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the person submitting the documentation.

1015.7 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Agency should be forwarded to the Chief Deputy for his/her review. The Chief Deputy should sign and forward the documentation to the Sheriff for his/her review.

The Sheriff or the authorized designee will present the commendation to the agency member. The documentation will be entered Administration into the member’s personnel file by the Chief Deputy.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Sheriff or Chief Deputy. The documentation will be signed by the Sheriff. An appropriate venue or ceremony to acknowledge the individual’s actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

1015.8 AWARDS

Awards may be bestowed upon members of the agency and individuals from the community. These awards include:

- Award of Valor.
- Award of Merit.
- Lifesaving Award.
- Meritorious Conduct.

Criteria for each award and the selection, presentation and display of any award are determined by the Sheriff.

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Fitness for Duty

1016.1 PURPOSE AND SCOPE

Monitoring members' fitness for duty is essential for the safety and welfare of the members of the Agency and the community. The purpose of this policy is to ensure that all members of this agency remain fit for duty and able to perform their job functions.

1016.2 POLICY

The Dorchester County Sheriff's Office strives to provide a safe and productive work environment and ensure that all members of this agency can safely and effectively perform the essential functions of their jobs. Under limited circumstances, the Agency may require a professional evaluation of a member's physical and/or mental capabilities to determine his/her ability to perform essential functions.

1016.3 MEMBER RESPONSIBILITIES

It is the responsibility of each member of this agency to maintain physical stamina and psychological stability sufficient to safely and effectively perform the essential duties of his/her position.

During working hours, all members are required to be alert, attentive and capable of performing their assigned responsibilities.

Any member who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that a member believes that another agency member is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1016.4 SUPERVISOR RESPONSIBILITIES

All supervisors should be alert to any indication that a member may be unable to safely perform his/her duties due to an underlying physical or psychological impairment or condition.

Such indications may include:

(a) An abrupt and negative change in the member's normal behavior.

(b) A pattern of irrational conduct, hostility or oppositional behavior.

(c) Personal expressions of instability.

(d) Inappropriate use of alcohol or other substances, including prescribed medication.

(e) A pattern of questionable judgment, impulsive behavior or the inability to manage emotions.

(f) Any other factor or combination of factors causing a supervisor to believe the member may be suffering from an impairment or condition requiring intervention.

Supervisors shall maintain the confidentiality of any information consistent with this policy.

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1016.4.1 REPORTING

A supervisor observing a member, or receiving a report of a member who is perceived to be unable to safely or effectively perform his/her duties shall promptly document all objective information and/or observations.

The supervisor should attempt to meet with the member to inquire about the conduct or behavior giving rise to the concerns.

If a meeting does not resolve the supervisor's concerns or does not take place, the supervisor shall promptly document his/her observations and actions in a written report and inform the Patrol Sergeant or the Chief of Operations.

1016.4.2 DUTY STATUS

In conjunction with the Patrol Sergeant or the Chief of Operations, the supervisor should make a preliminary determination regarding the member's duty status.

If a determination is made that the member can safely and effectively perform the essential functions of his/her job, the member should be returned to duty and arrangements for appropriate follow-up made.

If a preliminary determination is made that the member's conduct or behavior represents an inability to safely and effectively perform the essential functions of his/her job, the Patrol Sergeant and the Chief of Operations should immediately relieve the member of duty pending further evaluation.

Employees relieved of duty shall comply with the administrative leave provisions of the Personnel Complaints Policy.

The Sheriff and Chief Deputy shall be promptly notified in the event that any member is relieved of duty.

1016.5 FITNESS-FOR-DUTY EVALUATIONS

A fitness-for-duty evaluation may be ordered whenever circumstances reasonably indicate that a member is unfit for duty or following an officer-involved shooting or death-in-custody incident.

1016.5.1 PROCESS

The Sheriff may order the member to undergo a fitness-for-duty evaluation.

The examining practitioner will provide the Agency with a report indicating whether the member is fit for duty. If the member is not fit for duty, the practitioner will include the existing restrictions or conditions in the report.

In order to facilitate the evaluation of any member, the Agency will provide all appropriate documents and available information.

All reports and evaluations submitted by the examining practitioner shall be part of the member's confidential medical file.

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Any member ordered to undergo a fitness-for-duty evaluation shall comply with the terms of the order and cooperate fully with the examining practitioner. Any failure to comply with such an order and any failure to cooperate with the practitioner may be deemed insubordination and shall subject the member to discipline, up to and including termination.

Determinations regarding duty status of members who are found to be unfit for duty or fit for duty with limitations will be made by the Sheriff. The Department of Human Resources may be consulted prior to any formal decisions.

1016.5.2 EVALUATION REQUIRED
A deputy involved in any incident where a person was seriously injured or killed as a result of a shooting or accident and any deputy returning from combat deployment shall undergo a psychological consultation consistent with the standards developed by the Maryland Police Training and Standards Commission (MPTSC) (Md. Code PS § 3-207).

1016.6 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than:

- 16 hours in a one-day (24 hour) period.
- 30 hours in any two-day (48 hours) period.
- 84 hours in any seven-day (168 hours) period.

Except in unusual circumstances, members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve any member who has exceeded the above guidelines to off-duty status.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime, and any other work assignments.

1016.7 APPEALS

Employees disputing the application or interpretation of this policy may submit a grievance as provided in the Grievances Policy.

1016.8 MPTSC CERTIFICATION

Deputies are required to submit to a physical agility assessment every year and a mental health assessment every two years in order to maintain their certification (Md. Code PS § 3-209).

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Meal Periods

1017.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the availability of meal periods and breaks.

1017.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to provide meal periods and breaks to members of this agency in accordance with the County personnel manual.

1017.3 MEAL PERIODS

Deputies shall remain on-duty subject to call during meal periods. All other members are not on-call during meal periods unless directed otherwise by a supervisor.

Uniformed deputies shall take their meal periods within the County limits and shall monitor the sheriff's radio, unless on assignment outside of the County.

The time spent for the meal period shall not exceed the authorized time allowed.

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Lactation Breaks

1018.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for the member’s infant child.

1018.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to provide, in compliance with the Fair Labor Standards Act (FLSA), reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's infant nursing child for up to one year after the child's birth (29 USC § 218d).

1018.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk (29 USC § 218d). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Members desiring to take a lactation break shall notify the dispatcher or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt agency operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1018.4 PRIVATE LOCATION

The Agency will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 218d).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at any public or private location in which the mother and child are authorized to be (Md. Code HG § 20-801).

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Lactation Breaks

1018.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Agency shall clearly label it as such and shall remove it when the member’s shift ends.

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Payroll Records

1019.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of agency members who are eligible for the payment of wages.

1019.2 POLICY

The Dorchester County Sheriff's Office maintains timely and accurate payroll records.

1019.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

1019.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administration as established by the County payroll procedures.

1019.5 RECORDS

The Dorchester County Finance Office shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

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Overtime Compensation

1020.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedures regarding overtime for employees, in conformance with the Fair Labor Standards Act (FLSA) (29 USC § 201 et seq.).

1020.2 POLICY

The Dorchester County Sheriff's Office will compensate nonexempt employees who work authorized overtime either by payment of wages or by the accrual of compensatory time (29 CFR 553.22). Employees who are salary exempt from FLSA are not compensated for overtime worked.

1020.3 COMPENSATION

Payment of wages to nonexempt employees for overtime, or accrual of compensatory time in lieu of compensation for overtime worked, shall be at the rate of not less than one and one-half hours for each hour of employment for which overtime compensation is required (29 USC § 207(k)(2); 29 USC § 207(o)(1)).

Short periods of overtime worked at the end of the normal duty day (e.g., less than one hour in duration) may be handled informally by an agreement between the supervisor and the employee. In such cases, the supervisor shall document the overtime worked and schedule a subsequent shift adjustment within the same work period that the overtime was worked, rather than submit a request for overtime payment (29 USC § 207(k)).

Salary exempt employees may be eligible for administrative leave, which may be granted at the discretion of the exempt employee’s immediate supervisor.

1020.4 REQUESTS FOR OVERTIME COMPENSATION

1020.4.1 EMPLOYEE RESPONSIBILITIES

Generally, no employee is authorized to work overtime without the prior approval of a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of the shift in which the overtime is worked.

Nonexempt employees shall:

(a) Obtain supervisory approval, verbal or written.

(b) Not work in excess of 16 hours, including regularly scheduled work time, overtime and extra-duty time, in any consecutive 24-hour time period without supervisory approval.

(c) Record the actual time worked in an overtime status using the County approved form or method. Informal notations on reports, logs or other forms not approved for overtime recording are not acceptable.

1020.4.2 SUPERVISOR RESPONSIBILITIES

Supervisors shall:

(a) Prior to authorizing an employee to work overtime, evaluate the need for the overtime.

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1. Supervisors should not authorize any request to work overtime if the overtime would not be an appropriate use of agency resources.

(b) Upon receipt of a request for overtime compensation, confirm that the overtime was authorized and then verify the actual time worked.

1. Supervisors identifying any unauthorized overtime or discrepancy shall initiate an investigation consistent with the Personnel Complaints Policy.

Supervisors may not authorize or approve their own overtime.

1020.5 ACCOUNTING FOR PORTIONS OF AN HOUR

Authorized overtime work shall be accounted in the increments as listed:

TIME WORKED	INDICATE ON CARD
Up to 15 minutes	.25 hour
16 to 30 minutes	.50 hour
31 to 45 minutes	.75 hour
46 to 60 minutes	1 hour

1020.5.1 VARIATION IN TIME REPORTED

When two or more employees are assigned to the same activity, case or court trial, and the amount of time for which overtime compensation is requested varies among the deputies, the Chief Deputy or Chief of Operations will require each employee to include the reason for the variation on the timesheet in the description section.

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Outside Employment and Outside Overtime

1021.1 PURPOSE AND SCOPE

This policy provides guidelines for agency members who seek to engage in authorized outside employment or outside overtime.

1021.1.1 DEFINITIONS

Definitions related to this policy include:

Outside employment - Duties or services performed by members of this agency for another employer, organization or individual who is not affiliated directly with this agency when wages, compensation or other consideration for such duties or services is received. Outside employment also includes duties or services performed by those members who are self-employed and receive compensation or other consideration for services, products or benefits rendered.

Outside overtime - Duties or services performed by members of this agency for a private organization, entity or individual, that are requested and scheduled directly through the Agency. Member compensation, benefits and costs for such outside services are reimbursed to the Agency.

1021.2 POLICY

Members of the Dorchester County Sheriff's Office shall obtain written approval from the Sheriff or the authorized designee prior to engaging in any outside employment or outside overtime. Approval of outside employment or overtime shall be at the discretion of the Sheriff in accordance with the provisions of this policy. Failure to obtain prior written approval for outside employment or overtime, or engaging in outside employment or overtime that is prohibited by this policy, may lead to disciplinary action.

1021.3 OUTSIDE EMPLOYMENT

1021.3.1 REQUEST AND APPROVAL

Members must submit the designated outside employment request form to their immediate supervisors. The request form will then be forwarded through the chain of command to the Sheriff for consideration.

If approved, the member will be provided with a copy of the approved request form.

1021.3.2 DENIAL

Any member whose request for outside employment has been denied should be provided with a written notification of the reason at the time of the denial.

1021.3.3 REVOCATION OR SUSPENSION

Any member whose approval for outside employment is revoked or suspended shall be provided with a written notification of the reason for revocation or suspension.

Approval for outside employment may be revoked or suspended:

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(a) When a supervisor determines the member's performance is failing to meet standards and the outside employment may be related to the deficient performance.

1. Approval for the outside employment may be reestablished when the member's performance has reached a satisfactory level and with his/her supervisor's authorization.

(b) When a member's conduct or outside employment conflicts with agency policy or any law.

(c) When the outside employment creates an actual or apparent conflict of interest with the Agency or County.

1021.3.4 APPEAL

If a member's request for outside employment is denied or if previous approval is revoked or suspended, the member may file a written notice of appeal with the Sheriff within 10 days of receiving notice of the denial, revocation or suspension.

A revocation or suspension will only be implemented after the member has completed the appeal process.

If the member's appeal is denied, he/she may file a grievance as provided in the Grievances Policy.

1021.4 REQUIREMENTS

1021.4.1 PROHIBITED OUTSIDE EMPLOYMENT

The Agency reserves the right to deny any request for outside employment that involves:

(a) The use of agency time, facilities, equipment or supplies.

(b) The use of the Dorchester County Sheriff's Office badge, uniform or influence for private gain or advantage.

(c) The member's receipt or acceptance of any money or other consideration for the performance of duties or services that he/she would be required or expected to render in the course or hours of his/her employment, appointment or as a part of his/her regular duties.

(d) The performance of duties or services that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other member of this agency.

(e) Demands upon the member's time that would render the performance of his/her duties for this agency deficient or substandard.

(f) Activities that may conflict with any other policy or rule of the Agency.

(g) Any entity that is (COMAR 19A.04.02.04):

1. Subject to the authority of that member of the Agency.

2. A contractor or subcontractor with this agency or that is negotiating a contract with the Agency.

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(h) Employment that would impair the impartiality and independent judgment of the member (COMAR 19A.04.02.04).

(i) Employment prohibited by County local law enacted pursuant to COMAR 19A.04.01.03.

1021.4.2 SECURITY AND LAW ENFORCEMENT OFFICER OUTSIDE EMPLOYMENT

No member of this agency may engage in any outside employment as a law enforcement officer, private security, guard, private investigator, or other similar private security position except as allowed by state law (Md. Code PS § 3-110).

1021.4.3 AGENCY RESOURCES

Members are prohibited from using any agency equipment or resources in the course of, or for the benefit of, any outside employment. This shall include the prohibition against any member using his/her position with this agency to gain access to official records or databases of this agency or other agencies.

1021.4.4 REVIEW OF FINANCIAL RECORDS

Prior to approving outside employment, the Agency may request that a member provide personal financial records for review if the Sheriff determines that a conflict of interest may exist.

If, after approving a request for outside employment, the Agency obtains information that a financial conflict of interest exists, the Agency may request that the member provide personal financial records for review. Failure or refusal by the member to provide such records may result in revocation or suspension approval of the outside employment pursuant to this policy.

1021.4.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If a member terminates his/her outside employment, the member shall promptly submit written notification of such termination to the Sheriff through the chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through the procedures set forth in this policy.

Members shall also promptly submit in writing to the Sheriff any material changes in outside employment, including any change in the number of hours, type of duties or the demands of any approved outside employment. Members who are uncertain whether a change in outside employment is material are advised to report the change.

1021.4.6 LEAVE OR RESTRICTED DUTY STATUS

Members who are placed on leave or other restricted duty status shall inform the Chief Deputy or Chief of Operations in writing within five days as to whether they intend to continue their outside employment while on such leave or restricted status. The Chief Deputy or Chief of Operations shall review the duties of the outside employment, along with any related orders (e.g., administrative, medical), and make a recommendation to the Sheriff regarding whether such employment should continue.

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In the event that the Sheriff determines that the outside employment should be discontinued, or if the member fails to promptly notify his/her supervisor of his/her intention regarding outside employment, a notice revoking approval of the outside employment will be forwarded to the member and a copy attached to the original outside employment request form.

Criteria for revoking approval due to leave or restricted duty status include but are not limited to:

(a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by medical professional advisers.

(b) The outside employment requires performance of the same or similar physical ability, as would be required of an on-duty member.

(c) The member's failure to make timely notice of his/her intention to the supervisor.

When the member returns to full duty with the Dorchester County Sheriff's Office, a written request may be submitted to the Sheriff to approve the outside employment request.

1021.5 OUTSIDE OVERTIME

1021.5.1 REQUESTS FOR SPECIAL SERVICES

Any private organization, entity or individual seeking special services (e.g., security, traffic control) from members of this agency must submit a written request to the Sheriff in advance of the desired service. Such services will be assigned, monitored, and compensated through the Agency as outside overtime assignments.

(a) A request for special services during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute will not be approved.

(b) The requestor will be required to enter into an agreement that includes indemnification with the Agency prior to approval.

(c) The requestor will be required to reimburse the Agency for the member’s compensation, benefits, and costs (e.g. court time) associated with such outside services.

(d) Should such a request be approved, any member working outside overtime shall be subject to the following conditions:

1. The member shall wear the agency uniform and carry agency identification.
2. The member shall be subject to the rules and regulations of this agency.
3. Compensation for such approved outside overtime shall be pursuant to normal overtime procedures (see the Overtime Compensation Policy).
4. Outside overtime shall not be subject to the collective bargaining process.

(e) Outside overtime shall be assigned at the discretion of the Sheriff or the authorized designee.

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Outside Employment and Outside Overtime

1021.5.2 ARREST AND REPORTING PROCEDURE

Any deputy making an arrest or taking other official law enforcement action while working in an outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to the Report Preparation Policy. Time spent on the completion of such reports shall be considered part of the outside overtime assignment.

1021.5.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Chief Deputy, undercover deputy or deputies assigned to covert operations shall not be eligible to work outside overtime in a uniformed or other capacity that could reasonably disclose the deputy's law enforcement status.

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Work-Related Injury and Illness Reporting

1022.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding timely reporting of work-related injuries and occupational illnesses.

1022.1.1 DEFINITIONS

Definitions in this policy include:

Work-related injury or illness - Accidental personal injury or illness arising out of and in the course of employment (Md. Code LE § 9-101).

1022.2 POLICY

The Dorchester County Sheriff's Office will address work-related injuries and occupational illnesses appropriately, and will comply with applicable state workers' compensation requirements (Md. Code LE § 9-101 et seq.).

1022.3 RESPONSIBILITIES

1022.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any work-related injury or occupational illness shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate.

1022.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related injury or occupational illness should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly (Md. Code LE § 9-707). Any related County-wide injury- or illness-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and the Workplace Safety and Health policies apply and take additional action as required.

1022.3.3 CHIEF DEPUTY RESPONSIBILITIES

The Chief Deputy who receives a report of a work-related injury or occupational illness should review the reports for accuracy and determine what additional action should be taken. The reports shall then be forwarded to the Sheriff, the County's risk management entity, and the Chief Deputy to ensure any required Maryland Occupational Safety and Health (MOSH) Act reporting is made as required in the injury and illness prevention plan identified in the Workplace Safety and Health Policy.

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1022.3.4 SHERIFF RESPONSIBILITIES
The Sheriff or designee shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Agency shall be filed in the member’s confidential medical file.

1022.4 OTHER INJURY OR ILLNESS
Injuries and illnesses caused or occurring on-duty that do not qualify for workers’ compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the Chief Deputy through the chain of command.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1022.5 SETTLEMENT OFFERS
When a member sustains a work-related injury or occupational illness that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1022.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL
No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to a work-related injury or occupational illness, the member shall provide the Sheriff with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Sheriff. The purpose of such notice is to permit the County to determine whether the offered settlement will affect any claim the County may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the accident or injury, and to protect the County's right of subrogation, while ensuring that the member's right to receive compensation for injuries is not affected.

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Personal Appearance Standards

1023.1 PURPOSE AND SCOPE

This policy provides guidelines for the personal appearance of members of the Dorchester County Sheriff's Office.

Requirements for agency uniforms and civilian attire are addressed in the Uniforms and Civilian Attire Policy.

1023.2 POLICY

Dorchester County Sheriff's Office members shall maintain their personal hygiene and appearance to project a professional image that is appropriate for this agency and for their assignments. Agency personal appearance standards are primarily based on safety requirements, appearance conformity, and the social norms of the community served, while considering matters important to members of the Agency.

1023.3 GROOMING

Unless otherwise stated and because deviations from these standards may present officer safety issues, the following appearance standards shall apply to all members, except those whose current assignments would deem them not applicable, and where the Sheriff has granted an exception.

1023.3.1 PERSONAL HYGIENE

All members must maintain proper personal hygiene. Examples of improper personal hygiene include, but are not limited to, dirty fingernails, bad breath, body odor and dirty or unkempt hair. Any member who has a condition due to a protected category (e.g., race, physical disability) that affects any aspect of personal hygiene covered by this policy may qualify for an accommodation and should report any need for an accommodation to the Sheriff.

1023.3.2 HAIR

Hair shall be clean, neatly trimmed or arranged, and of a natural hair color. Hairstyles with shaved designs in the scalp are prohibited. Hair adornments shall be primarily for the purpose of securing the hair and must present a professional image.

Hairstyles for male agency members must not extend below the top edge of a uniform or dress shirt collar while assuming a normal stance.

When working a field assignment, hairstyles for female agency members must not extend below the bottom edge of a uniform or dress shirt collar while assuming a normal stance. Longer hair shall be worn up or in a tightly wrapped braid or ponytail that is secured to the head above the bottom edge of the shirt collar.

1023.3.3 MUSTACHES

Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip unless grown in conjunction with a beard or goatee and shall be neatly trimmed.

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1023.3.4 SIDEBURNS
Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1023.3.5 FACIAL HAIR
Facial hair such as beards and goatees are permitted as long as the growth is maintained at a half inch or less. Beards shall not be permitted below the Adam's apple. Facial hair must be well groomed and neatly trimmed at all times.

1023.3.6 FINGERNAILS
Fingernails shall be clean and neatly trimmed to a length that will not present a safety concern. The color of fingernail polish shall present a professional image.

1023.4 APPEARANCE

1023.4.1 JEWELRY
For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the agency member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

(a) Necklaces shall not be visible above the shirt collar.

(b) Earrings shall be small and worn only in or on the earlobe.

(c) One ring or ring set may be worn on each hand of the agency member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.

(d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.

(e) Wristwatches shall be conservative and present a professional image.

(f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1023.4.2 TATTOOS
While on-duty or representing the Dorchester County Sheriff's Office in any official capacity, members should make every reasonable effort to conceal tattoos or other body art. At no time while the member is on-duty or representing the agency in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

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1023.4.3 BODY PIERCING OR ALTERATION
Body piercing (other than earlobes) or alteration to any area of the body that is visible while on-duty or while representing the Dorchester County Sheriff's Office in any official capacity, that is a deviation from normal anatomical features, and that is not medically required, is prohibited. Such body alteration includes, but is not limited to:

(a) Tongue splitting or piercing.

(b) The complete or transdermal implantation of any material other than hair replacement (i.e., foreign objects inserted under the skin to create a design or pattern).

(c) Abnormal shaping of the ears, eyes, nose or teeth (i.e., enlarged or stretched out holes in the earlobes).

(d) Branding, scarification or burning to create a design or pattern.

1023.4.4 DENTAL ORNAMENTATION
Dental ornamentation that is for decorative purposes and that is not medically required is prohibited while on-duty or while representing the Dorchester County Sheriff's Office in any official capacity. Such ornamentation includes, but is not limited to:

(a) Objects that are bonded to front teeth.

(b) Gold, platinum or other veneers or caps used for decorative purposes.

(c) Orthodontic appliances that are colored for decorative purposes.

1023.4.5 GLASSES AND CONTACT LENSES
Eyeglasses and sunglasses shall be conservative and present a professional image. Contact lenses with designs that change the normal appearance of the eye and that are not medically required are prohibited while on-duty or while representing the Dorchester County Sheriff's Office in any official capacity.

1023.4.6 COSMETICS AND FRAGRANCES
Cosmetics shall be conservative and present a professional image. Use of cologne, perfume, aftershave lotion and other items used for body fragrance shall be kept to a minimum to not be offensive to the senses of others.

1023.4.7 UNDERGARMENTS
Proper undergarments shall be worn as necessary for reasons of hygiene and general appearance standards.

1023.5 RELIGIOUS ACCOMMODATION
The religious beliefs and needs of agency members should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure

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security or safety. The Sheriff should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings, or certain hairstyles or facial hair for religious reasons should generally be accommodated absent unusual circumstances.

1023.6 EXEMPTIONS

Members who seek cultural (e.g., traits associated with race such as hair texture, afro hairstyles, protective hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Md. Code SG § 20-101). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Sheriff should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a security or safety risk.

1023.7 ASSIGNMENT EXEMPTIONS

Members who are assigned to specialized units for undercover operations are exempt from this policy while assigned to the specialized unit.

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Uniforms and Civilian Attire

1024.1 PURPOSE AND SCOPE

This policy provides guidelines for Dorchester County Sheriff's Office-authorized uniforms and civilian attire regulations. It is established to ensure that uniformed members will be readily identifiable to the public through the proper use and wearing of agency uniforms, and that the appearance of members who wear civilian attire reflects favorably on the agency.

This policy addresses the wearing and maintenance of agency uniforms, accessories, insignia, patches and badge; the requirements for members who wear civilian attire; and the authorized use of optional equipment and accessories by members of the agency.

Other related topics are addressed in the Badges, Patches and Identification, Agency-Owned and Personal Property, and Personal Appearance Standards policies.

1024.2 POLICY

The Dorchester County Sheriff's Office will provide uniforms for all employees who are required to wear them. The agency may provide other agency members with uniforms at the direction of the Sheriff.

All uniforms and equipment issued to agency members shall be returned to the Agency upon termination or resignation.

1024.3 UNIFORMS

The Sheriff or the authorized designee shall maintain and update uniform and equipment specifications, which should be consulted by all members as needed. Uniforms shall be worn as described therein and as specified in this policy.

The following shall apply to those assigned to wear agency issued uniforms:

(a) Uniforms and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed.

(b) Deputies in a non-uniformed assignment shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Uniforms shall be worn in compliance with any applicable agency specifications.

(d) Members shall wear only the uniforms specified for their ranks and assignments.

(e) Civilian attire shall not be worn in combination with any distinguishable part of a uniform.

(f) Uniforms are only to be worn while on-duty, for court, at official agency functions or events, while in transit to or from work, or when authorized by the Sheriff or the authorized designee.

(g) Members are not to purchase or drink alcoholic beverages while wearing any part of agency issued uniforms, including the uniform pants.

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(h) All supervisors will perform periodic inspections of members under their commands to ensure conformance to this policy.

1024.3.1 ACCESSORIES

Members shall adhere to the following when wearing agency uniforms:

(a) Mirrored sunglasses will not be worn.

(b) Jewelry shall be in accordance with the specifications in the Personal Appearance Standards Policy. Unless specifically authorized by the Sheriff or the authorized designee, only the following jewelry may be worn with the uniform:

1. Earrings shall be stud-style and only one earring may be worn in each ear.
2. Necklaces must be worn inside the uniform shirt and must not be able to fall out.
3. Rings
4. Wristwatch
5. Medical alert bracelet

1024.3.2 INSIGNIA, PATCHES AND BADGE

Only the following elements may be affixed to agency uniforms unless an exception is authorized by the Sheriff:

(a) Shoulder patch - The authorized shoulder patch supplied by the agency shall be machine stitched to the sleeves of all uniform shirts and jackets.

(b) Badge - The agency issued badge, or an authorized sewn-on cloth replica, must be worn and visible at all times while in uniform.

(c) Nameplate - The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform.

1. When a jacket is worn, the nameplate, or an authorized sewn-on cloth nameplate, shall be affixed to the jacket in the same manner as the uniform.

(d) Rank insignia - The designated insignia indicating the member’s rank must be worn at all times while in uniform.

(e) Assignment insignias - Assignment insignias (e.g., STAR Team, FTO) may be worn as designated by the Sheriff.

(f) American flag pin - An American flag pin may be worn, centered above the nameplate.

1024.3.3 MOURNING BAND

Uniformed members shall wear a black mourning band across the agency badge whenever a law enforcement officer is killed in the line of duty or as directed by the Sheriff or authorized designee. The following mourning periods will be observed:

(a) Dorchester County Sheriff's Office deputy - From the time of death until midnight on the 14th day after the death.

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(b) A deputy from this or an adjacent county - From the time of death until midnight on the day of the funeral.

(c) Funeral attendee - While attending the funeral of an out-of-region fallen officer.

(d) National Peace Officers' Memorial Day (May 15) - From 0001 hours until 2359 hours.

(e) As directed by the Sheriff or authorized designee.

1024.4 UNIFORM CLASSES

The Sheriff or the authorized designee shall determine the uniform to be worn by each agency member or any deviations that may be authorized.

Uniforms are classified as follows:

(a) Class A - Full dress uniform to be worn by designated agency members on special occasions, such as funerals, graduations, ceremonies, or as directed by the Sheriff or the authorized designee.

(b) Class B - Standard issue uniform to be worn daily by designated agency members.

(c) Class C - General utility uniform to be worn by designated Agency members.

(d) Specialized assignment - Specific uniforms to be worn by members in special assignments or divisions.

1024.4.1 CLASS A UNIFORM

The Class A uniform consists of the following:

(a) Dress hat

(b) Long-sleeve shirt

(c) Tie tack or tie bar

(d) Trousers

(e) Black belt

1. Belts shall be equipped as needed for the member's assignment.

(f) Dark blue or black socks

(g) Black polished dress shoes

1. Boots with pointed toes are not permitted.

(h) White gloves

1024.4.2 CLASS B UNIFORM

The Class B uniform consists of the following:

(a) Long- or short-sleeve shirt with the collar open and no tie

1. A crew neck t-shirt must be worn under the uniform shirt.

2. All shirt buttons must remain buttoned except for the top button at the neck.

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3. Long sleeves must be buttoned at the cuff.

(b) Trouser

(c) Black belt

1. Belts shall be equipped as needed for the member’s assignment.

(d) Dark blue or black socks

(e) Black polished dress shoes

1. Approved black unpolished shoes may be worn.
2. Boots with pointed toes are not permitted.
3. Decorative stitching or adornment is not permitted.

(f) Weather appropriate items

1. Hat
2. Dark blue or black mock turtleneck may be worn under the long-sleeve uniform shirt.
3. Jacket
4. Rain gear

1024.4.3 CLASS C UNIFORM
The Sheriff or the authorized designee will establish the specifications, regulations and conditions for wearing the Class C uniform.

1024.4.4 SPECIALIZED ASSIGNMENT UNIFORM
The Sheriff or the authorized designee may authorize certain uniforms to be worn by members in specialized assignments, such as canine handlers, the Sheriff's Tactical Assault Response Team (STAR Team), bicycle patrol, and other specific assignments.

1024.5 CIVILIAN ATTIRE

There are assignments within the agency that do not require a uniform because recognition and authority are not essential to their functions. There are also assignments for which civilian attire is necessary.

(a) Civilian attire shall fit properly, be clean and free of stains, and not damaged or excessively worn.

(b) Members assigned to administrative, investigative and support positions shall wear business appropriate clothing that is conservative in style.

(c) Variations from this policy are allowed at the discretion of the Sheriff or the authorized designee when the member’s assignment or current task is not conducive to wearing such clothing.

(d) No item of civilian attire may be worn while on-duty that would adversely affect the reputation of the Dorchester County Sheriff's Office or the morale of the members.

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(e) The following items shall not be worn while on-duty or when representing the agency in any official capacity:

1. Clothing that reveals cleavage, the back, chest, stomach or buttocks
2. T-shirt alone or exposed undergarments
3. Swimsuits, tank tops, tube tops or halter tops
4. Sweatshirts, sweatpants or similar exercise clothing
5. Spandex-type pants or transparent clothing
6. Denim pants of any color
7. Shorts
8. Open-toed shoes
9. Clothing, buttons or pins displaying racial, sexual, discriminatory, gang-related or obscene language

1024.6 OPTIONAL EQUIPMENT

Any items that are allowed by the Dorchester County Sheriff's Office but that have been identified as optional shall be purchased entirely at the expense of the member. No part of the purchase cost shall be offset by the agency.

Maintenance of optional items shall be the financial responsibility of the purchasing member (e.g., repairs due to normal wear and tear).

Replacement of items listed in this policy as optional shall be managed as follows:

(a) When the item is no longer functional because of normal wear and tear, the member bears the full cost of replacement.

(b) When the item is no longer functional because of damage in the course of the member’s duties, it shall be replaced in accordance with the Agency-Owned and Personal Property Policy.

1024.7 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Dorchester County Sheriff's Office members may not wear any uniform item, accessory or attachment unless specifically authorized by the Sheriff or the authorized designee.

Agency members may not use or carry any safety item, tool or other piece of equipment unless specifically authorized by the Sheriff or the authorized designee.

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Conflict of Interest

1025.1 PURPOSE AND SCOPE

The purpose of this policy is to assist members in recognizing and avoiding potential conflicts of interest, thereby ensuring effective and ethical operating practices on the part of the Dorchester County Sheriff's Office.

1025.1.1 DEFINITIONS

Definitions related to this policy include:

Conflict of interest - Any actual, perceived or potential conflict, in which it reasonably appears that a member's action, inaction or decisions are or may be influenced by a personal or business relationship.

1025.2 POLICY

Members of the Dorchester County Sheriff's Office are expected to conduct themselves with the utmost professional integrity and objectivity. Members will guard against actual or perceived conflicts of interest in order to ensure the fair and equitable treatment of agency members and the public, and thereby maintain the trust of the public and agency members.

1025.3 PROHIBITIONS

The agency prohibits the following types of personal or business relationships among members:

(a) Members are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other member who is a relative or with whom they are involved in a personal or business relationship.

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved member to an uninvolved supervisor.

2. When personnel and circumstances permit, the agency will attempt to make every reasonable effort to avoid placing members in such supervisor/subordinate situations. The agency, however, reserves the right to transfer or reassign any member to another position within the same classification in order to avoid conflicts with any provision of this policy.

(b) Members are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting a member who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever possible, field training officers (FTOs) and other trainers will not be assigned to train relatives. Agency FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any member they are assigned to train until such time as the training has been successfully completed and the person is off probation.

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1025.3.1 ADDITIONAL PROHIBITIONS
The Agency prohibits members from (COMAR 19A.04.02.04):

(a) Participating in a County matter that would have a direct economic impact, distinct from the impact on the public at large, on the member or that, to the knowledge of the member, would have a direct economic impact on any of the following:

1. A spouse, parent, sibling or child of member.

2. A business entity with which the member or member's spouse, parent, sibling or child is affiliated.

(b) Having a financial interest in an entity that:

1. Is subject to the authority of the member.

2. Is negotiating or has entered a contract with or is a subcontractor on a contract with the Dorchester County Sheriff's Office.

(c) Soliciting or receiving gifts.

(d) Any other conflict of interest or financial interest identified by County law enacted pursuant to COMAR 19A.04.01.03.

These prohibitions do not apply if the member is granted an exemption pursuant to the provisions of County local law enacted pursuant to COMAR 19A.04.01.03.

1025.4 MEMBER RESPONSIBILITIES

Members shall avoid situations that create a conflict of interest. Members should take reasonable steps to address a perception of a conflict of interest when such a perception is reasonably foreseeable and avoidable (e.g., deferring a decision to an uninvolved member).

Whenever any member is placed in circumstances that would require him/her to take enforcement action or to provide official information or services to any relative or individual with whom the member is involved in a personal or business relationship, that member shall promptly notify his/her uninvolved, immediate supervisor.

In the event that no uninvolved supervisor is immediately available, the member shall promptly make notification to have another uninvolved member either relieve the involved member or minimally remain present to witness the action.

1025.5 SUPERVISOR RESPONSIBILITIES

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Sheriff or the authorized designee of such actual or potential violations through the chain of command.

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Badges, Patches and Identification

1026.1 PURPOSE AND SCOPE

The Dorchester County Sheriff's Office (DSO) badge, patch and identification card, as well as the likeness of these items and the name of the Agency, are property of the Agency. Their use shall be restricted as set forth in this policy.

1026.2 POLICY

Members of the Agency will use the DSO badge, patch and identification card, as well as the likeness of these items, appropriately and professionally.

1026.3 UNAUTHORIZED USE

The DSO badge, patch and identification card shall not be displayed or used by any member except when acting in an official or authorized capacity.

Agency members shall not:

(a) Display or use the DSO badge, patch or identification card for personal gain or benefit.

(b) Loan the DSO badge, patch or identification card to others and shall not permit these items to be reproduced or duplicated.

(c) Use images of the DSO badge, patch or identification card, or the likeness thereof, or the Dorchester County Sheriff's Office name, for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as email, blogs, or social networking or websites.

1026.3.1 LOST BADGE, PATCH OR IDENTIFICATION CARD

Agency members shall promptly notify their supervisors whenever their DSO badges, patches, or identification cards are lost, damaged or are otherwise removed from their control.

1026.4 BADGES

The Sheriff shall determine the form of badges authorized for use by agency members. No other badges may be used, carried, worn or displayed.

Only badges issued by this agency are authorized to be used, displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

Members, with the written approval of the Sheriff, may purchase at their own expense a second badge or flat badge that can be carried in a wallet.

1026.4.1 RETIREE BADGES

The Sheriff may establish rules for allowing honorably retired members to keep their badges in some form upon retirement, for use as private memorabilia.

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1026.4.2 PERMITTED USE BY EMPLOYEE GROUPS
The likeness of the DSO badge shall not be used for any purpose without the express authorization of the Sheriff and shall be subject to the following:

(a) An authorized employee group may use the likeness of the DSO badge for merchandise and official employee group business provided it is used in a clear representation of the employee group and not the Dorchester County Sheriff's Office. The following modification shall be included:

1. Any text identifying the Dorchester County Sheriff's Office is replaced with the name of the employee group.

2. A badge number is not included. That portion of the badge may display the acronym of the employee group.

1026.5 IDENTIFICATION CARDS

All members will be issued an official DSO identification card bearing the member's name, full-face photograph, member identification number, and the signature of the Sheriff or the official seal of the Agency. All members shall be in possession of their agency-issued identification cards at all times while on-duty or in agency facilities.

(a) Whenever on-duty or acting in an official capacity representing the agency, members shall display their agency issued identification cards in a courteous manner to any person upon request and as soon as practicable.

(b) Deputies or other members working specialized assignments may be excused from the possession and display requirements when directed by the Chief Deputy.

1026.6 BUSINESS CARDS

The agency will supply business cards to those members whose assignments involve frequent interaction with the public or who may require the use of a business card. The only authorized business cards are those issued or approved by the agency and should contain identifying information including, but not limited to, the member's name, division, badge or other identification number and contact information (e.g., telephone number, email address).

Members should provide a business card upon request.

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Temporary Modified-Duty Assignments

1027.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, County rules or current collective bargaining agreements or memorandums of understanding. For example, nothing in this policy affects the obligation of the Agency to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1027.2 POLICY

Subject to operational considerations, the Dorchester County Sheriff's Office may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Agency with a productive employee during the temporary period.

1027.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Maryland Accessibility Code shall be treated equally, without regard to any preference for a work-related injury.

No position in the Dorchester County Sheriff's Office shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Agency. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee’s ability to perform in a modified-duty assignment.

The Sheriff or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1027.4 PROCEDURE

Employees may request a temporary modified duty assignment for short term injuries or illnesses.

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Temporary Modified-Duty Assignments

Employees seeking a temporary modified duty assignment should submit a written request to the Chief Deputy or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

(a) An assessment of the nature and probable duration of the illness or injury.

(b) The prognosis for recovery.

(c) The nature and scope of limitations and/or work restrictions.

(d) A statement regarding any required workplace accommodations, mobility aids or medical devices.

(e) A statement that the employee can safely perform the duties of the temporary modified duty assignment.

The Chief Deputy will make a recommendation through the chain of command to the Sheriff regarding temporary modified duty assignments that may be available based on the needs of the agency and the limitations of the employee. The Sheriff or the authorized designee shall confer with the Department of Human Resources or the County Attorney as appropriate.

1027.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate agency operations and the employee’s medical appointments, as mutually agreed upon with the Chief Deputy.

1027.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include but not be limited to:

(a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.

(b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.

(c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.

(d) Submitting a written status report to the Chief Deputy that contains a status update and anticipated date of return to full duty when a temporary modified-duty assignment extends beyond 60 days.

1027.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified-duty.

The responsibilities of supervisors shall include but not be limited to:

(a) Periodically apprising the Chief Deputy of the status and performance of employees assigned to temporary modified duty.

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(b) Notifying the Chief Deputy and ensuring that the required documentation facilitating a return to full duty is received from the employee.

(c) Ensuring that employees returning to full duty have completed any required training and certification.

1027.6 MEDICAL EXAMINATIONS

Prior to returning to full duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The agency may require a fitness for duty examination prior to returning an employee to full duty status, in accordance with the Fitness for Duty Policy.

1027.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

1027.7.1 REASONABLE ACCOMMODATION

An employee who is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition may request a reasonable accommodation including (Md. Code SG § 20-609):

- Changing job duties.
- Changing work hours.
- Being provided leave.
- Being provided with mechanical or electrical aids.
- Being transferred to less strenuous or less hazardous positions.
- Relocation.

The Agency will explore all possible means of providing the reasonable accommodation and may require certification from the employee's health care provider regarding the medical advisability of a reasonable accommodation. This certification will be to the same extent certification that is required for other temporary disabilities. The certification shall include:

- The date a reasonable accommodation is medically advisable.
- The probable duration of the reasonable accommodation.
- An explanation as to the medical advisability of the reasonable accommodation.

1027.7.2 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or

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limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the County's personnel rules and regulations regarding family and medical care leave.

1027.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified-duty.

1027.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified-duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified-duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

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Employee Speech, Expression and Social Networking

1028.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the Dorchester County Sheriff's Office.

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit a member from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

1028.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Dorchester County Sheriff's Office. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members of this agency be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Agency will carefully balance the individual member's rights against the needs and interests of the Agency when exercising a reasonable degree of control over its members' speech and expression.

1028.3 SAFETY

Members should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Dorchester County Sheriff's Office members, such as posting personal information in a public forum or posting a photograph taken with a GPS-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of a deputy who is working undercover

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- Disclosing the address of a fellow agency member
- Otherwise disclosing where another deputy can be located off-duty

1028.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the safety, performance, and public-trust needs of the Dorchester County Sheriff's Office, the following are prohibited unless the speech is otherwise protected (for example, a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the Agency or its members.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Agency and tends to compromise or damage the mission, function, reputation, or professionalism of the Agency or its members. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
2. Expression that demonstrates support for criminal activity.
3. Participation in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the members of the Agency (e.g., a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape).

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Agency.

(f) Use or disclosure, through whatever means of any information, photograph, video, or other recording obtained or accessible as a result of employment or appointment with the Agency for financial or personal gain, or any disclosure of such materials without the express authorization of the Sheriff or the authorized designee.

(g) Posting, transmitting, or disseminating any photographs, video or audio recordings, likenesses, or images of agency logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the Dorchester County Sheriff's Office on any personal or social networking or other website or web page, without the express authorization of the Sheriff.

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Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1028.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the Dorchester County Sheriff's Office or identify themselves in any way that could be reasonably perceived as representing the Agency in order to do any of the following, unless specifically authorized by the Sheriff (Md. Code LG § 1-303; Md. Code LG § 1-304; Md. Code PS § 3-110; Md. Code SP § 2-304):

(a) Endorse, support, oppose, or contradict any political campaign, political candidate, or initiative.

(b) Endorse, support, oppose, or contradict any social issue, cause, or religion.

(c) Endorse, support, or oppose any product, service, company, or other commercial entity.

(d) Appear in any commercial, social, or nonprofit publication or any motion picture, film, video, public broadcast, or any website.

Additionally, when it can reasonably be construed that a member, acting in the member's individual capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this agency, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Dorchester County Sheriff's Office.

Members retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of a recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

1028.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received, or reviewed on any agency technology system (see the Information Technology Use Policy for additional guidance).

However, the Agency may not request or require that a member disclose any user name, password, or other means for accessing a personal account or service through an electronic communications device (Md. Code LE § 3-712).

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1028.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Sheriff or the authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Agency or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Agency.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of the member's duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Agency.

1028.7 TRAINING

Subject to available resources, the Agency should provide training regarding the limitations on speech, expression and use of social networking to all members of the Agency.

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Workplace Safety and Health

1029.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of injury and illness for members of the Dorchester County Sheriff's Office, in accordance with the requirements of Md. Code LE § 5-101 et seq., Md. Code LE § 5-206, and COMAR 09.12.20.01 et seq.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces injury and illness, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related County-wide safety efforts.

1029.2 POLICY

The Dorchester County Sheriff's Office is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Agency will establish and maintain an Illness and Injury Prevention program and will provide tools, training and safeguards designed to reduce the potential for accidents, injuries and illness. It is the intent of the Agency to comply with all laws and regulations related to occupational safety.

1029.2.1 WORKPLACE SAFETY AND HEALTH PROGRAM

The Chief Deputy is responsible for developing an illness and injury prevention plan that shall include (Md. Code LE § 5-104; Md. Code LE § 5-206):

(a) Workplace safety and health training programs.

(b) Regularly scheduled safety meetings.

(c) Posted or distributed safety information.

(d) A system for members to anonymously inform management about workplace hazards.

(e) Establishment of a safety and health committee that will:

1. Meet regularly.
2. Prepare a written record of safety and health committee meetings.
3. Review the results of periodic scheduled inspections.
4. Review investigations of accidents and exposures.
5. Make suggestions to command staff for the prevention of future incidents.
6. Review investigations of alleged hazardous conditions.
7. Conduct on-going self-inspections.
8. Submit recommendations to assist in the evaluation of member safety suggestions.

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9. Assess the effectiveness of efforts made by the Agency to meet applicable standards.

(f) Establishing a process to ensure illnesses and injuries are reported as required under the Maryland Occupational Safety and Health (MOSH) Act (Md. Code LE § 5-702).

1029.3 CHIEF DEPUTY RESPONSIBILITIES

The responsibilities of the Chief Deputy include, but are not limited to (Md. Code LE § 5-104; Md. Code LE § 5-206; Md. Code LE § 5-702; Md. Code LE § 5-703):

(a) Managing and implementing a plan to reduce the incidence of member injury and illness.

(b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:

1. New member orientation that includes a discussion of safety and health policies and procedures.
2. Regular member review of the injury and illness prevention plan.

(c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members

(d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes, but is not limited to:

1. Informing members of the illness and injury prevention guidelines.
2. Recognizing members who perform safe work practices.
3. Ensuring that the member evaluation process includes member safety performance.
4. Ensuring agency compliance to meet standards regarding the following:
    (a) Communicable diseases
    (b) Bloodborne pathogen precautions (29 CFR 1910.1030; Md. Code LE § 5-308.1)
    (c) Personal Protective Equipment (PPE) (see the Personal Protective Equipment Policy)
    (d) Emergency Action Plan (29 CFR 1910.38(a); Md. Code PS § 14-110)
    (e) Reasonable accommodations for disability, including pregnancy (Md. Code SG § 20-601; Md. Code SG § 20-609)

(e) Making available a form to document inspections, unsafe conditions or unsafe work practices and actions taken to correct unsafe conditions and work practices.

(f) Making available a form to document individual incidents or accidents.

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(g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training and training providers.

(h) Conducting and documenting a regular review of the illness and injury prevention plan.

1029.4 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include but are not limited to:

(a) Ensuring member compliance with injury and illness prevention guidelines and answering questions from members about this policy.

(b) Training, counseling, instructing, or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.

(c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.

(d) Completing required forms and reports relating to injury and illness prevention; such forms and reports shall be submitted to the Chief Deputy.

(e) Notifying the Chief Deputy when:

1. New substances, processes, procedures, or equipment that present potential new hazards are introduced into the work environment.
2. New, previously unidentified hazards are recognized.
3. Occupational injuries and illnesses occur.
4. New and/or permanent or intermittent members are hired or reassigned to processes, operations, or tasks for which a hazard evaluation has not been previously conducted.
5. Workplace conditions warrant an inspection.

1029.5 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices, or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors) (Md. Code LE § 5-104(b)(2)).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

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All significant actions taken and dates they are completed shall be documented on a MOSH-approved reporting form available on the Maryland Department of Labor website. This form should be forwarded to the Chief Deputy via the chain of command.

The Chief Deputy will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

1029.6 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment (Md. Code LE § 5-206).

The Chief Deputy shall ensure that the appropriate documentation is completed for each inspection.

1029.6.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their PPE prior to working in the field. Members shall complete a MOSH-approved reporting form available on the Maryland Department of Labor website if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

1029.7 INVESTIGATIONS

Any member sustaining any work-related injury or illness, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors (Md. Code LE § 5-206).

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

(a) A visit to the accident scene as soon as possible.

(b) An interview of the injured member and witnesses.

(c) An examination of the workplace for factors associated with the accident/exposure.

(d) Determination of the cause of the accident/exposure.

(e) Corrective action to prevent the accident/exposure from reoccurring.

(f) Documentation of the findings and corrective actions taken.

(g) Completion of an investigation/corrective action report.

(h) Completion of a hazards and correction record form.

Additionally the supervisor should proceed with the steps to report an on-duty injury, as required under the Work-Related Injury and Illness Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

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1029.8 TRAINING

The Chief Deputy should work with the Chief of Operations to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided (Md. Code LE § 5-206):

(a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.

(b) To all members with respect to hazards specific to each member's job assignment.

(c) To all members given new job assignments for which training has not previously been provided.

(d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.

(e) Whenever the Agency is made aware of a new or previously unrecognized hazard.

1029.8.1 TRAINING TOPICS

The Chief Deputy shall ensure that training includes:

(a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.

(b) Use of appropriate clothing, including gloves and footwear.

(c) Use of respiratory equipment.

(d) Availability of toilet, hand-washing and drinking-water facilities.

(e) Provisions for medical services and first aid.

(f) Handling of bloodborne pathogens and other biological hazards.

(g) Prevention of heat and cold stress.

(h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).

(i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.

(j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.

(k) Back exercises/stretches and proper lifting techniques.

(l) Avoidance of slips and falls.

(m) Good housekeeping and fire prevention.

(n) Other job-specific safety concerns.

(o) Agency and employee rights and responsibilities.

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(p) Emergency Action Plan and/or Fire Prevention Plan.

(q) Workplace safety plan.

1029.9 RECORDS

Records and training documentation relating to injury and illness prevention will be maintained in accordance with the established records retention schedule.

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Line-of-Duty Deaths

1030.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Dorchester County Sheriff's Office in the event of the death of a member occurring in the line of duty and to direct the Agency in providing proper support for the member's survivors.

The Sheriff may also apply some or all of this policy for a non-line-of-duty member death, or in situations where members are injured in the line of duty and the injuries are life-threatening.

1030.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a deputy during the course of performing law enforcement-related functions while on- or off-duty, or a civilian member during the course of performing assigned duties.

For a deputy, a line-of-duty death includes death that is the direct and proximate result of a personal injury sustained in the line of duty (34 USC § 10281).

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin, or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1030.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this agency to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1030.3 INITIAL ACTIONS BY COMMAND STAFF

(a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Sheriff or Chief Deputy utilizing the proper chain of command.

1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Sheriff section of this policy).

(b) The Patrol Supervisor should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

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(c) If the member has been transported to the hospital, the Patrol Supervisor or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

(d) The Sheriff or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Agency Liaison as soon as practicable (see the Notifying Survivors section and the Agency Liaison and Hospital Liaison subsections in this policy).

1030.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Sheriff or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Sheriff, Patrol Supervisor or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Agency chaplain.

Notifying members should:

(a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.

(b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity, and current location (e.g., small children at home, children in school).

(c) Plan for concerns such as known health concerns of survivors or language barriers.

(d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in agency vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.

(e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.

(f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

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(g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.

(h) Assist the survivors with meeting child care or other immediate needs.

(i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes, and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.

(j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Agency Liaison.

(k) Provide their contact information to the survivors before departing.

(l) Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Agency Liaison.

(m) Inform the Sheriff or the authorized designee once survivor notifications have been made so that other Dorchester County Sheriff's Office members may be apprised that survivor notifications are complete.

1030.4.1 OUT-OF-AREA NOTIFICATIONS

The Agency Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

(a) The Agency Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the agency member that the survivors can call for more information following the notification by the assisting agency.

(b) The Agency Liaison may assist in making transportation arrangements for the member’s survivors, but will not obligate the Agency to pay travel expenses without the authorization of the Sheriff.

1030.5 NOTIFYING AGENCY MEMBERS

Supervisors or members designated by the Sheriff are responsible for notifying agency members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shifts. Members reporting for duty from their residences should be instructed to contact their supervisors as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

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Supervisors should direct members not to disclose any information outside the Agency regarding the deceased member or the incident.

1030.6 LIAISONS AND COORDINATORS

The Sheriff or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including but not limited to:

(a) Agency Liaison.

(b) Hospital Liaison.

(c) Survivor Support Liaison.

(d) Wellness Support Liaison.

(e) Funeral Liaison.

(f) Mutual aid coordinator.

(g) Benefits Liaison.

(h) Finance coordinator.

Liaisons and coordinators will be directed by the Agency Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available agency resources. The Agency Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed. The Agency should consider seeking assistance from surrounding law enforcement agencies to fill liaison and coordinator positions, as appropriate.

1030.6.1 AGENCY LIAISON

The Agency Liaison should be a Chief Deputy or of sufficient rank to effectively coordinate agency resources, and should serve as a facilitator between the deceased member's survivors and the Agency. The Agency Liaison reports directly to the Sheriff. The Agency Liaison's responsibilities include but are not limited to:

(a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System.

(b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.

(c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.

(d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.

(e) Coordinating all official law enforcement notifications and arrangements.

(f) Making necessary contacts for authorization to display flags at half-staff.

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(g) Reminding agency members of appropriate information–sharing restrictions regarding the release of information that could undermine future legal proceedings.

(h) Coordinating security checks of the member's residence as necessary and reasonable.

(i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1030.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

(a) Establish a command post or incident command system, as appropriate, to facilitate management of the situation and its impact on hospital operations (e.g., influx of people, parking).

(b) Arrange for appropriate and separate waiting areas for:

1. The survivors and others whose presence is requested by the survivors.
2. Agency members and friends of the deceased member.
3. Media personnel.

(c) Ensure, as practicable, that any suspects who are in the hospital and their families or friends are not in proximity to the member's survivors or Dorchester County Sheriff's Office members (except for members who may be guarding a suspect).

(d) Arrange for survivors to receive timely updates regarding the member before information is released to others.

(e) Arrange for survivors to have private time with the member, if requested.

1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
2. The Hospital Liaison should accompany the survivors into the room, if requested.

(f) Stay with survivors and provide them with other assistance as needed at the hospital.

(g) If applicable, explain to the survivors why an autopsy may be needed.

(h) Make arrangements for hospital bills to be directed to the Agency, that the survivors are not asked to sign as guarantor of payment for any hospital treatment, and that the member's residence address, insurance information, and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting their actions at the conclusion of duties.

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1030.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Agency Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term agency contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Chief Deputy. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- The selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

(a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.

(b) Communicating with the Agency Liaison regarding appropriate security measures for the family residence, as needed.

(c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.

(d) Providing assistance with travel and lodging arrangements for out-of-town survivors.

(e) Returning the deceased member's personal effects from the Agency and the hospital to the survivors. The following should be considered when returning the personal effects:

1. Items should not be delivered to the survivors until they are ready to receive the items.
2. Items not retained as evidence should be delivered in a clean, unmarked box.
3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
4. The return of some personal effects may be delayed due to ongoing investigations.

(f) Assisting with the return of agency-issued equipment that may be at the deceased member's residence.

1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.

(g) Working with the Wellness Support Liaison for survivors to have access to available counseling services.

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(h) Coordinating with the agency's Sheriff (Sheriff) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Sheriff section of this policy).

(i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.

(j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.

(k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.

(l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).

(m) Inviting survivors to agency activities, memorial services (e.g., as applicable, the Annual Candlelight Vigil at the National Law Enforcement Officers Memorial), or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Agency recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Agency to facilitate communications necessary to the assignment. The agency-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1030.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the agency wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

(a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:

1. Members involved in the incident.
2. Members who witnessed the incident.
3. Members who worked closely with the deceased member but were not involved in the incident.

(b) Making arrangements for members who were involved in or witnessed the incident to be relieved of agency responsibilities until they can receive wellness support.

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(c) Making wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) available to members as soon as reasonably practicable following the line-of-duty death.

(d) Coordinating with the Survivor Support Liaison to inform survivors of available wellness support and counseling services and assisting with arrangements as needed.

(e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

1030.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Agency Liaison, Survivor Support Liaison, and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include but are not limited to:

(a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.

(b) Completing funeral notification to other law enforcement agencies.

(c) Coordinating the funeral activities of the Agency, including but not limited to the following:

1. Honor Guard
    (a) Casket watch
    (b) Color guard
    (c) Pallbearers
    (d) Bell/rifle salute
2. Bagpipers/bugler
3. Uniform for burial
4. Flag presentation
5. Last radio call

(d) Briefing the Sheriff and command staff concerning funeral arrangements.

(e) Assigning a deputy to remain at the family home during the viewing and funeral.

(f) Arranging for transportation of the survivors to and from the funeral home and interment site using agency vehicles and drivers.

(g) Addressing event-related logistical matters (e.g., parking, visitor overflow, public assembly areas).

1030.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Agency Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

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(a) Traffic control during the deceased member's funeral.

(b) Area coverage so that as many Dorchester County Sheriff's Office members can attend funeral services as possible.

The mutual aid coordinator should perform duties in accordance with the Outside Agency Assistance Policy.

Where practicable, the Sheriff should appoint a mutual aid coordinator to identify external resources in advance of any need (e.g., regional honor guard teams, county- or state-wide resources).

1030.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

(a) Confirming the filing of workers' compensation claims and related paperwork (see the Workplace Safety and Health Policy).

(b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the following:

1. Public Safety Officers' Benefits Program, including financial assistance available through the Public Safety Officers' Educational Assistance (PSOEA) Program, as applicable (34 USC § 10281 et seq.).
2. Social Security Administration.
3. Department of Veterans Affairs.

(c) Researching and assisting survivors with application for state and local government survivor benefits.

1. State death and funeral benefits (Md. Code PS § 1-202)
2. Pension death benefits (Md. Code SP § 29-201 et seq.)
3. Educational benefits (Md. Code ED § 18-601)

(d) Researching and assisting survivors with application for other survivor benefits such as:

1. Private foundation survivor benefits programs.
2. Survivor scholarship programs.

(e) Researching and informing survivors of support programs sponsored by sheriff's associations and other organizations.

(f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.

1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.

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(g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.

(h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1030.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Sheriff and the Agency Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

(a) Establishing methods for purchasing and monitoring costs related to the incident.

(b) Providing information on finance-related issues, such as:

1. Paying survivors' travel costs if authorized.
2. Transportation costs for the deceased.
3. Funeral and memorial costs.
4. Related funding or accounting questions and issues.

(c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.

(d) Providing accounting and cost information as needed.

1030.7 SHERIFF

In the event of a line-of-duty death, the agency's Sheriff should be the agency's contact point for the media. As such, the Sheriff should coordinate with the Agency Liaison to:

(a) Collect and maintain the most current incident information and determine what information should be released.

(b) Instruct agency members to direct any media inquiries to the Sheriff.

(c) Prepare necessary press releases.

1. Coordinate with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
2. Disseminate important public information, such as information on how the public can show support for the agency and deceased member's survivors.

(d) Arrange for community and media briefings by the Sheriff or the authorized designee as appropriate.

(e) Respond, or coordinate the response, to media inquiries.

(f) If requested, assist the member's survivors with media inquiries.

1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.

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(g) Release information regarding memorial services and funeral arrangements to agency members, other agencies, and the media as appropriate.

(h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media have obtained identifying information for the deceased member prior to survivor notification, the Sheriff should request that the media withhold the information from release until proper notification can be made to survivors. The Sheriff should notify media when survivor notifications have been made.

1030.8 INVESTIGATION OF THE INCIDENT

The Sheriff should make necessary assignments to conduct thorough investigations of any line-of-duty death and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends, or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved agency members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1030.9 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Sheriff may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1030.10 NON-LINE-OF-DUTY DEATH

The Sheriff may authorize certain support services for the death of a member not occurring in the line of duty.

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Wellness Program

1031.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for agency members.

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness.

Additional information on member wellness is provided in the:

- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.

1031.1.1 DEFINITIONS

Definitions related to this policy include:

Critical incident – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

Critical Incident Stress Debriefing (CISD) – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

Peer support – Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

1031.2 POLICY

It is the policy of the Dorchester County Sheriff's Office to prioritize member wellness to foster fitness for duty and support a healthy quality of life for agency members. The Agency will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

1031.3 WELLNESS COORDINATOR

The Sheriff should appoint a trained wellness coordinator. The coordinator should report directly to the Sheriff or the authorized designee and should collaborate with advisers (e.g., Department of Human Resources, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

(a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, physical fitness trainers holding accredited certifications).

1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.

2. When practicable, the Agency should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.

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(b) Developing management and operational procedures for agency peer support members, such as:

1. Peer support member selection and retention.
2. Training and applicable certification requirements.
3. Deployment.
4. Managing potential conflicts between peer support members and those seeking service.
5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
6. Using qualified peer support personnel from other public safety agencies or outside organizations for agency peer support, as appropriate.

(c) Verifying members have reasonable access to peer support or licensed psychotherapist support.

(d) Establishing procedures for CISDs, including:

1. Defining the types of incidents that may initiate debriefings.
2. Steps for organizing debriefings.

(e) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).

(f) Verifying a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This also includes:

1. Obtaining a written description of the program services.
2. Providing for the methods to obtain program services.
3. Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.
4. Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.
5. Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.
6. Meeting the requirements of Md. Code PS § 3-523 for no cost mental health assistance for deputies to address their personal and work-related concerns, including stress, financial issues, legal issues, family problems, office conflicts, and alcohol and substance abuse disorders.

(g) Assisting members who have become disabled with application for federal government benefits such as those offered through the Public Safety Officers' Benefits Program (34 USC § 10281 et seq.).

1. The coordinator should work with appropriate agency liaisons to assist qualified members and survivors with benefits, wellness support, and counseling

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services, as applicable, when there has been a member death (see the Line-of-Duty Deaths Policy for additional guidance).

1031.4 AGENCY PEER SUPPORT

1031.4.1 PEER SUPPORT MEMBER SELECTION CRITERIA

The selection of a agency peer support member will be at the discretion of the coordinator. Selection should be based on the member's:

- Desire to be a peer support member.
- Experience or tenure.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support members.

1031.4.2 PEER SUPPORT MEMBER RESPONSIBILITIES

The responsibilities of the agency peer support members include:

(a) Providing pre- and post-critical incident support.

(b) Presenting agency members with periodic training on wellness topics, including but not limited to:

1. Stress management.
2. Suicide prevention.
3. How to access support resources.

(c) Providing referrals to licensed psychotherapists and other resources, where appropriate.

1. Referrals should be made to agency-designated resources in situations that are beyond the scope of the peer support member's training.

1031.4.3 PEER SUPPORT MEMBER TRAINING

A agency peer support member should complete agency-approved training prior to being assigned.

1031.5 CRITICAL INCIDENT STRESS DEBRIEFINGS

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law, or a valid court order.

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Attendance at the debriefing should only include peer support members and those directly involved in the incident.

1031.6 PEER SUPPORT COMMUNICATIONS

Although the Agency will honor the sensitivity of communications with peer support members, there is no legal privilege to such communications except as provided in Md. Code PS § 3-523.

1031.7 PHYSICAL WELLNESS PROGRAM

The coordinator is responsible for establishing guidelines for any on-duty physical wellness program, including the following:

(a) Voluntary participation by members

(b) Allowable physical fitness activities

(c) Permitted times and locations for physical fitness activities

(d) Acceptable use of agency-provided physical fitness facilities and equipment

(e) Individual health screening and fitness assessment

(f) Individual education (e.g., nutrition, sleep habits, proper exercise, injury prevention) and goal-setting

(g) Standards for fitness incentive programs. The coordinator should collaborate with the appropriate entities (e.g., human resources, legal counsel) to verify that any standards are nondiscriminatory.

(h) Maintenance of physical wellness logs (e.g., attendance, goals, standards, progress)

(i) Ongoing support and evaluation

1031.8 EAP REQUIRED ASSISTANCE

Before returning to full duty, the following should be offered or provided to a deputy as part of the EAP (Md. Code PS § 3-523):

(a) A voluntary mental health consultation and voluntary counseling services if the deputy was involved in an incident that contained an accident resulting in a fatality.

(b) A mandatory mental health consultation and voluntary counseling services for a deputy seriously injured, involved in a shooting, or involved in a use of force that resulted in a death or a serious injury.

1031.9 TRAINING

The coordinator or the authorized designee should collaborate with the Chief Deputy to provide all members with regular education and training on topics related to member physical and mental health and wellness, including but not limited to:

- The availability and range of agency wellness support systems.
- Suicide prevention.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.

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Wellness Program

- Alcohol and substance disorder awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of exercise and proper nutrition.
- Effective time and personal financial management skills.

Training materials, curriculum, and attendance records should be forwarded to the Chief Deputy as appropriate for inclusion in training records.

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Attachments

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Ride Along Form Waiver of Release from Liability.pdf

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CAPT. M. K. RICKWOOD
CHIEF DEPUTY SHERIFF

LT. JOHN STICHBERRY
CHIEF OF OPERATIONS

WAIVER OF CLAIM AND RELEASE FROM LIABILITY

THIS WAIVER OF CLAIM AND RELEASE FROM LIABILITY , is hereby granted this _____ day of _____, 20__, in the State of Maryland, to the Sheriff of Dorchester County, and the Dorchester County Sheriff's Office, his and its respective Deputies, agents and employees, by the undersigned.

WITNESSETH,

That in consideration of the permission given to _____, by the Sheriff of Dorchester County and the Dorchester County Sheriff's Office, to observe the operations and administration of the Dorchester County Detention Center, and to use vehicles and/or fixtures and attachments, commencing on or about the _____day of _____, 20__, we the undersigned, on behalf of ourselves, our heirs, executors, administrators, assigns and other persons in interest, hereby expressly agree to save harmless, to release the Sheriff of Dorchester County, his Deputies, agents and employees any and all right, claim or cause of action, existing or indirect result of said_____ being permitted to enter, attempting to enter, ride in, or be in or about a vehicle, whether in motion or not (including, without being limited to: death, personal injury, loss or damage to real personal property) whether arising out of negligence or the execution, or attempted execution of a duty by the Sheriff of Dorchester County, his deputies, agents or employees, or by an inmate of the Dorchester County Detention Center, or any prisoner, or any other person for whom the grantees are liable.

*******THIS IS AN ABSOLUTE WAIVER AND RELEASE*******

WITNESS

_____ _____

Observer/Passenger

_____

Sanctity of Life.pdf

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CHIEF DEPUTY SHERIFF

LT. KEITH BENTON
CHIEF OF OPERATIONS

Maryland Certified Police Officer Sanctity of Life Pledge Public Safety Article § 3-524(C) [SB 71, 2021 Legislative Session]

I,_____ the undersigned certified police officer, as defined by PSA 3-201, in accordance with my assigned duties, my oath as a police officer and Maryland Public Safety Article Section 3-524(c), do hereby pledge that at all times, whether on duty or off duty, I will respect every human life and act with compassion towards others.

_____

Certified Officer's Signature Date

DSO UOF.pdf

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Maryland Certified Police Officer Use of Force Training Completion Affirmation
Public Safety Article §3-524(H)(2) [SB 71, 2021 Legislative Session]

Pursuant to Md. Code, PS Section 3-524(H)(2). A police officer as defined in Md. Code, PS Section 3-201, "shall: (2) sign a training completion document stating that the officer understands and shall comply with Maryland Use Of Force Statute."

In accordance with this mandate, I, _____, am signing this affirmation that I have completed the Dorchester County Sheriff's Office Use of Force training covering the agencies Use of Force policies, and the Maryland Use of Force statute.

I do this with the understanding and reservation that the statute's terminology, "necessary and proportional", has yet to be defined by the Maryland Legislature. Maryland Attorney General or the courts of Maryland. Accordingly, until the term "necessary and proportional" is defined by these entities, I cannot affirm a complete understanding of the Maryland Use of Force Statute's requirements.

_____ _____

Officer's Signature & ID# Date

Evaluation Form.pdf

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LT. KEITH BENTON
CHIEFOF OPERATIONS

Deputy Performance Evaluation

Name of Employee: _____
Last First Middle

Period of Evaluation: _____ _____
From To

#1Orientation:

Deputy is familiar with geography of the county to include knowing locations of streets, roads, businesses, boundaries, patrol areas and areas more prevalent of crime. Deputy can determine the most direct and quickest route between two points.

1. Exceeds Standards 2. Meets Standards 3. Needs Improvement 4. Unsatisfactory

Comments: _____

#2 Oral Communication:

Deputy displays ability to communicate in a courteous and professional manner with co-workers, supervisors and the public. Deputy demonstrates professionalism when testifying in court.

1. Exceeds Standards 2. Meets Standards 3. Needs Improvement 4. Unsatisfactory

Comments: _____

#3 Written Communication:

Deputy writes clear, concise, organized and accurate reports. Deputy follows standard rules of grammar, spelling, punctuation and sentence structure. Deputy is familiar and able to properly utilize standard forms and complete general reports in a timely fashion.

1. Exceeds Standards 2. Meets Standards 3. Needs Improvement 4. Unsatisfactory

Comments: _____

#4 Knowledge of Laws:

Deputy has a common knowledge of most criminal, traffic and civil violations. The Deputy can easily relate the statutes to calls faced while working.

1. Exceeds Standards 2. Meets Standards 3. Needs Improvement 4. Unsatisfactory

Comments: _____

#5 Knowledge of Rules and Regulations:

Deputy is familiar with the Sheriff's Office rules, regulations and procedures. The Deputy is able to apply them to the occupation as a Deputy Sheriff. The Deputy routinely practices the "Canons of Police Ethics "and "Rules of Conduct".

1. Exceeds Standards 2. Meets Standards 3. Needs Improvement 4. Unsatisfactory

Comments: _____

#6 Investigative Skills:

Deputy can independently conduct and organize an investigation. For example, Deputy uses sound interview and evidence collection techniques, follows up investigations in an effort to give closure, and is able to preserve crime scenes per Sheriff's Office rules and regulations.

1. Exceeds Standards 2. Meets Standards 3. Needs Improvement 4. Unsatisfactory

Comments: _____

#7 Vehicle Operation:

The Deputy practices defensive driving and sets an example of lawful operation of vehicles in normal driving situations. The Deputy acts appropriately and displays competence in handling vehicles in emergency situations.

1. Exceeds Standards 2. Meets Standards 3. Needs Improvement 4. Unsatisfactory

Comments: _____

#8 Officer Safety:

Deputy routinely demonstrates good safety techniques and procedures in all situations. Deputy is able to properly use the force continuum per Sheriff's Office rules and regulations. Deputy maintains a level of fitness and health necessary to perform the occupation as a Deputy Sheriff.

1. Exceeds Standards 2. Meets Standards 3. Needs Improvement 4. Unsatisfactory

Comments: _____

#9 Work Productivity / Quality:

Deputy's work results consistently satisfy Sheriff's Office's goals and expectations. The Deputy provides thorough and comprehensive details in assignments. Deputy completes tasks in a timely manner.

1. Exceeds Standards 2. Meets Standards 3. Needs Improvement 4. Unsatisfactory

Comments: _____

#10 Demeanor / Appearance:

Deputy displays initiative, interest in job, does not overtly display discontent about assignments or work environment and is a motivator to peers and/or subordinates. The Deputy is courteous towards public, co-workers and supervisors. The Deputy utilizes sick time when only necessary and is punctual for assignments. The Deputy presents a professional image of the Dorchester County Sheriff's Office thru his vehicle, uniform and personal appearance.

1. Exceeds Standards 2. Meets Standards 3. Needs Improvement 4. Unsatisfactory

Comments: _____

SCORE: The overall evaluation score is determined by giving a score of 6 to 10 points per evaluation topic that meets or exceeds an appraisal of standard. Any evaluation topic that needs improvement will receive a score between 1 to 5. Any evaluation topic that meets an appraisal of unsatisfactory will receive 0 percentage points for score.

1)___ 2)___ 3)___ 4)___ 5) ___ 6)___ 7)___ 8)___ 9)___ 10)___ TOTAL_____ %

Additional Comments:

_____

_____

_____

Evaluator: Printed Name	Date	Evaluator Signature

Deputy: Printed Name	Date	Deputy Signature

Signature of Deputy is strictly for acknowledgement that the employee has read and discussed the evaluation with the evaluator and must be signed. If a deputy feels that the evaluation is unjust they may submit their concerns in writing to the Sheriff, offering any information that may rebut an unsatisfactory

Reviewer: Printed Name	Date	Reviewer Signature

Executive Officer: Printed Name	Date	Executive Officer: Signature

Sheriff: Printed Name	Date	Sheriff: Signature

Complaint form DSO Personnel Page 2.pdf

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CAPT.

CHIEF OF OPERATIONS

COMPLAINT AGAINST
DORCHESTER COUNTY SHERIFF'S OFFICE PERSONNEL

I, _____, do hereby swear or affirm that the information stated herein is true and correct to the best of my knowledge and belief. I further understand that all information sworn to as true and correct proven to be false could be cause for criminal charges, a civil liability suit, or the dismissal of this complaint.

This complaint is based on the following factual information or observations:

CONTINUED ON REVERSE

Complainant's Signature:_____ Date:_____

Complaint form DSO Personnel Page 1.pdf

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CHIEF OF OPERATIONS

COMPLAINT AGAINST DORCHESTER COUNTY SHERIFF'S OFFICE PERSONNEL

Name of Deputy/Employee:_____
(If name unknown give brief description of employee)

Complainant's Name_____

Complainant's Address:_____
Street City State Zip

Complainant's Phone Numbers:_____
Home Work Cell

Complainant's Employer:_____ Phone No._____

Witness(es) Name _____

Witness(es) Address:_____
Street City State Zip

Witness(es) Phone Numbers:_____
Home Work Cell

Witness(es) Employer:_____ Phone No._____

Witness(es) Name _____

Witness(es) Address:_____
Street City State Zip

Witness(es) Phone Numbers:_____
Home Work Cell

Witness(es) Employer:_____ Phone No._____

Date of Incident: _____ Time of Incident: _____

NOTE:
(1) Complaints alleging brutality must be sworn to within 90 days of the incident by the aggrieved person, a member of the aggrieved person's immediate family, or by any person with firsthand knowledge obtained as a result of the presence at and observation of the incident, or by the parent or guardian in the case of a minor child, before an official authorized to administer oaths.

(2) Any person who did make a false statement, report or complaint to a peace officer, knowing the same to be false, with the intent to deceive and with the intent to cause an investigation or other action to be taken, is subject to, upon conviction, a $500 fine and/or six (6) months imprisonment. (reference: Annotated Code of Maryland, Title 3, Section 113)

Ride Along Form.pdf

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CITIZEN RIDE-ALONG REQUEST

Dear Sir:

I would like to ride along on _____,
(DATE)

accompanying Officer _____ for the following reason:

_____

_____

I have read and signed the release form and I understand the provisions.

NAME _____ DATE OF BIRTH: _____

ADDRESS: _____

TELEPHONE #:_____

BEST TIME/DAY TO CONTACT:_____

_____
DATE SIGNED

_____
PARENT/GUARDIAN (if rider is juvenile)

FROM: SHERIFF/SUPERVISOR

TO: DEPUTY _____

SUBJECT: AUTHORIZATION

REQUEST IS APPROVED: _____ DISAPPROVED:_____

OBSERVER AUTHORIZED TO RIDE _____ ON _____ IN
(Hours) (Date)

_____ WITH OFFICER _____.
(Area)

RELEASE AND WAIVER

KNOW BY ALL THESE PRESENT, that I _____, on my own behalf and on behalf of my heirs, next of kin, executors, administrators, estate, agents and assigns, and representatives of any nature whatsoever, for and in consideration of the authorization and permission to accompany officers or any officer of the Sheriff's Office during the course of their or his duties, which has been granted to me at my voluntary request, after having been fully advised of the potential hazards of such activity or activities, do hereby WAIVE AND RELEASE all demands, damages, actions, causes of action, suits and claims of any nature whatsoever, whether in law or in equity, that I or my heirs, next of kin, executors, administrators, estate, agents and assigns, and representatives of any nature whatsoever might otherwise have against the county, the Sheriff's Office, and each and every officer, official, member, employee, agent and attorney thereof and therefore, and his or her heirs, next of kin, executors, administrators, and estate, on account of my death or injuries, both to person and to property, whether foreseeable or not, which may occur, directly or indirectly, or develop at any time in the future as a result of my activities or association with the Sheriff's Office, whether in a vehicle, in the station, or otherwise in association with the Sheriff's Office and officers and officials thereof in any manner whatsoever.

It is expressly agreed and understood that this RELEASE AND WAIVER shall apply for the express purpose of precluding forever all claims, suits, demands, damages, and causes of action that I or my heirs, next of kin, executors, administrators, estate, agents and assigns and representatives of any nature whatsoever might otherwise assert against any of the aforesaid parties as a result of my association and activities with the Sheriff's Office during:_____.

I hereby declare that the terms of this RELEASE AND WAIVER have been fully read and understood by me, and freely and voluntarily entered into and accepted by me, and I hereby acknowledge receipt of a copy of this agreement.

In further consideration of the aforesaid authorization and permission granted to me to accompany an officer or officers of the Dorchester county Sheriff's Office at my own request, I hereby promise and agree to fully comply with all instructions given to me for the purpose of protecting my personal safety and that of my property.

This waiver must be approved by the Sheriff or a Supervisor:

_____ (SHERIFF/SUPERVISOR)

_____ (APPLICANT)
Parent/Guardian (If Signer Is a Juvenile)

_____ (WITNESS)
This RELEASE AND WAIVER is not valid until witnessed.

Use of Force.pdf

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Maryland Certified Police Officer U.O.F Training Completion Affirmation
Public Safety Article 3-524(H) (2) [SB 71, 2021 Legislative Session]

I, _____, hereby affirm that I have completed the Certified Officer's Use of Force Training covering the Dorchester County Sheriff's Office policies and procedures and the Maryland Use of Force statute. I understand the concepts presented in this training, the rules for employing the Agency approved methods and procedures regarding Use of Force, and the Maryland Use of Force statute and will comply with them while fulfilling my duties and responsibilities as a certified police officer.

_____

Officer's Signature Date

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