

KENT COUNTY SHERIFF'S OFFICE  
**ADMINISTRATIVE AND OPERATIONS MANUAL**

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## **CHAPTER 0 INTRODUCTION**

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#### **KCSO ADMINISTRATIVE & OPERATIONS MANUAL DISTRIBUTION FORM**

## **0-100            GENERAL**

This is the Administrative and Operational Manual, hereafter referred to as the "Manual," of the Kent County Sheriff's Office (KCSO). The rules, policies and procedures in this manual are binding upon all persons who work under the authority of the Sheriff of Kent County, Maryland.

This manual will be the sole repository of permanent written guidance for the KCSO. The only exception is that guidance may be issued by General Order of the Sheriff, pending its incorporation into this manual.

The KCSO Administrative and Operations Manual shall not be disseminated to other law enforcement agencies or other governmental or private entities without the approval of the Sheriff or his designee.

All Sworn KCSO personnel will have a copy available to them on their in-car laptop computer. Civilian personnel will have access to the manual via their desktop computers. One hard copy of the Manual will be maintained by the Accreditation Manager. Electronic copies of the manual shall be forwarded to the Kent County Office of Emergency Services, the Kent County Office of Human Resources and the Kent County Commissioners.

**(CALEA 12.2.1, 12.2.2)**

## **0-101            NATURE OF THE MANUAL**

This Manual is an administrative document. It does not create or modify law. Violations of the rules, policies and procedures set out in the Manual may expose employees to administrative sanctions. The Manual is not, however, intended to create a greater civil or criminal liability than would otherwise be available under law.

## **0-102            TERM OF THE MANUAL**

The various pages or changes on pages, of the Manual are effective as of the date displayed at the lower right corner of each page. All material contained in the Manual is valid until replaced, changed, or rescinded in writing. The Manual remains in effect through changes in administration of the Sheriff's Office unless it is specifically revoked in writing by the Sheriff.

## **0-103            ORDER OF PRECEDENCE AND SAVING CLAUSE**

This manual is superior to any and all other conflicting documents within the KCSO. Any portion of any other document which conflicts with the Manual is void. Other documents, or portions of documents, containing rules, policies or procedures which are not in conflict with the Manual, remain in force until replaced or rescinded.

If any part of this manual is found to conflict with any law of Maryland or of the United States, or decision of any Court of competent jurisdiction, that part of the Manual, so in conflict, is null and void. However, all other parts of the Manual will remain in full force. In the event of any conflict between any sections of the Manual, the most recently dated section will control.

## **0-104            KNOWLEDGE REQUIRED**

All employees of the KCSO will read and be familiar with the contents of the Manual. Sworn personnel will know from memory those sections of this manual which deal with arrest, Use of Force, handling of prisoners and the emergency operation of vehicles.

Each employee is either issued or has near their work location a copy of the Manual. All sworn personnel have a copy of the current manual in their in-car laptop computer. The Manual will be referred to for guidance in situations where it may apply and knowledge from memory will not suffice.

Commanders and supervisors are required to instruct their subordinates concerning information contained in the Manual and they are required to ensure the employee understands the relationship the Manual has to the employee's position. This does not relieve the employee of the obligation to know the contents of the Manual, and no defense of lack of supervisory instruction will prevail in a disciplinary situation.

#### **0-105            MAINTENANCE OF MANUAL**

Employees who are issued a hard copy of the Manual will ensure they are complete, current and in good condition for use. Manuals will also be sent electronically and saved on the KCSO drive for access by all personnel. Persons issued Manuals, and those who use Manuals, will be continually alert for areas of the Manual in need of revision or change.

When it is evident that an area of the Manual should be changed, added to, or deleted, a memorandum should be addressed to the Sheriff or Chief Deputy explaining the circumstances. All Agency personnel may submit recommendations for improvements to the Manual. These may be as simple as a citation of the area of the Manual and why or how it should be changed; or the submission of a completed example of the change or addition.

All Commanders and supervisors will regularly (at least once every six months) inspect the Manuals and the Manuals installed on KCSO in-car laptop computers of subordinates to determine that Manuals are being kept up to date. They will make a notation of this review on the KCSO form provided for that purpose. The Chief Deputy will monitor this inspection process in a manner consistent with the monitoring of all inspections conducted within the KCSO.

**(CALEA 12.2.2)**

#### **0-106            DIRECTIVES OF SUBORDINATE UNITS**

It is the goal of the KCSO, given its relatively small size, to include all operational procedures in this manual. However, there may be times when a Commander will need to issue guidance which will apply to his or her command only. Commanders have the authority to issue such written directives. However, before issuing any such directives, they will discuss them with the Chief Deputy. The purposes of the discussion will be:

- a. to assure that the directive is consistent with this Manual; and
- b. to determine whether the guidance the directive provides needs to be incorporated in this manual.

**(CALEA 12.2.1c)**

#### **0-107            NEW MATERIAL**

Every time a Manual revision is issued, all KCSO employees will be provided with a memorandum from the Sheriff to include a copy of the Manual "Revisions Matrix" indicating the changes to the Manual. Personnel issued the Manual will update their manuals with the new or revised materials. The Office Manager and the Patrol Commander and CID Commander are responsible for updating the manuals in their offices.

All Commanders and supervisors will review new material with their staff and will provide such instruction as is necessary to confirm that staff are able to operate within the parameters of the new material.

**(CALEA 12.2.2)**

#### **0-108            OTHER WRITTEN GUIDANCE**

In addition to this manual there are several other sources of agency-wide guidance and information:

- a. General Orders. As noted above, new, permanent information may be issued in General Order form until it can be incorporated into this manual. A copy of every General Order will be given to each employee. The Order will be filed in, Chapter 23 copies of which are maintained in the Patrol Room, the CID, and the Sheriff's Office.

- b. Special Orders. The Sheriff may issue Special Orders to transmit temporary information to all employees. Special Orders will generally have expiration dates. Special Orders will be filed behind General Orders in Chapter 23.
- c. Personnel Orders. The Sheriff will issue Personnel Orders to notify staff of new employees, changes in assignments, and similar matters. They will be filed behind Special Orders in Chapter 23.
- d. Memoranda. Memoranda will be used to notify staff of short-term information of which they should be aware. Memoranda have expiration dates and are filed behind Personnel Orders in Chapter 23.

## **0-200 ORGANIZATION OF THE MANUAL AND CITATION**

- a. The Manual is divided into chapters, sections, and sub-sections for ease of use and referral. Citations of the Manual are in the following manner: 3-401.6 where 3 is the chapter, 401 the section and 6 the subsection. Alternately the reference could read: Chap. 3, Sec. 401.6.
- b. Some of the material contained within the Manual is a compilation or synopsis of other sources. When this is specifically relevant to a section of the Manual, citations to the reference materials are provided. Persons using this Manual are required to consult these sources, in cases where more information is necessary.
- c. Disciplinary references are cited at the end of the section in bold parentheses indicating the level of discipline in the following manner. **(EX: CATEGORY A)**
- d. CALEA references are cited at the end of the section in bold parentheses.  
**(EX: CALEA 1.2.3a** where 1 is the CALEA chapter, 2.3 the section and a is the subsection)

**(CALEA 12.2.1d)**

## **0-300 REVISION OF AGENCY DIRECTIVES**

The Accreditation Manager is responsible for developing revisions to the Manual. Whenever it comes to the attention of the Accreditation Manager that there is a need to revise, add to, or delete from the Manual, he or she will follow the steps below.

**(CALEA 12.2.1e, i)**

## **0-301 RESEARCH**

The Accreditation Manager will conduct research appropriate to the subject matter of the Manual revision. The Accreditation Manager will create a file for each Manual revision. This file will contain all materials associated with the revision. At a minimum, the file will include:

- a. the original form of the policy revised.
- b. a copy of information and correspondence supplied to initiate the revision.
- c. a copy of material developed by the research conducted in reference to the revision.
- d. a copy of each draft developed as a result of the revision process.
- e. a copy of any proposed changes to drafts and their source; and
- f. the final approved revision.

The Accreditation Manager will ensure that proposed or revised directives do not contradict other existing KCSO directives or applicable law.

#### **0-302 DRAFTS**

When the Accreditation Manager is satisfied that there is a satisfactory draft ready to address the subject matter of the Manual revision, the Accreditation Manager will circulate the draft to the command staff of the Agency.

#### **0-303 REVIEW OF DRAFTS**

Drafts will be circulated to all Agency command staff to include at least:

- a. the Sheriff.
- b. the Chief Deputy.
- c. all Commanders.

Those management personnel who receive drafts of proposed revisions to the Manual will review the drafts and determine if any change is needed. The draft (unless it is specifically marked "confidential") may be circulated among any subordinate staff in order to receive advice from those who have special expertise in a particular area.

In some cases, there may be a need to expedite this process and, in those cases, with the approval of the Sheriff, the draft review process outlined in this section may be omitted.

#### **0-304 PREPARATION OF FINAL DRAFT**

Upon final review by the Command Staff, the Accreditation Manager will prepare the change in final form along with a cover memorandum for the Sheriff. The cover memorandum will indicate that all changes recommended by reviewers have been accepted and incorporated or will indicate which changes have not been incorporated and the reason(s) why.

#### **0-305 SHERIFF'S APPROVAL**

The final form of the Manual revision will be presented to the Sheriff who will review and, if he concurs with the change, will approve it for publication.

**(CALEA 12.2.1b)**

#### **0-306 DISTRIBUTION**

Upon final approval of the Sheriff, the Accreditation Manager will incorporate all approved changes and save the newly updated manually on the KCSO shared drive. All KCSO personnel will be given a Revision Matrix with all changes and a memorandum instructing them to save the newer version of the manual on their in-car laptops.

The Patrol Commander is to ensure all KCSO personnel understand the policy changes and have followed the instructions of the memorandum.

**(CALEA 12.2.2)**

#### **0-307 SHERIFF'S PREROGATIVE**

Nothing in this section is intended to limit the Sheriff's prerogative to unilaterally make changes to this Manual, in any manner, as he may see fit. However, the procedures in this section will be followed unless the Sheriff approves deviations.

**(CALEA 12.2.1)**

**CHAPTER 1**  
**Jurisdiction, Mission, Values, Goals and Standards of Conduct**

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**APPENDIX 1-A****CODE OF ETHICS OF THE SHERIFF AND LAW ENFORCEMENT'S CODE OF ETHICS**



## **1-001 JURISDICTION, MISSION, VALUES, GOALS, AND STANDARDS OF CONDUCT**

The position of Sheriff of Kent County is established by the Maryland Constitution and the laws of the State in order to provide law enforcement functions within Kent County. The Kent County Sheriff's Office (KCSO) is also responsible for security of the Kent County Courthouse and of the Circuit Court courtroom, and for such enforcement actions and official paper service as may be required by any court in Kent County. The KCSO is responsible for the transportation and return of persons who are extradited from other States. The KCSO is also responsible for the maintenance of order and the delivery of police services to the citizens of Kent County.

The jurisdiction of the KCSO is Kent County' Maryland' including the towns of Chestertown and Rock Hall, which have municipal police forces. Kent County is bounded on the North by the water line with Cecil County in the Sassafras River; on the West by the Chesapeake Bay; on the South by the water line with Queen Anne's County in the Chester River; and on the East by the Maryland State line with the State of Delaware.  
(CALEA 2.1.1, 12.1.1)

## **1-100 MISSION STATEMENT AND CODE OF ETHICS**

All employees of the Kent County Sheriff's Office, both sworn and non-sworn are dedicated to service through superior performance. We believe mutual respect, trust, and pride in our organization, combined with traditional values and innovative techniques, will ensure the community's right to a safe environment.

The KCSO has adopted the Code of Ethics of the Sheriff of the National Sheriff's Association and the Law Enforcement Officer's Code of Ethics. They can be found in Appendix 1-A. All employees must abide by the Law Enforcement Officer's Code of Ethics. The Chief Deputy will ensure that all employees receive ethics training at least biennially.

(CALEA 1.1.2, 12.2.1)

## **1-200 VALUE STATEMENTS**

The men and women of the Kent County Sheriff's Office are bound by a high standard of conduct, as exemplified in the following values:

**Life** - We believe the protection of life is our highest priority.

**Respect** - We believe in individual human dignity and the preservation of human rights under the rule and spirit of law, always treating others as we would like to be treated.

**Integrity** - We believe in maintaining the public trust by holding ourselves accountable to the highest moral and ethical standards.

**Fairness** - We believe in the delivery of service that provides fair and equal treatment to all citizens without regard to age, gender, race, creed, color, religion, or national origin.

**Trust** - We believe that in order to provide effective service we must develop and maintain the confidence of the community.

**Partnerships** - We believe in working in partnership with the community and each other to identify and resolve problems and issues which affect the safety of our citizens.

**Loyalty** - We believe in an allegiance to the community, to the organization and to each other.

**Professionalism** - We believe in delivering a level of service which will reflect the pride we have in Kent County and the Kent County Sheriff's Office.

**(CALEA 12.2.1)**

## **1-300 GOALS AND OBJECTIVES**

The general goals of the KCSO are:

- a. to provide professional, effective and efficient law enforcement services to the citizens of Kent County;
- b. to develop a partnership with the citizens and other government agencies to ensure the safety and security of the Kent County community;
- c. to deliver all services and conduct all activities of the KCSO in a fair and impartial manner which assures all citizens the benefits of these services and activities; and
- d. to strive continually to achieve a living environment within Kent County which allows the County's residents to go about their daily activities in safety and free from fear of criminal activity.

**(CALEA 15.2.1)**

## **1-301 FORMULATION AND EVALUATION OF ANNUAL GOALS**

Under the direction of the Chief Deputy' the KCSO will develop written goals and objectives annually.

- a. The goals will be:
  1. written;
  2. measurable; and
  3. developed with the input of Commanders and other appropriate persons.
- b. The Chief Deputy will review the goals and objectives of each component and' in consultation with the Sheriff, will prepare the KCSO's proposed goals for the following year. The Chief Deputy will submit the proposed goals to the Sheriff for final approval.
- c. Upon approval by the Sheriff, a copy of the goals will be distributed to each KCSO employee.
- d. Commanders will pursue their component goals with the vigor necessary to assure their timely accomplishment.
- e. Each Commander will report on the success of his or her component in achieving its goals when he or she submits goals for the following year. The report will indicate success in achieving the goals and any impediments encountered.

**(CALEA 15.2.1, 15.2.2)**

## **1-400 PLANNING AND RESEARCH**

The Chief Deputy, who by position has direct access to the Sheriff and as directed by the Sheriff, is responsible for the planning and research functions and may enlist the periodic assistance of KCSO personnel and/or other government agency representatives to assist with the planning process. In carrying out this function, the Chief Deputy will have the full cooperation of all KCSO staff and has access to all agency information resources.

- a. The purpose of the planning and research function is to support the goal-setting process of the agency.
- b. The Chief Deputy will, through formal meetings and informal discussion with KCSO staff, identify areas and methods for improvement in KCSO operations.
- c. The Chief Deputy may review or direct others to review case and arrest data, traffic volume, citation issuance, or other information for potential areas of improvement.
- d. The Chief Deputy may review or direct others to review literature or perform other research in the area of state-of-the-art law enforcement practices or equipment for suggested modifications to KCSO practices.
- e. The end result of these efforts will be recommendations to the Sheriff for changes in KCSO operations.

**(CALEA 15.1.1, 15.1.2)**

## **1-401 MULTI-YEAR PLAN**

The Chief Deputy will prepare the multi-year plan with input from the Patrol Division and Criminal Investigation Division Commanders for approval by the Sheriff. A collaborative systems review will be initiated. The multi-year plan shall be reviewed annually and revised if warranted with successive years in mind.

**(CALEA 15.2.1, 15.1.3)**

## **1-500 OATH OF OFFICE**

In addition to the oath prescribed in §2-104 of the Courts and Judicial Proceedings article of the Annotated Code of Maryland, every employee of the KCSO, before assuming sworn status, will take and subsequently abide by the following oath of office:

I, (NAME)., do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America and to the State of Maryland; that I will serve honestly and faithfully to uphold and defend the Constitution of the United States and the Constitution of the State of Maryland; that I will enforce the laws of Kent County and the State of Maryland; and that I will obey the orders of the Sheriff and of my superior officers according to the rules and regulations of the Sheriff's Office, Kent County, and the State of Maryland.

That I pledge to respect every human life and act with compassion toward others.

**(CALEA 1.1.1)**

## **1-600 DEPUTIES' AUTHORITY**

The KCSO has only one category of sworn personnel, the Deputy Sheriff. Deputy Sheriffs are "police officers" as defined in §2-201 of the Criminal Procedure Article of the Annotated Code of Maryland, and have the police powers enumerated in that Article, including the authority to make full custody arrest.

Implicit in the authority to enforce the law and to make arrests is the authority to use of force, including deadly force, in doing so when conditions warrant. All KCSO Deputies are certified by the Maryland Police and Corrections Training Commissions and authorized to carry weapons in the performance of their duties.  
(CALEA 1.2.1, 1.2.2)

## **1-700 STANDARDS OF CONDUCT**

All employees of the KCSO will comply with the following rules of conduct, with additions and amendments to these rules which may be promulgated, and with all other orders and directives, either verbal or written, which may be issued by competent authority. The violation of any rule of conduct, procedure, or lawful order, whether written or verbal, subjects the violator to disciplinary action.

Ignorance of the rules, procedures, and orders of the KCSO is not a justification for violation. An employee is responsible for his own acts and may not transfer to others responsibility for executing or failing to execute any lawful order or police duty.

(CALEA 26.1.1)

## **1-701 OBEDIENCE TO LAWS, REGULATIONS, AND ORDERS**

- a. An employee will not violate any law or any agency policy, rule, regulation, or procedure.
- b. An employee will promptly obey all lawful orders of a superior, including those from a superior relayed by an employee of equal or lesser rank. A lawful order is any order, either verbal or written, which an employee should reasonably believe to be in keeping with the performance of his or her/her duties.
- c. Employees will obey all orders from superiors, whether written or verbal, except when compliance with such orders would require the commission of an illegal act. No employee, without adequate justification, will intentionally issue an order that is contrary to an order issued by a superior. Employees to whom conflicting orders are issued will call immediate attention to the conflict; however, if the conflict is not resolved, the last order will be obeyed.
- d. Any order may be countermanded in an emergency. An employee countermanding a prior order will immediately report the reason for the action to his or her supervisor. Responsibility for all prudent and reasonable action necessary for compliance with orders will remain with the superior issuing the order. Accountability for all action taken in compliance with orders remains with the person taking the action.
- e. At the scene of any incident, the assigned Deputy will be in charge until relieved at the direction of another sworn Deputy senior in rank.

(CATEGORY C)(CALEA 12.1.3)

## **1-702 CONDUCT UNBECOMING**

An employee will not engage in any conduct or activities on- or off-duty that reflect discredit on him- or herself, that tend to bring the KCSO into disrepute, or that impair its efficient and effective operation.

**(CATEGORY B)**

## **1-703 SOCIAL NETWORKING**

The purpose of this section is to establish written guidelines concerning employee use of online social networking environments when referencing the Kent County Sheriff's Office (KCSO); to ensure employees use appropriate discretion in the use of references to the KCSO, so as not to discredit or disrespect the agency; to ensure that the release, either directly or indirectly, of information concerning crimes, accidents or violations of ordinances or statutes or other regulated KCSO information or images to persons outside the KCSO is not disseminated and that all employees treat as confidential the official business of the KCSO.

- a. For the purpose of this policy, social networking websites means computer network sites which focus on building online communities of people who share interests and activities and/or exploring the interests and activities of others. Examples of social networking websites include: Facebook, Instagram, Linked In, Twitter and other sites that allow users to post personal blogs. The absence of, or lack of explicit reference to, a specific site does not limit the extent of the application of this policy.
- b. The proper functioning of any law enforcement agency relies upon the public's confidence and trust in the individual officers/deputies and the agency to effectively protect and serve the public. Any matter which brings KCSO personnel or the KCSO itself into disrepute has the corresponding effect of reducing that confidence and trust, as it impedes the ability to work with and serve the public.
- c. Professionalism is the most significant factor in providing the highest level of service to the public. While KCSO employees have the right to use personal/social networking web pages or sites while off-duty, as KCSO employees, they are public servants who are held to a higher standard than the general public with regard to ethical and moral standards. It is the policy of the KCSO to maintain a level of professionalism in both on-duty and off-duty conduct and employees shall not engage in conduct that contradicts or impedes the KCSO mission.
- d. The KCSO has the obligation to protect the reputation of the organization and its employees; as well as guard against liability and potential legal risk. Therefore, the KCSO reserves the right to monitor these websites and employees are advised of the following:
  1. KCSO employees shall be aware that the content of social networking sites can be subject to subpoena and utilized in criminal and civil proceedings to impeach the employee's character or reputation.
  2. KCSO employees shall realize that any reference to their employment with the KCSO while using social networking environments could compromise their safety and the safety of their family or others.
  3. All electronic communications created, received, stored on the KCSO's or Kent County's electronic communications systems are the sole property of the KCSO or Kent County and not the author, recipient or user.

- e. KCSO employees are prohibited from accessing these types of social networking websites while on-duty, unless the employee is conducting a criminal or administrative investigation that has been approved by the Commander of the KCSO Patrol Division or the Commander of the KCSO Criminal Division, or in the case of their unavailability to approve same, the Chief Deputy or the Sheriff.
- f. KCSO employees shall exercise good judgement when social networking online. This includes but is not limited to:
  - 1. Refraining from discriminating/harassing and using derogatory language.
  - 2. Refraining from encouraging ethically, socially or morally inappropriate behavior(s).
- g. KCSO employees shall not represent their opinions or comments as that of the KCSO or as an official of the agency.
- h. KCSO employees are prohibited from posting, or in any way broadcasting or disseminating information on the internet, social networking sites or other mediums of communication regarding the business of the KCSO including but not limited to, the following:
  - 1. Photographs/images, video or audio files, reports, statements or any other documents created or received by the KCSO, any members or that of any allied law enforcement agency related to the investigation or any other business involving the KCSO or that of any allied law enforcement agency.. This prohibition includes the publication of any photograph or image of uniforms, badges/shields/patches, K-9(s), vehicles, training activities, tactical operations, work related assignments, buildings or any other KCSO property or equipment, including that of any allied law enforcement agency that could be used to identify anyone as a law enforcement officer.
  - 2. Any other information or data, to include personal opinion, related to any open investigation or any investigation pending prosecution involving the KCSO or any other allied law enforcement agency.
- i. KCSO employees shall not discuss or divulge KCSO business on their websites or in any other medium of communication as addressed in this policy. Employees are prohibited from posting messages or content that is prohibited by the KCSO Administrative and Operations Manual.
- j. KCSO employees are prohibited from posting, broadcasting or otherwise disseminating any sexual, lewd, violent, racially or ethnically derogatory materials, comments, pictures, images, artwork, videos or other references on their websites or through any other means of communication on the Internet in such a way as to bring the KCSO into disrepute or disrespect.
- k. KCSO employees may comment off-duty, acting as a private citizen on their personal websites regarding issues of general or public concern (as opposed to personal grievances) so long as the comments do not disrupt the workplace, interfere with working relationships or efficient work flow, or undermine the public's trust in the employee.
- l. KCSO shall protect their agency passwords and are encouraged to protect their personal passwords to prevent the unintended or unauthorized use and/or abuse by other persons.
- m. Any KCSO employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provisions of this policy shall notify the Chief Deputy or Sheriff immediately.

**(CATEGORY B)**

**1-704                    ACCOUNTABILITY, RESPONSIBILITY AND DISCIPLINE**

- a. Employees are directly accountable for their actions through the chain of command, to the Sheriff of Kent County.

**(CATEGORY B)**

- b. Employees will cooperate fully in any internal administrative investigation conducted by the KCSO or other authorized agency and will provide complete and accurate information in regard to any issue under investigation.

**(CATEGORY E)**

- c. During an administrative investigation, an accused employee will, at the request of competent authority, submit to an interrogation and polygraph examination. The questions to be asked during the interrogation and the polygraph examination will be related specifically, directly, and narrowly to the performance of the employee's official duties and to the subject matter of the investigation.

**(CATEGORY E)**

- d. On the order of competent authority, an employee will submit to any medical, chemical, or other test, photograph, or lineup. All procedures carried out under this rule will be related specifically, directly, and narrowly to the performance of the employee's official duties and to the subject matter of the investigation.

- e. Employees will be accurate, complete, and truthful in all matters.

**(CATEGORY F)**

- f. Employees will accept responsibility for their actions without attempting to conceal, divert, or mitigate their true culpability, nor will they engage in efforts to thwart, influence, or interfere with an internal or criminal investigation.

**(CATEGORY E)**

- g. Employees who are arrested, cited, or come under investigation for any criminal offense in this or another jurisdiction will report this fact to a superior as soon as possible.

**(CATEGORY D)**

- h. Employees who are named as defendants in civil lawsuits, including lawsuits unrelated to their duties with the KCSO, will notify the Chief Deputy within 24 hours of notice of the suit.

**(CATEGORY D)**

- i. Employees who are issued a traffic citation or have their driving privileges suspended, revoked or cancelled shall notify their supervisor as soon as possible.

**(CATEGORY B)**

**1-705                    CONDUCT TOWARD FELLOW EMPLOYEES**

- a. Employees will conduct themselves in a manner that will foster cooperation among members of this agency, showing respect, courtesy, and professionalism in their dealings with one another.

- b. Employees will not use language or engage in acts that demean, harass, or intimidate another person.

**(CATEGORY B)**

**1-706****CONDUCT TOWARD THE PUBLIC**

- a. Employees will conduct themselves toward the public in a civil and professional manner that connotes a service orientation and that will foster public respect and cooperation.
- b. Deputies will treat violators with respect and courtesy, guard against employing an officious or overbearing attitude or language that may belittle, ridicule, or intimidate the individual, or act in a manner that unnecessarily delays the performance of their duty.
- c. While recognizing the need to demonstrate authority and control over criminal suspects and prisoners, Deputies will adhere to this agency's use of force policy and will observe the civil rights and protect the well-being of those in their charge.

**(CATEGORY B)**

**1-707****USE OF ALCOHOL AND DRUGS**

a. Alcohol Use:

- 1. Employees will not consume any intoxicating beverage while on duty unless authorized by the Sheriff.
- 2. No alcoholic beverage will be served or consumed on KCSO premises or in KCSO vehicles.
- 3. An employee will not be intoxicated in a public place when off-duty.
- 4. No employee will report for duty with the odor of alcoholic beverage on his or her breath.
- 5. An employee placed on an inactive on-call duty status will not consume alcoholic beverages.
- 6. No employee will operate a KCSO vehicle with any measurable amount of alcohol present in his/her body
- 7. No Deputy will report to work or be on duty as a law enforcement officer when his or her judgment or physical condition has been impaired by alcohol.
- 8. Prior to reporting for duty, Deputies must report the use of any substance that impairs their ability to perform as a law enforcement officer.
- 9. Supervisors will order an alcohol screening test when they have reasonable suspicion that an employee is using and/or under the influence of alcohol. Such screening will conform to the KCSO policy on employee drug-screening and testing.

**(CATEGORY D)**

b. Controlled dangerous substances, narcotics or hallucinogens use:

- 1. Employees will not use any controlled dangerous substances, narcotics or hallucinogens while on or off duty unless authorized by the Sheriff and legally prescribed by a physician.
- 2. No employee will operate a KCSO vehicle with any measurable amount of controlled dangerous substance present in his/her body



3. No Deputy will report to work or be on duty as a law enforcement officer when his or her judgment or physical condition has been impaired by medication, or other substances.
4. Prior to reporting for duty, Deputies must report the use of any substance that impairs their ability to perform as a law enforcement officer.
5. Supervisors will order a drug screening test when they have reasonable suspicion that an employee is using and/or under the influence of drugs. Such screening will conform to the KCSO policy on employee drug-screening and testing.

**(CATEGORY F)**

## **1-708 SMOKING**

As per Kent County Personnel Policies and Procedures Manual, Part II, PM26-3, and PM26-4; smoking is prohibited in all offices and facilities owned or leased by Kent County, to include county vehicles. Additionally, smoke breaks are prohibited, and Kent County employees may not smoke during work hours unless on his/her lunch hour or scheduled break. Supervisors are prohibited from authorizing smoke breaks during the workday.

**(CATEGORY A)**

## **1-709 ABUSE OF LAW ENFORCEMENT POWERS OR POSITION**

- a. Employees, while on duty, or at any other time while representing the KCSO or performing the duties and responsibilities of a member of the KCSO, will not accept gifts, gratuities, or other items of value or solicit or accept contributions for the KCSO or for any other agency, organization, event, or cause without the express consent of the Sheriff or his or her designee.

**(CATEGORY B)**

- b. Employees will not use their authority or position for financial gain, for obtaining or granting privileges or favors not otherwise available to them or others except as a private citizen, to avoid the consequences of illegal acts for themselves or for others, to barter, solicit, or accept any goods or services (to include, gratuities, gifts, discounts, rewards, loans, or fees) whether for the employee or for another. Employees are prohibited from using information gained through their positions in the KCSO to advance financial or other private interests of themselves or others.

**(CATEGORY E)**

- c. Employees will not purchase, convert to their own use, or have any claim to any found, impounded, abandoned, or recovered property, or any property held or released as evidence.

**(CATEGORY F)**

- d. Employees who institute or reasonably expect to benefit from any civil action that arises from acts performed under color of authority will inform their commanding officer.

**(CATEGORY B)**

- e. While deprived of police powers, a Deputy will not wear the uniform of the KCSO or represent him- or herself in an official capacity as an employee of the KCSO.

**(CATEGORY C)**

- f. An employee may not lend his or her identification card or badge to another person or permit it to be photographed or reproduced without the approval of the Sheriff.

**(CATEGORY B)**

**1-710 OFF-DUTY POLICE ACTION**

- a. Deputies will not use their police powers to resolve personal grievances (e.g., those involving the Deputy, family members, relatives, or friends) except under circumstances that would justify the use of self-defense, actions to prevent injury to another person, or when a serious offense has been committed that would justify an arrest. In all other cases, Deputies will summon on-duty police personnel and a supervisor in cases where there is personal involvement that would reasonably require law enforcement intervention.
- b. Unless operating a marked police vehicle, off-duty Deputies will not arrest or issue citations or warnings to traffic violators on sight, except when the violation is of such a dangerous nature that a Deputy would reasonably be expected to take appropriate action.

**(CATEGORY E)**

**1-711 PROHIBITED ASSOCIATIONS AND ESTABLISHMENTS**

- a. Arresting, investigating, or custodial Deputies will not commence social relations with the spouse, immediate family member, or romantic companion of persons in the custody of this agency.
- b. Employees will not knowingly commence or maintain a relationship with any person who is a victim, witness or suspect in an open investigation that the Deputy is conducting, supervising, or assisting with if the Deputy knew or should have known that the person is a victim, witness or suspect in the investigation. This will include individuals under criminal investigation, indictment, arrest, or incarceration by this or other police or criminal justice agency, and/or who has an open and notorious criminal reputation in the community (for example, persons whom the employee knows, should know, or have reason to believe are involved in felonious activity), except as necessary for the performance of official duties, or where unavoidable because of familial relationships.
- c. Except in the performance of official duties, employees will not knowingly enter any establishment in which the laws of the United States, the State of Maryland, or Kent County are regularly violated.
- d. Employees will not knowingly join or participate in any organization that advocates, incites, or supports criminal acts or criminal conspiracies.

**(CATEGORY E)**

**1-712 PUBLIC STATEMENTS, APPEARANCES, AND ENDORSEMENTS**

Employees will not, under color of authority,

- a. make any public statement that could reasonably be interpreted as having an adverse effect upon department morale, discipline, operation of the agency, or perception of the public;
- b. divulge or willfully permit to have divulged, any information gained by reason of their position, for anything other than its official, authorized purpose; or

- c. unless expressly authorized by the Sheriff or a designee, make any statements, speeches, or appearances that could reasonably be considered to represent the views of the KCSO.
- d. endorse, recommend, or facilitate the sale of commercial products or services. This includes but is not limited to the use of tow services, repair firms, attorneys, bail bondsmen, or other technical or professional services. It does not pertain to the endorsement of appropriate governmental services where there is a duty to make such endorsements.

**(CATEGORY C)**

#### **1-713            POLITICAL ACTIVITY**

Except as provided below, an employee of the KCSO has the same right to engage in political activities as any other citizen.

Employees will be guided by the following examples of prohibited political activities during working hours, while in uniform, or otherwise serving as a representative of the KCSO. Employees will not, under color of authority:

- a. Engage in any political activity;
- b. Place or affix any campaign literature on city/county-owned property;
- c. Solicit political funds from any member of this agency or another governmental agency of this jurisdiction;
- d. Solicit contributions, signatures, or other forms of support for political candidates, parties, or ballot measures on property owned by this jurisdiction;
- e. Use official authority to interfere with any election or interfere with the political actions of other employees or the general public;
- f. Favor or discriminate against any person seeking employment because of political opinions or affiliations;
- g. Participate in any type of political activity while in uniform.

**(CATEGORY C)**

#### **1-714            EXPECTATIONS OF PRIVACY**

Employees will not store personal information or belongings with an expectation of personal privacy in such places as lockers, desks, KCSO-owned vehicles, file cabinets, computers, or similar areas that are under the control and management of the KCSO. While the KCSO recognizes the need for employees to occasionally store personal items in such areas, Employees should be aware that these and similar places may be inspected or otherwise entered - to meet operational needs, internal investigatory requirements, or for other reasons - at the direction of the Sheriff or his or her designee.

No member of KCSO will maintain files or duplicate copies of official agency files in either manual or electronic format at his or her place of residence or in other locations outside the KCSO headquarters without the express permission of the Sheriff.

**(CATEGORY A)**

## **1-715            REPORTING FOR DUTY**

- a. An employee of the KCSO will not absent himself without properly approved leave.  
**(CATEGORY C)**
- b. An employee will report for duty at the time and place specified by his or her supervisor and will be physically and mentally fit to perform his or her duty. He or she will be properly equipped and cognizant of information for the proper performance of duty so that he or she may immediately assume his or her duties.  
**(CATEGORY A)**
- c. An employee who is unable to report for duty for any reason will, as soon as possible, notify his or her immediate supervisor of the reasons for the absence.  
**(CATEGORY B)**
- d. Employees will, while off duty, be subject to call at any time. In the event of an emergency or potential emergency, Employees ordered to "inactive-on call" duty status and those required to leave word where they may be reached, will notify their supervisors of the location and telephone number where they may be contacted.  
**(CATEGORY B)**
- e. No employee will feign illness or injury, falsely report him- or herself ill or injured, or otherwise deceive or attempt to deceive any official of the KCSO as to the condition of his or her health.  
**(CATEGORY B)**

## **1-716            CITIZEN COMPLAINTS**

An employee will courteously and promptly accept any allegation or complaint made by a citizen against any employee of the KCSO. The receipt and processing of all complaints will be in conformance with established procedures.

## **1-717            KCSO EQUIPMENT**

- a. An employee will use and maintain KCSO equipment in accordance with established procedures and will not abuse, damage, alter or, through negligence, lose any such equipment. An employee will not cause or contribute to the abuse, damage, alteration, or loss of any KCSO equipment through negligence or carelessness.
- b. A Deputy relieved of his or her police powers will turn in all KCSO-issued equipment specified in the order suspending police powers.
- c. An employee will operate any KCSO official vehicle assigned to him or her in a careful and prudent manner and will not, through negligent or careless operation, incur or cause damage to be incurred to KCSO property or to the property of another. He or she will obey all laws of the State of Maryland and all local ordinances and will conform to all KCSO procedures and regulations pertaining to operation and maintenance of KCSO vehicles. An employee will at all times set a proper example for other persons in his or her operation of a vehicle.
- d. Damage to or loss of KCSO equipment will be reported in conformance with KCSO procedures utilizing a detailed report.

- e. An employee will not have any item of KCSO equipment repaired, adjusted, or modified without authorization from the Sheriff.
- f. Only KCSO employees will be permitted to operate or attempt to operate its vehicles, or use its firearms, or use any other of its property. The Sheriff may make specific exceptions to this rule.

**(CATEGORY A)**

#### **1-718            LABOR ACTIVITIES**

An employee will not engage in any strike or job action. "Strike or job action" includes, but is not limited to, a failure to report for duty, willful absence from duty, unauthorized holiday, sickness unsubstantiated by physician's statement, stoppage of work, or abstinence in whole or in part from the full, faithful, and proper performance of duty, for the purpose of inducing, influencing, or coercing a change in conditions, compensation, rights, privileges, or obligations of employment.

**(CATEGORY C)**

#### **1-719            SECONDARY EMPLOYMENT**

An employee will not be employed in any capacity in any other business, trade occupation, or profession, except in conformance with KCSO policy and as approved by the Sheriff or a designee.

**(CATEGORY B)**

With the approval of the Sheriff, an employee may use a vehicle to commute to and from approved secondary employment. However, the vehicle may not be used for any secondary employment activity.

**(CATEGORY C)**

#### **1-720            PAYMENT OF DEBTS**

KCSO employees will make every effort to pay all just debts and legal liabilities.

Disciplinary action may be taken when judgment has been rendered in favor of the employee's creditor and, although the employee is able to comply with the judgment, he or she fails to do so; or, the effects of the indebtedness have adversely affected the employee's ability to perform his or her duties or have negatively reflected on the reputation or effectiveness of the KCSO.

Disciplinary action will generally not be appropriate when the employee has made a sincere effort to pay the debts; or the employee has filed for bankruptcy.

**(CATEGORY B)**

#### **1-721            NEGLECT OF DUTY**

The following acts or omissions shall be defined as "neglect of duty" by KCSO personnel:

- a. KCSO employees shall be punctual in attendance to all calls, requirements of duty, court appointments and other assignments.
- b. An employee will not read, play games, watch television or movies, or engage in any activity or personal business while on duty that would cause him/her to neglect or be inattentive to that duty.
- c. Sworn and civilian supervisors will actively oversee the performance of subordinates to ensure compliance with all KCSO policies and procedures.

- d. The failure of a sworn KCSO employee to take appropriate action, either on or off duty, on the occasion of a crime, disorder, or other condition deserving police or KCSO administrative attention is considered neglect of duty.
- e. A sworn KCSO employee will not, without proper authorization, absent himself/herself from his/her assigned place of work during his/her tour of duty.
- f. A KCSO employee will remain awake and alert while he/she is on duty. If unable to do so, he/she will report to his/her sworn or civilian supervisor, who will determine the proper course of action.
- g. A sworn KCSO employee may be authorized to suspend patrol or other assigned activity, subject to immediate recall at all times, for the purpose of having meals during his/her tour of duty but only for such periods and at such times as are authorized by his/her commander/supervisor. He/she will inform his/her supervisor and "KENT" of the telephone number and location when he/she leaves service.

## **(CATEGORY B)**

### **1-800 IMPARTIAL POLICING**

It is the policy of the KCSO that all investigative and enforcement traffic stops, field contacts, searches and asset seizures and forfeitures will be based upon articulable and constitutionally valid suspicions.

#### **1-801 PURPOSE**

This subchapter clarifies the circumstances in which race, ethnic background, national origin, gender, gender identity, sexual orientation, religion, disability, economic status, age, cultural group or other identifiable groups or other potentially improper criteria can legitimately be used as factors establishing reasonable suspicion or probable cause. It reinforces procedures that serve to assure the public that the KCSO is providing services and enforcing laws fairly, equitably, and impartially.

Specific instructions for the KCSO's implementation of §25-113 of the Transportation Article of the Maryland Code, Race-Based Traffic Stops, is found in Chapter 12, Traffic Enforcement.

#### **1-802 GUIDING PRINCIPLES**

- a. Law enforcement officers have a duty and authority to investigate suspicious activities that may be associated with the violation of criminal and motor vehicle laws. This duty does not include pursuing hunches or stereotyping but is limited to reasonable articulable factors which would likely lead any knowledgeable, reasonable Deputy to the same conclusion, i.e. that a violation is occurring or has occurred.
- b. All enforcement actions, such as investigative detentions, traffic stops, arrests, searches, and seizures, etc., will be based on reasonable articulable suspicion or probable cause as required by statutes and the 4<sup>th</sup> Amendment of the US Constitution.
- c. Deputies must be able to articulate specific facts, circumstances, and conclusions that support probable cause or reasonable suspicion for all enforcement actions.
- d. Deputies may take into account the reported race, ethnicity, gender, or other potentially improper criteria of suspects based on credible, reliable, locally relevant information that links persons of specific description criteria to particular criminal incidents, or links specific crimes in specific areas to groups of individuals of specific description criteria.

- e. Nothing in this or other provisions alters Deputies, authority to conduct enforcement actions or otherwise fulfill their enforcement obligations.

### **1-803 PROHIBITION OF BIASED BASED POLICING**

While §1-803 permits a Deputy to take into account the reported race, ethnicity, gender, gender identity, disability, religion or other potentially improper criteria of suspects, it does so only when credible, reliable, locally-relevant information that links persons of specific description criteria to particular criminal incidents, or links specific crimes in specific areas to groups of individuals of specific description criteria.

When those specific conditions do not exist,

- a. Deputies will not consider race, ethnic background, gender, gender identity, sexual orientation, religion, economic status, age, cultural group or other identifiable groups or other potentially improper criteria in establishing either reasonable suspicion or probable cause.
- b. Persons will not be singled out or otherwise treated differently because of their race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or other identifiable groups or other potentially improper criteria.
- c. Additionally, Maryland law prohibits law enforcement officers from “motorcycle profiling” and requires entry level and in-service training on “motorcycle profiling” be included in other profiling training.

These prohibitions apply to all policing activities, including but not limited to traffic contacts, field contacts, and asset seizure and forfeiture.

**(CATEGORY F)(CALEA 1.2.9)**

### **1-804 TRAINING**

Deputies will receive initial training and thereafter annual training in subjects that promote and encourage non-biased based policing. Applicable training subjects may include, but are not limited to Deputy Safety, Courtesy, Cultural Diversity, Search and Seizure, Asset Seizure and Forfeiture, Interview Techniques, Interpersonal Communication Skills, and Constitutional and Case Law.

**(CALEA 1.2.9)**

### **1-805 POLICE-CITIZEN ENCOUNTERS**

Police-citizen encounters, when done properly and professionally, have the potential to be positive community relations tools and can be a means of confronting adverse anecdotal information.

Deputies will, as necessary and professionally appropriate, use techniques and strategies to advance the reality of biased based policing. These techniques and strategies include, but are not limited to:

- a. Being courteous, polite, and professional.
- b. Providing the Deputy's name, ID number and explaining reasons for the stops as soon as practical unless doing so compromises the safety of Deputy or others.
- c. Ensuring the lengths of traffic stops, investigative detentions, field contacts, etc. are no longer than necessary to take appropriate actions.

- d. Answering questions citizens may have, including any options for dispositions of related enforcement actions.
- e. Explaining the credible, reliable, or locally relevant information that lead to stops or contacts when no enforcement actions were taken.
- f. Requesting the presence of supervisory Deputies to allow citizens to voice their field contact or enforcement related concerns.
- g. Explaining the KCSO's complaint process.

**(CATEGORY B)**

## **1-806            ANNUAL REVIEW**

The Chief Deputy will conduct an annual administrative review of the KCSO's practices related to biased based policing, including citizen concerns. The Chief Deputy will document his or her findings in writing to the Sheriff.

**(CALEA 1.2.9)**

## **1-900            COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT**

KCSO sworn and civilian personnel on occasion interact with persons with disabilities, which require accommodating the KCSO response to said persons.

The Americans with Disabilities Act (ADA), established by law in July of 1990 defines a person with a disability to include:

- a. Individuals with a physical or mental impairment that substantially limits one or more major life activities;
- b. Individuals who are regarded as having such an impairment; and
- c. Individuals with a record of such impairment.
  - 1. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance and alcoholism).
  - 2. The term "substantially limits" suggests that the limitation is "significant" or "to a large degree."
  - 3. The term "major life activity" means those activities that are of central importance to daily life, such as seeing, hearing, walking, breathing, performing manual tasks, caring for oneself, learning, and speaking.



Title 11 of the ADA prohibits discrimination against persons with disabilities in State and local government services, programs, and employment. The KCSO is covered under ADA because it is a program of State or local government. The ADA affects virtually everything that KCSO Deputies and or civilian personnel do, to include but not limited to:

- receiving citizen complaints;
- interviewing witnesses
- interrogating suspects;
- arresting, booking and detaining suspects;
- enforcing criminal and traffic laws;
- registering sex offenders; and
- other duties.

The KCSO is committed to serving all individuals according to their needs. Recognizing that persons who are deaf, hard of hearing, or deafblind and others with disabilities or special needs, the KCSO has a commitment and legal obligation to meet those needs.

Therefore, when KCSO personnel recognize or have any reason to believe that a suspect, potential perpetrator, potential victim, detainee, or other person who has a need to communicate with this office, is deaf, hard of hearing, or deafblind, said KCSO personnel must advise the person that appropriate auxiliary aids and/or services, including interpreters will be provided free of charge when necessary for effective communication. Primary consideration will be given to the auxiliary aid request by the suspect, potential perpetrator, potential victim, or detainee, unless there is another equally effective means of communications available. The responsible KCSO staff person, whether sworn or civilian, will ensure that such aids and services are offered, utilized, and documented in either a KCSO CrimeStar "Call for Service" or other KCSO CrimeStar report that is appropriate for the interaction with said person. In the event that the request for said services is in question, the responsible KCSO personnel will contact the KCSO Patrol Division Commander, the KCSO CID Commander or the Chief Deputy for further guidance.

The State of Maryland has prepared an Interpreter Registry List of certified interpreters for a myriad of languages and disabilities that can be utilized by KCSO personnel and accessed at: [http://www.mva.maryland.gov/resources/docs/Interpreter\\_List.pdf](http://www.mva.maryland.gov/resources/docs/Interpreter_List.pdf)

# APPENDIX 1-A

## Code of Ethics of the Sheriff and Law Enforcement Officers' Code of Ethics

The KCSO has adopted the National Sheriff's Association's *Code of Ethics of the Sheriff and Law Enforcement Officer's Code of Ethics*.

### **Code of Ethics of the Sheriff**

As a constitutionally elected Sheriff, I recognize and accept that I am given a special trust and confidence by the citizens and employees whom I have been elected to serve, represent, and manage. This trust and confidence are my bond to ensure that I shall behave and act according to the highest personal and professional standards. In furtherance of this pledge, I will abide by the following Code of Ethics.

I SHALL ENSURE that I and my employees, in the performance of our duties, will enforce and administer the law according to the standards of the U.S. Constitution and applicable State Constitutions and statutes so that equal protection of the law is guaranteed to everyone. To that end I shall not permit personal opinions, party affiliations, or consideration of the status of others to alter or lessen this standard of treatment of others.

I SHALL ESTABLISH, PROMULGATE AND ENFORCE a set of standards of behavior of my employees which will govern the overall management and operation of the law enforcement functions, court related activities, and corrections operations of my agency.

I SHALL NOT TOLERATE NOR CONDONE brutal or inhumane treatment of others by my employees nor shall I permit or condone inhumane or brutal treatment of inmates in my care and custody.

I STRICTLY ADHERE to standards of fairness and integrity in the conduct of campaigns for election and I shall conform to all applicable statutory standards of election financing and reporting so that the Office of the Sheriff is not harmed by the actions of myself or others.

I SHALL ROUTINELY CONDUCT or have conducted an internal and external audit of the public funds entrusted to my care and publish this information so that citizens can be informed about my stewardship of these funds.

I SHALL FOLLOW the accepted principles of efficient and effective administration and management as the principle criteria for my judgments and decisions in the allocation of resources and services in law enforcement, court related and corrections functions of my Office.

I SHALL HIRE AND PROMOTE only those employees or others who are the very best candidates for a position according to accepted standards of objectivity and merit. I shall not permit other factors to influence hiring or promotion practices.

I SHALL ENSURE that all employees are granted and receive relevant training supervision in the performance of their duties so that competent and excellent service is provided by the Office of the Sheriff.

I SHALL ENSURE that during my tenure as Sheriff, I shall not use the Office of Sheriff for private gain.

I ACCEPT AND WILL ADHERE TO THIS CODE OF ETHICS. In so doing, I also accept responsibility for encouraging others in my profession to abide by this Code.

### **Law Enforcement Officer's Code of Ethics**

As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional Rights of all persons to liberty, equality, and justice.

I will keep my private life unsullied as an example to all; 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 in both my personal and official life, I will be exemplary in obeying the laws of the land 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, 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 violence 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 law enforcement. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession.... law enforcement

## CHAPTER 2

### AGENCY ORGANIZATION

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## **2-100 AGENCY ORGANIZATION**

The KCSO has two major responsibilities -- providing police services to the citizens of Kent County and security and other services to the Circuit and District Courts. This chapter describes how the Agency is organized to deliver those services.

## **2-101 RANK PRECEDENCE OF SWORN PERSONNEL**

The order of rank precedence of sworn personnel of the KCSO, in descending order, from that of most authority, to that of least authority is:

Sheriff

Chief Deputy

Captain (CAPT)

Lieutenant (LT)

Sergeant (SGT)

Corporal (CPL)

Deputy First Class (DFC)

Deputy Sheriff (D/S)

The ranks identified above are used throughout the agency. Regardless of where in the agency a position is located, it is equivalent to a position of the same rank elsewhere in the agency.

## **2-102 COMMAND PROTOCOL**

- a. In the absence or unavailability of the Sheriff, his or her functions will be carried out by the Chief Deputy or another person designated by the Sheriff or Chief Deputy.
- b. Chapter 13 of this Manual describes the command structure of the KCSO for unusual occurrences.
- c. Where personnel of different commands are engaged in a single operation, a Commander designated by the Sheriff or Chief Deputy will have primary responsibility for the operation. That Commander will determine the chain of command for the joint operation.
- d. In regular, daily agency operations, the KCSO will follow the command structure as reflected in the agency organization chart. The first Deputy arriving on the scene of an incident will be in charge of the scene until relieved by a commissioned or non-commissioned KCSO Deputy of higher rank.

**(CALEA 12.1.2)**

## **2-103 COMMUNICATION, COORDINATION, AND COOPERATION**

Under the direction of the Sheriff and Chief Deputy, the Command Staff will ensure that there is communication among all components of the KCSO and that they regularly coordinate their activities. Written communications, including revisions to this Manual as necessary, are encouraged as a means of transmitting information.

The Sheriff will meet with the Command Staff individually and as a group as necessary to ensure communication and coordination among all KCSO units.

The Sheriff will hold meetings of all employees throughout each year for the purpose of notifying staff of new developments and providing a forum for staff to share information. The Sheriff will maintain an open door policy for all employees to voice their concerns.

Unless there is specific reason for confidentiality, Commanders will share all periodic reports to the Sheriff with all other Commanders.

For complex operations, the Chief Deputy will oversee the preparation of an operational plan to ensure the effective coordination of all agency elements.

**(CALEA 12.1.4)**

## **2-200 ORGANIZING PRINCIPLES**

Command within the KCSO is based around several organizing principles:

- a. When a position is charged with a responsibility for the accomplishment of a particular task, the commensurate authority is conveyed to accomplish the responsibility.
- b. All employees are accountable for the use of delegated authority.
- c. Each supervisory employee, at every level of the Agency, is accountable for the activities of employees under his or her immediate control.
- d. Each employee is accountable to only one supervisor at any given time.
- e. All communications, unless otherwise specifically directed, will follow the chain of command.

The KCSO organizational structure, as shown in the chart found at Appendix 2-A, also reflects the principle that each component is under the direct command of only one supervisor. The KCSO Organizational Chart is located on the KCSO website.

**(CALEA 11.2.2, 11.3.1 11.3.2)**

## **2-201 POSITION MANAGEMENT**

The KCSO has a position management system which tracks the following information:

- a. the number and type of each position authorized in the budget approved by the Kent County Commissioners.
- b. the location of each authorized position within the KCSO organizational structure; and
- c. whether each authorized position is filled or vacant.

This information will be maintained by the Accreditation Manager and provided to the Sheriff periodically through updated organization charts.

**(CALEA 21.2.3)**

## **2-202 SPECIALIZED ASSIGNMENTS**

Because of its size, the KCSO has a limited number of specialized assignments. Decisions regarding the continuation of specialized assignments are critical to personnel allocation. The Chief Deputy will conduct and submit to the Sheriff an annual, documented review of specialized assignments. The review will include:

- a. a current listing of specialized assignments;
- b. a statement of the purpose for each specialized assignment; and
- c. an evaluation of the initial problem or condition that required implementation of the specialized assignment and whether those conditions continue to support the assignment.

**(CALEA 21.1.1 and 21.2.3)**

## **2-300 DUTIES AND RESPONSIBILITIES OF THE SHERIFF**

The Sheriff is an elected State official who has duties and responsibilities assigned by the Maryland State Constitution, Maryland statutes, and common law. Some of the duties and responsibilities of the Sheriff are found in the following list. This list is for informational purposes and places no limit and no additional duty or responsibility upon the Sheriff, not already found in law.

The Sheriff:

- a. is the final authority for all matters of policy and operations in the agency;
- b. establishes orders, rules and regulations for the administration of the Agency;
- c. is the final approval authority for all additions, deletions or changes to the AOM;
- d. is the authority for all planning, direction, coordinating, controlling and staffing activities of the Agency;
- e. is architect of and approval authority for the Agency's organizational structure;
- f. provides for the oversight of the efficiency and effectiveness of all Agency operations and functions;
- g. provides direction to maintain all Agency functions and operations within the framework provided by law;
- h. provides for the maintenance of cordial and effective relationships between the Agency, other government agencies, political entities, the business community, civic organizations and the citizens;
- i. provides for Agency staffing by presenting requests for funding to the Kent County Commissioners and through such other avenues of revenues as may be appropriately available for this purpose;
- j. administers funds to accomplish the Agency's goals and objectives;
- k. provides for the establishment and maintenance of goals and objectives for the Agency;
- l. establishes standards of performance and moral character for the Agency's employees;



- m. establishes the various duties and responsibilities for components of the Agency and its employees; and
- n. provides training and leadership to employees in order to accomplish the goals and objectives of the Agency.

## **2-301                      NOTIFICATION OF SHERIFF IN EVENT OF CERTAIN OCCURRENCES**

As the KCSO's Chief Executive Officer and as an elected official responsible directly to the citizens of Kent County, the Sheriff has a need to be informed immediately of certain events. Among these are:

- a. serious crimes, including homicide, rape, and robbery;
- b. sex crimes involving minors;
- c. KCSO firearms discharge other than to dispatch a sick or injured animal.
- d. KCSO Deputy-involved use of force incidents which result in serious injury to a Deputy or a citizen. "Serious injury to a citizen" means injury more severe than OC spray;
- e. KCSO employee-involved motor vehicle or other accidents which result in injury to the employee or a citizen;
- f. any action by a KCSO employee which may result in a significant loss of KCSO or citizen property; unattended death of person of note;
- g. any other incident which, in a Deputy's view, raises a question of the KCSO's liability or may result in heightened community interest.

Staff will err on the side of notifying the Sheriff in the event of a question concerning the nature of the incident.

All staff have access to the Sheriff's home and cellular telephone numbers. Those numbers are also available at all times through "KENT". Under most circumstances, the Deputy involved in an incident will confer with the shift supervisor, who will make the determination whether to notify the Sheriff and make the notification, if appropriate.

If an employee should be unable to confer with a supervisor, he or she should contact the Sheriff directly.

If the Sheriff cannot be reached, the notification will be made to the Chief Deputy, in the same fashion as above.

**(CALEA 11.3.3)**

## **2-400                      CHIEF DEPUTY**

The Chief Deputy is a sworn officer who is designated "second in command," as provided for in §2-310, of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland. The Chief Deputy is responsible for fulfilling the duties and responsibilities of the Sheriff during periods of absence or incapacitation of the Sheriff.

In addition to, and/or as enumerated by, the position description for his / her position, the Chief Deputy will have the following duties and responsibilities:

- a. provide direct, daily supervision of the KCSO;
- b. provide the Sheriff with timely and complete information concerning all the activities of the KCSO and any information received having a significant impact upon the Agency, its areas of responsibility or its operations;
- c. continually monitor the functions and personnel under the command and control of the position of Chief Deputy in order to determine their proper functioning;
- d. make recommendations to the Sheriff for improvements in policies and procedures in order to enhance the effectiveness and efficiency of the Agency;
- e. coordinate efforts in response to unusual occurrences, marshaling the resources of the Agency and acting as advisor to the Sheriff;
- f. authorize policy documents for inclusion in this Manual on behalf of the Sheriff;
- g. assure the Agency's compliance with CALEA Standards by working to integrate these Standards into the Agency culture; and
- h. make recommendations to the Sheriff for development of both long- and short-term goals.

**(CALEA 11.4.3)**

## **2-500            PATROL DIVISION**

The Patrol Division provides immediate police services to the citizens of and visitors to Kent County. This Division has, as a primary goal, the development and maintenance of a safe and orderly environment for the people who are within the geographical boundaries of Kent County.

The Division provides 24-hour-per-day, 7-days-per-week uniformed patrol to respond to calls for service, deter criminal activity and watch for conditions which pose a public danger.

**(CALEA 41.1.1)**

## **2-501            PATROL COMMANDER**

The Patrol Division Commander is a sworn position responsible directly to the Chief Deputy. He or she is responsible for the direct supervision of shift supervisors and the performance of administrative duties pertaining to the daily operation of the Division. The Patrol Commander is responsible for the performance of all personnel assigned to the command.

The Patrol Division Commander is responsible for:

- a. initial response to all calls for service which are directed to the Division;
- b. patrol of all areas of the County with the purpose of crime prevention and detection;
- c. detection of conditions which present a hazard to the citizens of the County;

- d. removal of hazards and/or warning of citizens of such hazards if it is within his ability to do so using the available resources of the Agency and County.

The Patrol Division Commander shall provide a monthly statistical report to the Sherriff regarding the activities conducted by the Patrol Division.

The Patrol Division Commander will inspect the personnel, equipment, facilities, and other resources assigned to the command on a regular basis. He will be responsible for maintaining these elements of the command in compliance with the policies set forth in this Manual and in other official directives of the Agency.

**(CALEA 55.1.1)**

## **2-502            PATROL DEPUTIES**

In addition to, or as enumerated by, the position description for his/her position, Patrol Deputies will have the following duties and responsibilities:

- a. patrolling the County;
- b. seeking to prevent crime;
- c. apprehending and processing violators of the law;
- d. enforcing motor vehicle laws and promoting highway safety;
- e. investigating vehicle collisions;
- f. serving criminal and civil process;
- g. rendering assistance to persons where health or property may be in jeopardy;
- h. conducting preliminary investigations of all cases where the Criminal Investigation Division does not respond.
- i. maintaining accurate records; and
- j. preparing reports.

## **2-600            CRIMINAL INVESTIGATION DIVISION**

The Commander of the Criminal Investigation Division (CID) is responsible for all of the activities of the Division.

The CID handles complex investigations which require significant time, technical investigative expertise, investigative resource networks, flexible manpower assignment or a combination of these factors. Certain cases will almost always fulfill these requirements and are, therefore, made the responsibility of the CID. Other cases are sometimes easily handled by other Agency personnel and are, therefore optionally the responsibility of the CID.

The CID may act in a support role in criminal investigations handled by other components of the Agency, by providing crime scene processing, assistance with interviews and interrogations, and by providing help with other technical matters or sources of information. The determination to assume responsibility of an investigation, in those cases where there is an option, is generally made by the Commander of the CID in response to a request for assistance. In some cases when an initial report written by another component of the Agency is reviewed by the Commander, he may decide the case warrants assignment to a CID detective.

The CID will have the responsibility to investigate the crimes listed in Chapter 2-601. However, this does not imply that detectives will be responsible for initial reports, responding to all crime scenes, or calls for service to these crimes. Whenever practical, detectives will respond to scenes of these crimes to assist until the case is formally assigned. In some cases, detectives will write initial reports, even though other Deputies have initially responded to the scene. Nothing in this policy prohibits members of any other Division from conducting investigations into, or from making arrests for, the enumerated crimes prior to the assumption of an investigation by CID personnel.

**2-601 CRIMES INVESTIGATED BY THE CID**

- a. Deaths (unless natural)
- b. Shootings (unless accidental)
- c. Felony Assault (life threatening or severe injuries)
- d. Rape
- e. Sexual Offense (except fourth degree)
- f. Robbery
- g. Kidnapping/Abduction
- h. Child Abuse
- i. Elder Abuse
- j. Critical Missing Persons
- k. Burglary
- l. Forgery and related crimes
- m. Credit Card Fraud
- n. Violations of narcotics and vice laws
- o. Follow up investigations of reports by Deputies as approved/assigned
- p. Special investigations assigned by the Sheriff or Chief Deputy
- q. Asset Forfeiture

- r. Administrative investigations as directed by the Sheriff

## **2-602 KENT COUNTY NARCOTICS TASK FORCE DEPUTY**

The Kent County Narcotics Task Force, (KCNTF) established through a Memorandum of Agreement for suppression of the distribution and use of controlled dangerous substances in Kent County is operated by an Advisory Board and not the KCSO. The KCSO designates two (2) deputies to the KCNTF.

## **2-603 PROPERTY ROOM**

The CID is responsible for the secure and efficient storage and disposition of all property which may come into the keeping of the Agency as a result of its daily law enforcement and public safety activities. This includes evidence, contraband, recovered stolen property, found property, etc.

## **2-604 COMMANDER, CRIMINAL INVESTIGATION DIVISION**

The Commander will be responsible directly to the Chief Deputy for all matters pertaining to the CID. The Commander is responsible for the administration of all the personnel assigned to the command.

The Commander will:

- a. develop programs and policies which foster close cooperation between CID personnel and other personnel within the KCSO;
- b. develop policies to ensure criminal investigations are conducted properly and prepared for presentation before the courts;
- c. provide personnel and resources assigned to the CID for response to crime scenes and requests for assistance;
- d. assist other law enforcement agencies with ongoing criminal investigations;
- e. provide methods for the exchange of information between the KCSO and other law enforcement agencies in matters of mutual interest;
- f. evaluate the methods of operation of the CID and make recommendations for their improvement;
- g. train subordinate personnel in the operation and management of the CID;
- h. develop and implement such policies as will allow for the proper chain of custody of evidence and for the availability of the evidence for presentation in court;
- i. provide for the disposition of all property which has been held past its usefulness as evidence or which has gone unclaimed for a period required by law. He or she will see that such funds as may be derived from the sale of property and any cash held, which may be legally converted to the use of the Sheriff's Office or government activities, is deposited in the proper government accounts; and

- j. inspect or cause to be inspected all personnel and equipment under his / her command on a periodic basis.

## **2-605                    DETECTIVES' RESPONSIBILITIES**

Detectives assigned to the CID will investigate crimes, examine evidence, apprehend violators of the law, maintain records, prepare reports, and perform other work-related duties as assigned or required. They will maintain a level of expertise in the field of investigations which is generally above that of the other sworn members of the Agency not assigned to an investigative function.

In this regard, they will read and know the criminal law which applies to the various cases which they are charged with investigating. They will be aware of current case law as it pertains to their cases. They will read textbooks and periodicals which apply to their chosen field of investigations. They will become experts as investigators in order that they may be recognized and testify as such in court.

Detectives will provide such assistance and support as may be needed to the patrol units of the Agency. They will strive to maintain a working relationship with the patrol function to the benefit of the CID, Patrol, and the Agency. They will share information with Patrol Deputies in support of the patrol and investigations functions.

## **2-606                    CRIME ANALYSIS**

Under the direction of the Commander, the CID is responsible for the on-going analysis of crime in Kent County and dissemination of information concerning its findings to the Sheriff, to other KCSO staff, and to the public at large, as appropriate.

The CID Commander and his/her staff reviews the following data sources for the purposes of extracting pertinent data to aid the crime analysis process. The CID will extract data concerning criminal activity from:

- a. Offense Reports, (Criminal Investigative Reports).
- b. Arrest Reports,
- c. Field Interviews,
- d. Calls for Service,
- e. Other forms of data collection used by the agency, (UCR Monthly Reports and research conducted on crime patterns in the state,
- f. Information provided by other law enforcement agencies, MSP, Maryland Coordination and Analysis Center (MCAC) and the Delaware Intelligence Analysis Center (DIAC)

Because of the relatively small size of the KCSO and Kent County, the CID Commander can detect trends or patterns in crimes with relative ease. (e.g., a series of similar thefts from motor vehicles in a certain area.) When the CID Commander detects such a trend, he or she will contact the other KCSO commanders to alert them to the trend and to plan strategy to address the issue. The CID Commander

may also alert staff directly concerning patterns of criminal activity that are of concern, identifying potential suspects, methods of operation, or other factors. This may be done:

- a. by memorandum;
- b. by briefing at a regularly scheduled KCSO staff meeting;
- c. by direct contact with certain employees;
- d. by other means.

The commander may similarly exchange information with other law enforcement agencies.

Under appropriate circumstances, the CID Commander may issue a press release to notify the public of or to solicit the public's assistance in resolving patterns of criminal activity. In the regular CID monthly reports to the Sheriff, the Commander will identify any crime patterns or trends that may be of significance. If, in the Commander's judgment, a matter needs to be brought to the Sheriff's immediate attention, he or she will do so.

**(CALEA 40.1.2, 40.1.3)**

## **2-700 SERVICES DIVISION**

The Services Division (SD) is responsible for the activities of the Sheriff related to the courts and the judicial process. The Services Division Commander is a sworn Deputy who is responsible directly to the Chief Deputy. Specific functions of the Division include:

- a. evaluating and providing security at the Kent County Courthouse;
- b. protecting judicial officers and the courtroom of the Circuit Court;
- c. serving civil papers, keeping records of service and returns;
- d. conducting Sheriff's sales, evictions, and writs of execution;
- e. maintaining monthly and yearly statistics for reporting purposes; and
- f. inspecting the personnel, equipment, facilities, and other resources assigned to the command on a regular basis. He or she will be responsible to maintain these elements of the command in compliance with the policies set forth in this Manual and in other official directives of the Agency.

## **2-800 SUPPORT UNIT**

The Support Unit reports to the Chief Deputy. It is generally responsible for the administrative management of the KCSO.

### **2-801 OFFICE MANAGER**

- a. Enter data into METERS/NCIC, perform motor vehicle record checks and criminal records checks;

- b. Configure and troubleshoot office automation systems, including CrimeStar and LiveScan;
- c. Maintain records on and reporting on grants received by the KCSO;
- d. Order goods and services for the KCSO, maintain records of accounts payable;
- e. Maintain budget execution information for the KCSO and advise the Sheriff and Chief Deputy on the status of funds; prepare the KCSO budget submission; Maintain Accounts Payable/Receivable and Forfeited Funds
- f. Maintain training and other personnel records for KCSO employees;
- g. Prepare correspondence for the Sheriff.
- h. Maintain Uniform Crime Reporting Program (UCR) data on an ongoing basis and perform monthly reporting to the MSP;
- i. Maintain files of Criminal Investigation Reports, Incident Reports, motor vehicle accident reports, and daily reports;
- j. Enter and maintain Protective Orders;
- k. Answer phones and greet visitors who report into the office.
- l. collect, account for, and deliver to the Kent County Treasurer monies which come into his or her possession as a result of the service of process or other activities for which a fee is paid to the Sheriff.

## **2-802            OFFICE ASSISTANT**

- a. Input and track civil documents and maintain service status to include peace orders.
- b. Validate Warrants
- c. Input and track warrants
- d. Maintain vehicle mileages and maintenance reports.
- e. Answer phones and greet visitors who report into the office.

## **2-900            DEPARTMENTAL CHAPLAINS**

Chaplains are unpaid volunteers who work on an as-needed/as-available basis.

## **2-901            APPOINTMENT**

The Sheriff may appoint one or more chaplains to serve the KCSO and, through the KCSO, residents of and visitors to the County.

An appointment as KCSO Chaplain may be terminated by either the Sheriff or the Chaplain at any time, without advance notice.



## **2-902                FUNCTIONS**

KCSO Chaplains will perform some or all of the following functions:

- a. Counsel law enforcement officers
- b. Counsel other KCSO staff members
- c. Counsel the families of law enforcement officers and other KCSO staff members
- d. Visit sick or injured officers and staff
- e. Assist Deputies in making death notifications
- f. Provide assistance to victims
- g. Teach officers and staff in areas such as stress management, ethics, and family life
- h. Assist at suicide incidents
- i. Serve as liaison with other clergy in the community
- j. Offer prayers at special occasions
- k. Serve on review boards, award boards, or other committees as directed by the Sheriff
- l. Assist transients and the homeless
- m. other duties as the Sheriff directs.

KCSO does not provide training for chaplains in the performance of duties as they are clergy and have received all necessary training to complete their functions in seminary or other training received through their religious affiliation.

## **2-903                ACCESSING CHAPLAINS**

If a KCSO Deputy or staff member requires the assistance of a Chaplain for a personal or family matter, he or she should contact the Chaplain directly.

If a KCSO Deputy requires the assistance of a Chaplain for a death notification, suicide, victimization incident, or other operational matter, the Deputy will make the request through "KENT". Communications will attempt to contact the Chaplain and inform the Deputy of his/her availability.

## **2-1000              ACCREDITATION MANAGER**

The Accreditation Manager reports to the Chief Deputy and is responsible for the day-to-day management of the Kent County Sheriff's Office's compliance with the standards of the Commission on Accreditation for Law Enforcement Agencies.

Within one year of appointment, the Accreditation Manager will receive specialized accreditation training.  
**(CALEA 33.5.4)**

The Accreditation Manager is also responsible to submit mandatory reports to the State of Maryland throughout the year in accordance with Appendix 18-C Mandated Reporting.

Additionally, the Accreditation Manager is responsible for maintaining the KCSO Administrative and Operational Manual. The Accreditation Manager shall keep up to date on newly enacted laws and police procedures, submitting suggestive policy updates to the Sheriff and Command Staff for inclusion in the Manual.

## **2-1100 SCHOOL SECURITY DEPUTY**

The School Security Deputy (SSD) reports directly to the CID Commander

The primary function of the School Security Deputy is to assure a safe and secure learning environment for students, faculty and administrators at the Kent County High School and Kent County Middle School.

The SSD serves as a law enforcement officer and liaison between the KCSO and students, parents, teachers and administrators at the Kent County High and Kent County Middle School. In carrying out these functions, the SSD plays multiple roles:

- a. as a highly visible, active law enforcement figure on the campus dealing with any law enforcement related issues;
- b. as a classroom resource for instruction in law-related education, violence diffusion, safety programs, alcohol and drug prevention, crime prevention, and other areas;
- c. as a quasi-member of the faculty and administrative team working together to solve problems in the school community;
- d. as a resource for students which will enable students to be associated with a law enforcement figure in the student's environment;
- e. as a resource for teachers, parents, and students for conferences on an individual basis, dealing with individual problems or questions; and
- f. as a counseling resource in areas affecting the educational environment and, in many instances, may be of a law enforcement related nature.

**(CALEA 44.2.4)**

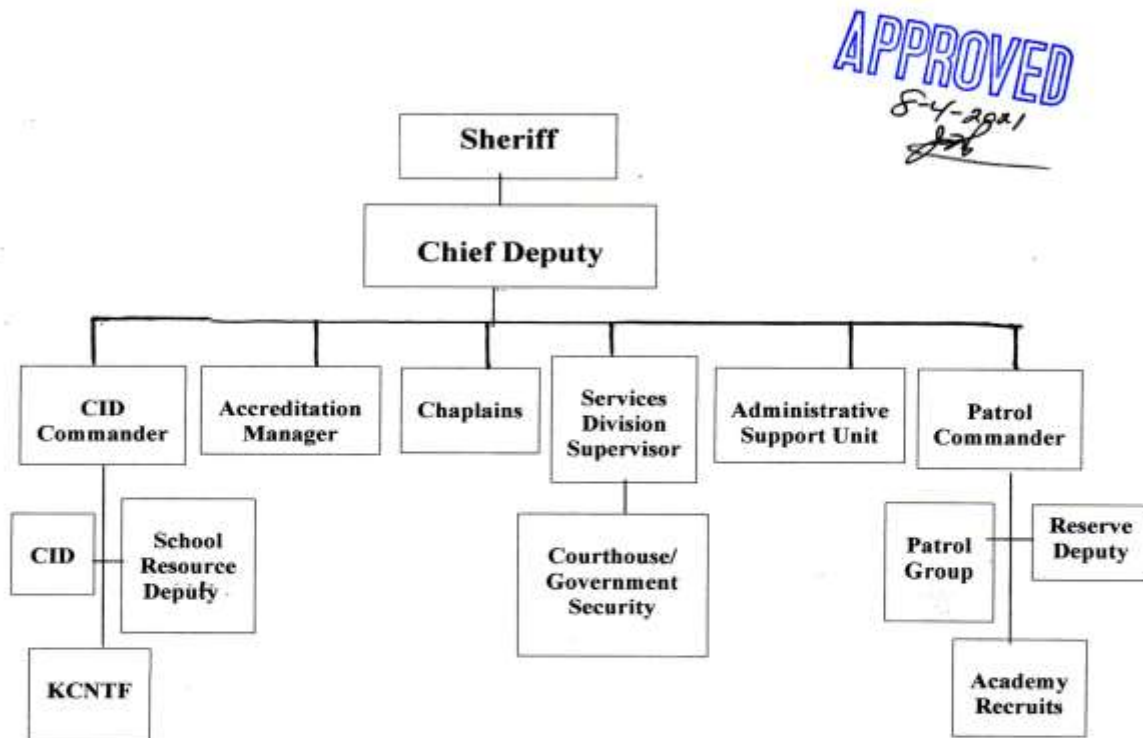
During each month that school is in session, the School Security Deputy shall submit a monthly report to the Sheriff regarding his/her activities.

**(CALEA 44.2.4)**

During the month of June, the School Security Deputy shall submit an annual report to the Sheriff regarding his/her activities during the school year that has just been completed.

**(CALEA 44.2.4)**

## Appendix 2-A KCSO Organization Chart



## CHAPTER 3 ADMINISTRATIVE PROCEDURES

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3-1101	SECURITY
3-1101.1	PROPERTY SECURED
3-1101.2	DUPLICATE KEYS
<b>3-1200</b>	<b>KCSO EMPLOYEE CRIMINAL AND DRIVING RECORDS AUDIT</b>

### **3-100 FISCAL MANAGEMENT**

As an elected official of Kent County and the head of the Kent County Sheriff's Office, the Sheriff has the authority and responsibility for the fiscal management of the KCSO, within the budget appropriated by the Commissioners of Kent County.

**(CALEA 17.1.1)**

### **3-101 BUDGET**

The KCSO prepares and submits an annual budget request to the Kent County Commissioners. Kent County's fiscal year runs from July 1 of each year to June 30 of the following year.

Within the KCSO, preparation and submission of the budget is the responsibility of the Sheriff. The Sheriff carries out this function with the assistance of the Office Manager.

While the process may vary slightly from year to year, based on the direction of the Kent County Budget Office, the principal steps are relatively constant:

- a. Early in the calendar year the Sheriff attends a meeting of Kent County department heads and receives the calendar, instructions, and forms for submission of the budget for the fiscal year beginning the following July 1.
- b. In consultation with the Command Staff, the Sheriff determines what personnel, equipment, and other needs of the KCSO will be for the budget year.
- c. Under the direction of the Sheriff, the Office Manager translates those needs into specific budget line items, according to the instructions provided by the County Budget Office.
- d. The Office Manager completes all of the forms, schedules, and other material specified by the Budget Office and presents them to the Sheriff for final review and approval, sufficiently in advance of the County's submission deadline to permit the Sheriff's review.
- e. The Sheriff reviews and approves the budget and submits it to the County Commissioners.
- f. The Sheriff presents and defends the budget at a hearing before the County Commissioners.

**(CALEA 17.2.1)**

### **3-102 PURCHASING**

- a. A Commander who needs an item or a service will notify the Sheriff's Office Manager. As the Sheriff's designated fiscal manager for the KCSO, the Office Manager has thorough knowledge of both the items which have been budgeted for in the current fiscal year and of the current status funds.
- b. If the item is within the budget and funds are available, the Office Manager will obtain the Sheriff's approval and arrange for the purchase following the *Kent County Government Purchasing Policy*: If it is not within the budget, the Office Manager will raise the issue with the Sheriff for a determination whether to proceed with the purchase.
- c. Standardization of items being purchased is achieved by centralization of major purchasing authority in the Office Manager.



- d. Each Deputy authorized use of a KCSO vehicle is issued a credit card for gasoline purchases. The card is not valid for any other use. The Office Manager, or designee will maintain the vehicle report spreadsheet.
- e. In the event of an emergency requiring the purchase or rental of equipment, if the item is not within the budget or the authority of the KCSO, the Sheriff or Chief Deputy will contact the County Administrator and the County Purchasing Coordinator for assistance. The County Administrator can contact the County Commissioners for authority to expend funds in excess of those available within the KCSO appropriation.

**(CALEA 17.3.1)**

### **3-103            ACCOUNTING**

Official accounting for the resources allocated to and expended by the KCSO is performed by the Kent County Budget and Accounting Department.

After approval by the Sheriff, the KCSO submits invoices for payment to the Kent County Budget and Accounting Department, coding the payment to reflect the activity against which the expense is to be charged.

Each month, the KCSO receives an account activity listing showing all of the charges against the KCSO's accounts during the month, by program code.

The KCSO also receives a monthly Statement of Expenditures report showing, by program code:

- expenditures for the month;
- expenditures year-to-date;
- the amount budgeted for the year;
- the balance remaining; and
- the percentage of funds expended year-to-date.

To assist the Sheriff in the day-to-day administration of the KCSO, the Office Manager keeps an unofficial running tally of availability by account.

**(CALEA 17.4.1)**

### **3-104            MAINTENANCE OF CASH ACCOUNTS**

The KCSO has three cash accounts:

- a. a petty cash account, maintained by the Office Manager;
- b. a receipt account for service of process fees and fees for copies of accident reports and other records, maintained by the Office Manager.
- c. a confidential funds account maintained by the Commander of the Criminal Investigation Division. The operation and maintenance of this account are described in Chapter 14.

For each account, the following minimal standards apply:

- a. maintenance of a ledger showing initial balance, credits, debits, and balance on hand;
- b. receipts or other documentation for cash received.
- c. authorization for cash disbursement and, where appropriate, requirement for the Sheriff's approval of expenditures in excess of certain limits.
- d. documentation for cash expenditures;
- e. persons or positions authorized to disburse or accept cash; and
- f. quarterly accounting of cash activities.

**(CALEA 17.4.2)**

### **3-104.1 PETTY CASH ACCOUNT**

The petty cash account is a disbursement account which provides a source of cash for incidental KCSO expenses. It is maintained by the Office Manager and only the Office Manager or the Sheriff may make disbursements from the account.

The petty cash account will be used for:

- a. travel expenses such as mileage for short trips, tolls, and meals, when authorized;
- b. minor purchases of office supplies and equipment;
- c. minor payment for services such as cleaning and photo processing.

To ensure reimbursement from the account, the employee must have prior clearance for the expenditure from the Sheriff or Captain. . An employee who fails to gain such prior clearance risks not being reimbursed for the expenditure.

Upon completion of the transaction, the employee will return the receipt to the Office Manager. If the receipt is in order, the Sheriff will initial the receipt authorizing payment and the Office Manager will record the expenditure in the petty cash log, disburse the refund to the employee, and retain the receipt in the log.

In order to maintain a sufficient cash balance, the Office Manager will periodically record the receipted expenditures on the Kent County Payment form and forward it, with the receipts, to the Kent County Budget and Accounting Office. That office will issue a check to the Sheriff, which will be cashed to replenish the fund.

The Chief Deputy will inspect the petty cash account on a quarterly basis.

**(CALEA 17.4.2)**

### **3-104.2 SERVICE OF PROCESS ACCOUNT**

The Service of Process account is a receipt account for funds received from two sources:

- a. The fees the Sheriff may charge for various types of service of process, as permitted by the Courts and Judicial Proceedings article of the Maryland Annotated Code, §7-402.
- b. Fees paid by citizens for various kinds of police reports.

Fees may be received in the form of cash, check, or money order.

Fees for process will be handled in the following manner:

- a. All process received for service by the KCSO will first be reviewed by the Office Manager. The Office Manager will remove any cash, checks, or money orders and make a copy of the first page of the corresponding process before forwarding it to the Service Division for service.
- b. The Office Manager will record the receipt, the defendant's name, and the case number on a Kent County Revenue Form.
- c. On a periodic basis the Office Manager will record all of the receipts on a Kent County Revenue Form and forward the form, along with the receipts, to the Kent County Treasurer's Office, attaching a copy of the process to the office copy of the Revenue Form.
- d. When process cannot be served, the SD Commander will provide a copy of the return marked "non-Est" to the Office Manager at the same time it is provided to the Court. The Office Manager will prepare a Kent County Payment to generate a check to reimburse the payee.

With respect to fees for copies of police reports, after the citizen has received the service, the Office Manager or the Sheriff will receive the payment and issue a receipt from the receipt log. On a periodic basis the Office Manager will record all of the receipts on a Kent County Revenue Form and forward the form, along with the receipts, to the Kent County Treasurer's Office.

For both service of process and police reports, the cash, checks, or money orders will be secured in a locking file cabinet in the Office Manager's office until they can be forwarded to the County Treasurer.

The Chief Deputy will inspect the Service of Process Account on a quarterly basis.

**(CALEA 17.4.2)**

### **3-105            AUDIT**

The Kent County Government General Fund, of which the KCSO is a sub-account, is subject to annual independent audit under the provisions of Chapter 7 of the Kent County Code. The audit is performed in accordance with the Government Auditing Standards issued by the Comptroller General of the United States.

**(CALEA 17.4.3)**

### **3-106            INVENTORY**

#### **3-106.1        PROPERTY MANAGEMENT SYSTEM**

The property management system for agency owned property includes the initial identifying, labeling, and recording of existing property as well as the maintenance of the system as property is added, transferred, replaced, or destroyed. See Chapter 15 for information on handling of evidence and seized property.

#### **3-106.2        RESPONSIBILITY**

Oversight of the property management system will be the responsibility of the Chief Deputy. The Office Manager will maintain inventory records for the Chief Deputy.

### **3-106.3            PROPERTY SUBJECT TO INVENTORY**

The KCSO maintains an active automated inventory of the following items of agency-owned property:

- a. motor vehicles
- b. motor vehicle equipment, including:
  - 1. radar systems
  - 2. mobile radios
  - 3. video recorders
- c. portable radios
- d. firearms and less lethal weapons other than OC spray;
- e. sensitive police equipment (e.g., soft body armor, entry equipment, bullhorns, flashlights);
- f. computer and office equipment with an initial purchase value of more than \$50;

The Office Manager will also maintain, for each employee, a *KCSO Inventory: Issued Equipment/Uniforms* form. The form is maintained in the employee's personnel folder. The form is used to record all equipment and uniform items issued to each employee.

### **3-106.4            INVENTORY ISSUANCE**

As property is issued to an employee or Division, the Office Manager will record in the automated property inventory, for each item of personal property:

- a. a unique tracking number
- b. the category of equipment
- c. a description of the item
- d. the item serial number, if any
- e. other identification, if any
- f. the Division to which assigned
- g. the Deputy to whom assigned, if any

The Office Manager will similarly record the issuance of property in the *Inventory: Issued Equipment/Uniforms* form, including the quantity, type, identification, and any remarks concerning each item issued to an employee.

### **3-106.5 INVENTORY UPDATE**

- a. Addition. As new property is received, the Office Manager will record it in the automated or manual inventory (or both, as appropriate) before its issuance.
- b. Deletion. Non-usable, worn out, or broken items of equipment, property, or apparel will be returned to the Division Commander. The Division Commander will notify the Office Manager to remove the item from inventory records and will make arrangements for disposal of the item.
- c. Return/Reissue. When a serviceable item is no longer required by an employee, the item will be returned to the Office Manager. Similarly, when an employee leaves the KCSO, he or she will return all issued uniforms and equipment to the Office Manager.

As property is returned, the Office Manager will record the return in the automated or manual inventory (or both, as appropriate). The Office Manager will store returned items (or in the case of weapons, give them to the KCSO Firearms Instructor for storage in the armory).

As items are needed, they will be taken out of inventory and reissued, with the re-issuance recorded as above.

### **3-106.6 RESPONSIBILITY FOR PROPERTY**

Commanders are responsible for maintaining stored agency property within their divisions in a state of operational readiness. They will oversee the maintenance and care of equipment and supplies assigned to their Divisions. They will conduct or oversee the conduct of regular inspections to validate the inventory of equipment under their control and its readiness.

Employees receiving assigned equipment or property are responsible for maintenance, care, and upkeep of such equipment or property. Employees are responsible for the return to their Division Commanders of issued equipment or property when those items are non-serviceable or removed from service. An employee may request at any time, through the Division Commander, a copy of the inventory of equipment assigned to him or her.

### **3-106.7 EMPLOYEE PROPERTY CLEARANCE PROCEDURES**

All employees who terminate employment with the KCSO will complete a clearance process with the Chief Deputy and the Office Manager. During the clearance the Deputy will turn in all issued equipment, keys, credit cards, and other property belonging to the KCSO. This process must be completed before the employee's time will be certified for his or her final paycheck.

**(CALEA 17.5.1, 17.5.2, 17.5.3)**

### **3-200 MOTOR VEHICLES**

#### **3-201 MANDATORY USE OF SAFETY RESTRAINT DEVICES**

While on or off duty, a KCSO employee operating or riding in a vehicle owned by the KCSO (or not owned by the KCSO but being used in an approved official capacity) will use the safety restraint devices provided by the manufacturer. It is the responsibility of an employee who is transporting a non-employee to ensure that the passenger uses the restraint devices.

**(CATEGORY A)(CALEA 41.3.3)**

### **3-201.1 MANDATORY USE OF CAR SEATS FOR EMPLOYEES' CHILDREN**

The rules for the use of safety equipment in transporting children in vehicles are as follows:

- a. Children under the age of 16 years, taller than 4' 9" or weighing 65 pounds or more shall be secured by a seat belt or in a safety seat.
- b. Children under the age of 8 years must be secured in a child safety seat unless they are taller than 4' 9" and weigh more than 65 pounds, then they shall be secured in a child safety seat or a seat belt.
- c. Children over the age of 16 years, occupying an outboard front seat shall be secured by a seat belt.

**(CATEGORY B)**

### **3-201.2 TRANSPORTATION OF CHILDREN IN EMERGENCY CIRCUMSTANCES**

KCSO will transport children only when the totality of circumstances dictates a transport is necessary. If an approved safety seat is not available for use as specified and emergency transport is appropriate, the child will be transported using any available, suitable seat. If no seat is available, the child will be restrained using the safety equipment provided by the manufacturer for the occupant seated in the center of the rear seat. If the child is so small that the manufacturer's safety equipment would not be suitable, the transport will be made keeping the safety of the child in mind.

**(CATEGORY A)**

### **3-202 UNATTENDED VEHICLES**

A vehicle is unattended when the Deputy is not in the immediate vicinity of the vehicle or does not have the vehicle in his or her clear observation. When leaving a KCSO vehicle unattended, the Deputy will remove the keys and lock all doors. Canine Officers will leave the engine running in order to provide comfort control for their animals.

**(CATEGORY B)**

### **3-203 PASSENGERS**

Except as necessary in the performance of police duties or as noted below under Off-Duty Usage, a Deputy may not transport members of his or her family or other persons in a vehicle without the approval of the Sheriff or the Chief Deputy.

**(CATEGORY A)**

### **3-204 QUALIFIED OPERATORS**

Commanders will not allow a sworn or civilian employee of the agency to operate a vehicle unless the employee possesses a valid driver's license of the proper class for the type of vehicle being operated.

Only the employee is permitted to operate the KCSO vehicle.

**(CATEGORY D)**

### **3-205 PUSHING/PULLING DISABLED VEHICLES**

Except when imminent danger or life-threatening conditions require the immediate removal of a disabled vehicle, vehicles will not be used to push or pull disabled vehicles.

**(CATEGORY B)**

### **3-206 ENERGY SAVINGS**

All personnel will, whenever possible, employ energy-saving techniques when operating vehicles. They will be conscious of their routine driving techniques and make necessary adjustments to reduce fuel consumption, while making safe and efficient use of KCSO vehicles. Deputies are expected to drive their vehicles (both on and off duty) no more than 3000 miles in any calendar month. The Patrol Commander will monitor monthly vehicle usage.

**(CATEGORY A)**

### **3-207 TRAVEL OUTSIDE KENT COUNTY**

On-duty intrastate travel must be approved the Division Commander. The Sheriff must approve all out-of-state travel in vehicles.

**(CATEOGRY B)**

### **3-208 OFF-DUTY USE OF OFFICIAL VEHICLES**

It is the policy of the KCSO to permit Deputies to use their official vehicles while off duty in order to increase their availability for emergency response. Vehicles will be allocated according to availability on an equitable basis by Commanders. Off-duty vehicle use will not conflict with the number of vehicles needed to maintain patrol and other responsibilities. To be eligible for this privilege, a Deputy must live in Kent County or no more than 20 miles outside the boundaries of Kent County. An employee who is not eligible for the privilege must park his/her vehicle at the KCSO when off duty.

A Deputy will announce him or herself "10-8" (in service) when beginning an off-duty trip in the KCSO vehicle and "10-7" (out of service) at its completion.

**(CATEGORY B)**

#### **3-208.1 PASSENGERS**

Off-duty travel is permitted for members of the employee's immediate family and other employees. Other passengers must be approved by the Sheriff.

**(CATEGORY A)**

#### **3-208.2 EMERGENCY RESPONSE**

An employee may not respond to an emergency while transporting any passenger who is not an employee, except for an authorized ride-along. Passengers must first be deposited at some safe, convenient location before the emergency response is initiated. This restriction does not apply when other police officers or injured or ill persons are riding as passengers in a vehicle while the operator is making an emergency run in the interest of protecting life and property.

**(CATEGORY B)**

#### **3-208.3 MONITORING OPERATING FREQUENCIES**

An employee operating a vehicle off-duty will monitor the primary operating frequencies of the KCSO.

**(CATEGORY B)**

#### **3-208.4 FIREARMS**

An off-duty sworn KCSO employee who is the operator of or a passenger in a KCSO vehicle will carry a KCSO issued firearm or their approved off-duty firearm.

**(CATEGORY C)**

### **3-208.5 ATTIRE**

While operating a vehicle off-duty, a Deputy must be appropriately attired to perform a police function effectively while at the same time presenting a favorable image of the KCSO. Deputies are also responsible for the proper appearance and conduct of their passengers.

**(CATEGORY A)**

### **3-208.6 LARGE OR HEAVY LOADS**

Vehicles will not be used for carrying heavy or excessive loads. Objects may not protrude from the trunk or windows.

**(CATEGORY B)**

### **3-208.7 TRAFFIC LAWS**

- a. Operators of KCSO vehicles shall comply with all parking laws.

**(CATEGORY A)**

- b. Operators of KCSO vehicles shall comply with all traffic laws unless operating in an emergency situation.

**(CATEGORY B)**

### **3-208.8 TRAVEL OUTSIDE KENT COUNTY**

Off-duty travel outside Kent County must be approved by the Sheriff.

**(CATEGORY B)**

### **3-208.9 FUEL CONSERVATION**

Employees are encouraged to minimize the off duty use of vehicles to reduce fuel consumption.

**(CATEGORY A)**

### **3-208.10 REVOCATION OF PRIVILEGE**

The off duty use of vehicles is a privilege which the Sheriff may suspend or revoke for abuse. Abuse may include involvement in a preventable collision.

## **3-209 VEHICLE EQUIPMENT**

The equipment and supplies to be maintained in assigned patrol vehicles are identified on the KCSO Inspection Report form. The form is available in the Patrol Room forms supply drawer and each Deputy will carry a copy of the form in his or her vehicle. While the form applies specifically to patrol vehicles, it will be used as a guide for re-supplying undercover vehicles as well.

Each Deputy is responsible for monitoring his or her use of equipment and supplies, including forms, and for ensuring that the vehicle is always adequately stocked at the beginning of the shift. Compliance will be verified during periodic inspections.

The *Inspection Report* identifies the source from which the Deputy may replenish supplies, as needed.

If the Deputy is working a shift when the individual responsible for re-supplying an item is not on duty, the Deputy may leave a memorandum requesting re-supply for the appropriate individual.



Additional equipment not found on the *Inspection Report* form must be approved by the Patrol Commander. Any questions about replenishment of supplies should be directed to the Patrol Commander.

**(CATEGORY A)(CALEA 41.3.2)**

### **3-210 NON-ISSUE EQUIPMENT**

Division commanders, with the approval of the Sheriff or Chief Deputy, may authorize the installation or use of such non-issue vehicle equipment as may be appropriate. An employee installing or using non-issue equipment which has not been so approved will be in violation of this policy.

**(CATEGORY A)**

#### **3-210.1 PURCHASE, INSTALLATION AND MAINTENANCE**

The purchase, installation, and maintenance of non-issue vehicle equipment is the sole responsibility of the employee. The KCSO will not accept any claim for damage to or loss of non-issue equipment.

#### **3-210.2 REMOVAL**

Should a vehicle be replaced or reassigned, it is the responsibility of the employee to remove the non-issue vehicle equipment at his or her own expense.

### **3-211 MAINTENANCE**

The maintenance of vehicles in accordance with the manufacturer's specifications is essential. A Deputy who is permanently or temporarily assigned a vehicle is responsible for timely scheduling and having maintenance performed at the facility designated by the Sheriff or Chief Deputy.

**(CATEGORY A)**

#### **3-211.1 OIL CHANGES**

Oil and filter changes will be performed every 5,000 miles on all Patrol Division vehicles and every 7,500 miles on CID and Command Staff vehicles.

**(CATEGORY A)**

#### **3-211.2 CLEANLINESS**

Each employee assigned a vehicle will ensure that it is kept clean, i.e., windows free from dirt or film; passenger compartment and trunk clean and uncluttered; and the exterior free of dirt and debris and waxed.

**(CATEGORY A)**

### **3-212 MONTHLY VEHICLE REPORT**

Each Deputy assigned a vehicle will:

- a. keep monthly vehicle usage below 3,000 miles;
- b. Submit current mileage to the Office Manager or designee on the first day of each month, covering the previous month.

**(CATEGORY A)**

**OFF ROAD SPECIAL PURPOSE VEHICLE**

The Kent County Sheriff's Office maintains an Off Road Special Purpose Vehicle (ORSPV) for use in situations where terrain, conditions or other access limitations limit the ability of patrol and investigatory vehicles to access a scene or provide law enforcement services.

**a. Authorization, conditions, and limitations for use**

1. The authorization for deployment of the ORSPV will be made by a member of the Command Staff or the Sheriff;
2. The ORSPV will be used when conditions require a vehicle that can access rough terrain, transport personnel or supplies to a scene that is remote or otherwise prohibitive for regular patrol vehicles, or in other conditions as authorized by the Sheriff;
3. The ORSPV will not be used for traffic stops, vehicle pursuits, or other activities for which it is not properly equipped or that exceed its limitations. The ORSPV shall not be used at excessive speed. Deputies operating the vehicle will wear seat belts with which it is equipped.

**b. Qualifications for use.**

1. As legally defined in the Maryland Natural Resources Article Title 8, Section 01.03.03 (A) (2), Sheriff's Office personnel who hold a valid motor vehicle license are authorized to operate the ORSPV by Maryland Law.
2. Any deputy operating the ORSPV must complete an agency-approved training course. A record of the completion of the course will be maintained in the deputy's training file. The training shall include:
  - i. A review of this policy
  - ii. Basic orientation of the ORSPV's controls
  - iii. A test ride observed by the instructor that includes, at minimum:
    - a) Stopping, starting, turning in a controlled environment;
    - b) Operation of the vehicle's lights and signals
    - c) Backing the vehicle
    - d) Safely parking and turning off the vehicle
  - iv. Review of the vehicle's limitations

**c. Responsibility for Condition/Maintenance of ORSPV**

1. The Chief Deputy will be responsible for the Condition and Maintenance of the ORSPV and will submit a quarterly report on its condition in conjunction with the report submitted on the readiness of the Quarterly Emergency Equipment Inspection, (KCSO Form #149).<sup>1</sup>

2. In addition, any deputy operating the ORSPV will report any issues or deficiencies of the vehicle to the CID Commander at the conclusion of the assignment in which it is used.

**d. Equipment**

1. The ORSPV will be equipped with a First Aid Kit and Fire Extinguisher
2. The ORSPV will additionally be equipped with a siren/Public Address system

**(CATEGORY B)**

**3-300 WEAPONS**

Only weapons, lethal and less lethal and ammunition approved by the Sheriff and issued by the KCSO may be used by employees in the performance of law enforcement duties while on-duty.

The following are the firearms used by the KCSO:

- Primary Handgun: Sig Sauer P320, 9mm
- Shotgun: Remington 870, 12 ga.
- Rifle: AR-15, 223

The KCSO Firearms Instructor will maintain a complete record of every weapon approved for official use. For firearms, the record will list the type, description, model, and serial number of the weapon and the person to whom it is assigned.

Before any weapon is issued and put into service, it will be inspected for safety by the KCSO Firearms Instructor. Any weapon determined to be unsafe will be removed from service and repaired under the supervision of the Firearms Instructor or destroyed.

An employee may not make any repairs or modifications to KCSO-issued firearms except that, with prior written authorization, handgrips may be changed. Only the Firearms Instructor may repair or have repairs made to agency firearms.

**3-301 ON-DUTY HANDGUNS**

Only handguns issued by the KCSO may be carried as weapons by on-duty Deputies unless the Sheriff has approved an alternative. Additionally, the KCSO Firearms Instructor shall inspect the alternative weapon for operational and safety compliance. The Deputy requesting to utilize the alternative weapon shall qualify with the alternative weapon utilizing an MPTSC approved course of fire (day and low-light courses) under the direction and supervision of the KCSO Firearms Instructor.

**(CATEGORY C)**

**3-302 OFF-DUTY HANDGUNS**

The carrying of firearms by sworn personnel while off-duty shall be optional, except when sworn personnel are operating an agency owned vehicle; then the sworn personnel shall be required to have in his/her immediate possession, his/her agency issued handgun or authorized off-duty handgun. Otherwise, the decision to carry a firearm is up to the professional judgment of the individual Deputy. When in public while off-duty and considering whether to arm themselves, sworn personnel should consider their destination, purpose, and attire, as well as any other pertinent variables. KCSO sworn personnel shall not be armed

while consuming or under the influence of alcohol and or prescription drugs and or any other substance or be in a physical or mental condition that may affect their ability to function in a safe and prudent manner while armed.

While off-duty, KCSO sworn personnel may carry their agency issued handgun, utilizing agency issued ammunition and their agency issued off-duty holster or may choose to carry an agency approved, personally owned, off-duty handgun utilizing agency issued ammunition. (Current federal law; **Law Enforcement Officers' Safety Act** permits "qualified law enforcement personnel" to be armed within the United States of America, with certain exceptions). KCSO sworn personnel travelling outside the State of Maryland while armed should be familiar with this law and any provisions and or restrictions that may apply.

Requests to utilize off-duty handguns by KCSO sworn personnel shall be made in writing to the Sheriff. Additionally, the KCSO Firearms instructor shall inspect the off-duty handgun for operational and safety compliance. The Deputy requesting to utilize the off-duty handgun shall qualify with the off-duty weapon utilizing a Maryland Police Training Standards Commission (MPTSC) approved course of fire (day and reduced-light qualification courses) under the direction and supervision of the KCSO Firearms Instructor. The Deputy attempting to qualify with an off-duty handgun shall do so with an appropriate and safe holster designed for the weapon (to be approved by the KCSO Firearms Instructor) and will be required to supply the ammunition needed for the qualification courses. (day and reduced light - minimum of eighty (80) rounds).

Upon completion of all required off-duty training and qualification, the KCSO Firearms Instructor shall provide written documentation to the Sheriff regarding said training to include:

- a. Deputy's name.
- b. Make, model and serial# of the off-duty pistol.
- c. Qualification scores for MPTSC approved day and reduced-light courses of fire.

The Sheriff's authorization for off-duty handguns shall be filed in the personnel file of the effected KCSO Deputy.

The KCSO Firearms Instructor shall be responsible to provide qualifications scores for off-duty handguns to the MPTSC as required.

**(CATEGORY C)**

### **3-302.1 AUTHORIZED OFF-DUTY HANDGUNS**

KCSO sworn personnel are authorized upon qualification and approval to carry the following personally owned and registered handguns while off-duty:

- a. The off-duty semi-autoloading pistol must meet the additional following criteria:
  1. 9mm or 40 calibers
  2. the pistols must be deemed operationally safe by the KCSO Firearms Instructor; without any modifications, other than optional grips;
  3. the pistol must be made by a reputable manufacturer.

### 3-302.2 AUTHORIZED AMMUNITION FOR OFF-DUTY HANDGUNS

Authorized ammunition for off-duty semi-autoloading pistols must meet the following criteria:

- a. Only agency issued 9mm or 40 calibers.
- b. The ammunition must be made by a reputable U.S. manufacturer and approved by the KCSO Firearms Instructor.

Full metal jacketed ammunition is prohibited.

### 3-303 RIFLES AND SHOTGUNS

Only certified Deputies will carry agency issued rifles and shotguns in their vehicles.

(CATEGORY C)

### 3-304 LESS LETHAL WEAPONS

The KCSO uses four (4) less-lethal weapons:

- a. OC Spray. All Deputies are trained in the use of and issued *oleoresin capsicum* (OC) spray.
- b. Sage Gun. This weapon manufactured by Sage industries fires a non-lethal rubber round. Only a Deputy trained in the use of the Sage Gun may operate the weapon.
- c. Expandable Baton. All trained KCSO sworn personnel are issued the Monadnock, 22" expandable baton.
- d. Taser®. All KCSO personnel trained in electronic controlled devices (ECD) will be issued a Taser® X2.

### 3-305 AMMUNITION

The KCSO Firearms Instructor is responsible for ordering all ammunition used by the KCSO. A Deputy may use only ammunition provided by the KCSO in any KCSO-issued handgun, shotgun, submachine gun, rifle, or off-duty pistol. The authorized ammunition is:

Handgun (Agency)	9mm Cal. 147 grain jacketed hollow point
Handgun Personal (off-duty)	40 Cal or 9mm with hollow point bullet
Shotgun	12 ga. 1 oz rifled slug; or 00 buckshot
Rifle	223 62 grain soft point
Taser®	25' XP Cartridge
Sage Gun	Sage Control Ordnance, Inc. K01 and Sage K01LE (low energy)
OC Spray	10 % Oleoresin Capsicum compound with stream distribution

(CATEGORY C)

### **3-306 DUTY GEAR**

Only holsters, magazine pouches, and gun belts issued by the KCSO as items of uniform equipment may be used by Deputies in conjunction with their assigned handgun(s).

**(CATEGORY B)**

### **3-307 SURRENDER OF WEAPONS**

A Deputy who is suspended is required to surrender to the Chief Deputy for the period of suspension all weapons issued to him by the KCSO.

**(CATEGORY D)**

### **3-400 BADGES AND IDENTIFICATION CARDS**

#### **3-401 BADGE**

Every sworn employee will be issued a KCSO badge signifying his or her status as a law enforcement officer.

Retired sworn personal will be issued a (Retired) KCSO badge reflecting his or her former status as a law enforcement officer.

#### **3-402 IDENTIFICATION CARDS**

Sworn employees are issued KCSO photo identification cards reflecting their status as sworn law enforcement officers of the KCSO and the State of Maryland. Auxiliaries also receive KCSO IDs.

Retired sworn personal will be issued a (Retired) KCSO photo identification card reflecting his or her former status as a law enforcement officer.

Non-sworn employees are issued Kent County photo identification cards showing name, position, and location of employment.

**(CALEA 22.1.8)**

#### **3-403 USE OF IDENTIFICATION**

- a. No employee will allow another employee of the KCSO or any other person to use his or her badge or identification card.
- b. A Deputy who is suspended is required to surrender to the Chief Deputy for the period of suspension his or her badge(s) and identification card.
- c. While on duty, a Deputy shall have the KCSO badge, identification card, and MPCTC certification card in his or her possession and permit any citizen to view it.

**(CATEGORY B)(CALEA 22.1.8)**

### **3-500 UNIFORMS AND EQUIPMENT**

**(CALEA 22.1.6, 26.1.1, 41.3.4)**

#### **3-501 INTRODUCTION**

The KCSO will provide uniforms and equipment necessary for the performance of the duties of all employees. All uniforms and equipment remain the property of the KCSO.

### **3-502 CLASSES OF UNIFORMS**

Seasonal fluctuations in temperature and climatic conditions and variations in assignments require flexibility in the type of uniform to be worn. All Deputies, regardless of assignment, will have available for use at least one complete Class A, C, and D uniform. The KCSO recognizes five uniform classes:

- Class A Dress Uniform. Blouse, slacks, straw campaign-type uniform hat and Sam Browne belt with shoulder strap (non-commissioned officers). Commissioned officers wear the same uniform, without the Sam Browne belt.
- Class B Winter Uniform. Patrol jacket, long-sleeved shirt, black crewneck undershirt, slacks, straw campaign hat and gun belt. The issued sweater may be worn at employee's option.
- Class C Summer uniform. Slacks, short sleeve shirt, black crewneck undershirt, straw campaign hat and gun belt.
- Class D Color Guard Uniform. Class A uniform, but with patent leather gear, riding breeches in lieu of trousers, and high patrol boots.
- Class E Specialized Uniforms. Bicycle Patrol, Tactical Entry Team, or other specialized equipment and/or uniform prescribed by the Sheriff.

#### **3-502.1 UNIFORM OF THE DAY**

The Sheriff or the Chief Deputy will prescribe the uniform of the day. When a class A uniform has been designated as the uniform of the day, it will be worn as described in this manual and may not be altered or

modified in any manner. Uniform Deputies will wear the uniform of the day when testifying in court as a representative of the KCSO. Male plainclothes investigators or undercover investigators will wear a suit or sports coat and slacks, shirt, tie, and dress shoes. Female plainclothes investigators or undercover investigators will wear some suit, dress, skirt or slacks, blouse and dress shoes when testifying as a representative of the KCSO. This mandatory court attire is in effect whether KCSO personnel are testifying in court on a duty day or in an off-duty status.

#### **3-502.2 SELECTION**

The KCSO will maintain consistency regarding the class of uniform to be worn. Under no circumstances will different classes of uniform be worn at an official function in which the KCSO participates.

### **3-503 WEAR REQUIRED/PROHIBITED**

When they are on duty, uniformed personnel will always appear in the prescribed uniform.

A Deputy who has been suspended from duty may not wear the KCSO uniform.

**(CATEGORY A)**

### **3-504 UNIFORM REGULATIONS**

The uniform must be worn with pride and in a way to bring credit to the KCSO, since it immediately identifies the wearer as a representative of the KCSO and of the rule of law. The uniform must always be maintained in excellent condition. No decoration or insignia not identified in this section may be worn as part of any uniform without the approval of the Sheriff, who will designate where, when, and in what manner the insignia

or decoration may be worn. Similarly, no item of equipment not identified in this section may be worn as part of the uniform or used without the approval of the Sheriff.

**(CATEGORY A [504-504.20])**

The following elements of the uniform are issued by the KCSO.

### **3-504.1 BLOUSE**

Pencils or pens will not protrude from breast pockets.

### **3-504.2 PATROL JACKET**

The patrol jacket is part of the Class B uniform; it may not be worn at any official function. It will be worn with the zipper closed at least halfway up from the bottom.

Chevrons, nameplates, and badges will be worn on the patrol jacket.

### **3-504.3 SHIRT**

The short sleeve shirt will be worn with the collar unbuttoned. When the short sleeve shirt is worn, the undershirt will not be visible at the neck or bicep. No medallion, choker, or necklace will be visible at the neck. A Deputy will wear an agency provided black undershirt with the Class C uniform.

### **3-504.4 NECKTIE AND TIE BAR**

A regulation-issue tie will be worn at all times with the Class A uniforms and it will be secured to the shirt by a regulation-issue tie bar attached to the tie between the third and fourth buttons from the top of the shirt. No tie will be worn with the Class B or C uniform.

### **3-504.5 SHOULDER PATCH**

The KCSO emblem will be worn on both shoulders of the shirt, blouse, and patrol jacket. Each patch will be placed so that the top is 2 inch below the shoulder seam and is centered on the seam.

### **3-504.6 BREAST BADGE**

When worn on the blouse, shirt, or patrol jacket, the badge will be worn in the holder provided.

### **3-504.7 MOURNING SHROUD FOR BREAST BADGE**

At the direction of the Sheriff or the Chief Deputy, each sworn officer will place a mourning band on his or her badge.

The mourning band will generally be worn:

- a. For 30 days after the death of a Kent County Deputy killed in the line of duty;
- b. Through the date of internment upon the death of a law enforcement officer of another Maryland jurisdiction killed in the line of duty;
- c. Under other circumstances to be determined by the Sheriff.



### **3-504.8 COLLAR ORNAMENTS (NON-COMMISSIONED OFFICERS)**

With the Class A, B, or C uniform, a Deputy will place the collar ornaments (the Seal of Kent County) on the shirt collar, one on each side, 2 inches back of the collar opening and centered on the collar in a straight-line parallel to the collar top.

### **3-504.9 INSIGNIA OF RANK (COMMISSIONED OFFICERS)**

With the Class A uniform, an officer will wear insignia of rank on each shoulder of the blouse, centered at the cross point of the seams, and on the uniform shirt.

The designation will be worn on the shirt at all times on both collars, 2 inches back of the collar opening and centered on the collar in a straight-line parallel to the collar top.

### **3-504.10 NAMEPLATE**

A regulation-issue nameplate will be worn secured over the right breast pocket, centered, and with the bottom edge of the nameplate touching the top edge of the flap of the breast pocket of the blouse or shirt. On the patrol jacket the nameplate will be worn in the holder provided above the right breast pocket. (A nameplate which does not fit the holder will be placed covering the holder, secured inside the jacket with the attaching pins.)

### **3-504.11 OTHER INSIGNIA**

- a. The CALEA insignia will be worn on the right pocket flap of the blouse or shirt centered over the button and centered between the top of the button and the upper pocket flap seam.
- b. Length of Service insignia will be worn immediately above the nameplate, centered.
- c. Sheriff's Commendation insignia will be worn immediately above the Length of Service Insignia, centered.
- d. Unit Insignia will be worn above the Sheriff's Commendation Insignia. It may be paired with the American Flag
- e. The American Flag will be worn above the Sheriff's Commendation Insignia. It may be paired with Unit Insignia.
- f. Pistol Qualification Medal will be worn on the left breast pocket flap, centered over the button and centered 1/4 inch below the pocket seam.

### **3-504.12 UNIFORM PANTS/SLACKS/BREECHES**

Regulation issue uniform slacks will be worn by all personnel unless otherwise prescribed.

On designated training days, K-9 personnel may wear breeches and boots.

### **3-504.13 UNIFORM SHOES/BOOTS**

Employees will wear traditional military-style dress shoes with plain toe. Shoes will be constructed of smooth black leather or simulated leather capable of being polished to a high luster and will have no ornamentation. Their design will be such that the uniform slacks will not ride up on the heel opening.

With approval of the Commander, a Patrol Deputy may wear black leather combat-type boots or insulated rubber boots during tactical operations or extreme adverse weather conditions.

### **3-504.14 GUNBELT**

The gun belt will be worn directly over the waist belt and will fit snugly. The shoulder strap will be used only by noncommissioned personnel wearing the Class A uniform.

The handgun holster is worn on the strong hand side and the radio carrier is worn on the side opposite the holster.

Items listed below are to be worn on the belt.

- a. Magazine holder;
- b. O.C. spray holder;
- c. Portable radio carrier;
- d. Mini-flashlight holder (optional);
- e. Handcuffs and case;
- f. Case for protective gloves;
- g. Key ring holder (optional);
- h. Cellular telephone; and
- i. Monadnock expandable baton

### **3-504.15 HANDCUFFS**

All noncommissioned personnel will carry handcuffs. They are optional for commissioned and plainclothes personnel. When carried by uniformed personnel, they will be placed in a handcuff case worn on the uniform gun belt (noncommissioned officer) or waist belt (commissioned officer) where they are conveniently accessible to the wearer.

The carrying and method of carrying handcuffs by non-uniform personnel will be determined by the nature of the individual's assignment.

### **3-504.16 HOLSTER**

Only holsters issued by the KCSO as an item of on-duty uniform equipment and for off-duty use or those approved for use by the KCSO Firearms Instructor and Sheriff may be worn.

### **3-504.17        MICROPHONE**

When used with a portable radio, the microphone will be worn in the manner recommended by the manufacturer.

### **3-504.18        RAINCOAT**

A regulation raincoat will be issued.

### **3-504.19        HAT**

The regulation hat for the KCSO is a straw campaign hat with Sheriff's Office Badge insignia.

Deputies in uniform will wear the hat at all times when they are outdoors unless operational conditions indicate otherwise.

### **3-504.20        VISOR CAP**

Tactical Entry Team members may wear a visor cap during tactical operations and tactical training. In special situations, the Sheriff may authorize Patrol Deputies to wear issued black caps.

### **3-505            SOFT BODY ARMOR**

Soft body armor (protective vest) is issued to all personnel to provide a measure of protection against assault and to reduce the possibility of fatal or serious injury. The wearing of KCSO-issued soft body armor, while on-duty, is mandatory for Patrol Deputies. It is optional for CID and NET Deputies and for commissioned officers. However, all personnel are required to have their body armor readily available at all times while on duty.

Commanders or supervisors will order that soft body armor be worn on especially hazardous pre-planned operations, such as warrant execution.

Under no circumstance may an employee make or attempt to make any alterations to soft body armor. If armor becomes unserviceable, it must be returned to the Division Commander for replacement. Soft body armor will be replaced every 5 years.

**(CATEGORY C)(CALEA 41.3.5, 41.3.6)**

### **3-506            ATTIRE FOR PLAIN CLOTHES DEPUTIES AND CIVILIANS**

The CID unit uniform shall consist of agency approved polo with their name, ID and Sheriff's badge embroidered on the front, and slacks. CID personnel attending court shall wear a suit or sports jacket, slacks, shirt and tie.

Civilian employees shall wear business attire consisting of the following:

- Males - suit or sports jacket and slacks, shirt, and tie.
- Females - suit, dress, skirt or slacks and blouse.

Plain clothes deputies conducting covert activities may dress and be groomed appropriately for their assignment, with the approval of the Criminal Investigation Division Commander.

Plain clothes or covert personnel who wear clothing items purchased by the Kent County Sheriff's Office shall only wear said clothing items while on duty or while representing the Kent County Sheriff's Office in the member's official capacity.

**(CATEGORY A)**

### **3-507 PRE-AUTHORIZED NON-ISSUE UNIFORM/EQUIPMENT**

A Deputy will wear personally provided black or charcoal grey socks with all classes of uniform.

The KCSO authorizes Deputies to carry personally owned folding knives or similar cutting instruments with a blade length not to exceed 4 inches. These devices may be used only as tools and not as weapons, except as described in Chapter 8.

**(CATEGORY A)(CALEA 41.3.4)**

#### **3-507.1 OTHER NON-ISSUE UNIFORM/EQUIPMENT**

Personal non-issue equipment to be worn as part of the uniform, in addition to or in place of issued equipment, must be approved by the Sheriff or Chief Deputy prior to use. Approval will be subject to the following procedures:

- a. the employee will complete and submit a written request to his or her Commander.
- b. the Commander will evaluate the item for quality, utility, and legality, and determine whether the employee is adequately trained in its use, recording his or her findings on the request and forwarding it to the Sheriff or Chief Deputy.
- c. the Sheriff or Chief Deputy will make the final determination, recording it on the request. The request will be returned to the employee and a copy filed in the employee's personnel file.

**(CATEGORY A)**

#### **3-507.2 CONDITIONS FOR USE OF NON-ISSUE EQUIPMENT**

Use of non-issue equipment is subject to the following conditions:

- a. it must be maintained in proper appearance and repair at the employee's expense,
- b. it is subject to personal inspection in the same manner as issued equipment; inspection reports will contain remarks relative to personal equipment,
- c. Commanders may designate which approved, non-issued equipment may be worn by personnel attending special functions,
- d. Commanders may immediately suspend and, following recommendation to and approval by the Sheriff or Chief Deputy, discontinue the use of approved non-issued equipment; and
- e. employees misusing approved non-issued equipment may be subject to disciplinary action to the same extent as if the equipment was issued, except in incidents of damage or loss.

**(CATEGORY A)**

### **3-600 PERSONAL GROOMING**

Deputies are required to be neat, clean, and well-groomed in their personal appearance at all times, except where authorized to dress otherwise in a covert investigation assignment.

To ensure compliance with the standards prescribed in this section, each Deputy will be inspected semi-annually. A record of the inspection will be made on the KCSO Inspection Report.

**(CALEA 26.1.1, 53.1.1)**

### **3-601 UNIFORM AND EQUIPMENT**

The standards for uniform and equipment are as follows:

- a. Uniform and civilian clothes will be kept clean and pressed at all times, with a pressed appearance at the beginning of each tour of duty.
- b. Shoes will be free of dirt and shined. Foul weather footwear will be conservative in appearance.
- c. Leather and brass will be regularly polished and shined.
- d. Sidearms will always be clean and serviceable.

**(CATEGORY A)**

### **3-602 FINGERNAILS AND MAKEUP**

Fingernails will be trimmed and free of dirt. Deputies in uniform may only wear conservative polish or coating.

Cosmetics will be in good taste and natural in appearance. Eye shadow, false eyelashes, and excessive lipstick are prohibited.

**(CATEGORY A)**

### **3-603 HAIR STANDARDS GENERALLY**

Sworn employees must keep their hair neat and well-groomed while on duty. The following regulations are not all-inclusive, and final judgment on acceptability rests with the individual Commander.

#### **3-603.1 HAIR STANDARDS FOR MEN**

- a. The length and bulk of hair on the crown and sides of the head may not interfere with the proper wearing of any authorized uniform headgear.
- b. At the front of the hairline, hair may not fall below the band of properly worn headgear.
- c. Hair will be worn in a tapered look and when combed will not touch either the ear or the collar.
- d. Hair will be tapered down to the neck at the back.
- e. Sideburns will be neatly trimmed and tapered in the same manner as the hair. They will not extend below the earlobe, will be of constant width (i.e., not flared), and will end with a clean-shaven horizontal line.
- f. Mustaches, beards, and goatees are permitted. Beards and goatees may not exceed ¼ inch in length. Mustaches will not extend over the upper line of the upper lip or extend past either side of the mouth. Extreme styles (e.g., handlebar mustaches) are prohibited.

- g. Deputies may be required to shave for an annual respirator (gas mask) fit tests or when the use of a respirator (gas mask) is likely. Deputies with facial hair must have a shaving kit readily available to enable the Deputy to remove facial hair in the event they are required to utilize a respirator (gas mask).
- h. Wigs or hairpieces will be worn only to cover natural baldness or disfiguration and will conform to all hair regulations.

**(CATEGORY A)**

### **3-603.2 HAIR STANDARDS FOR WOMEN**

- a. The length, bulk, or appearance of natural hair will not be excessive, ragged, or unkempt. Hair will be neatly groomed and will not hang over the collar. Hair may be worn slightly over the ears, but the bulk or length of hair may not interfere with the proper wearing of authorized headgear. Ponytails and completely plaited hair are prohibited.
- b. At the front of the hairline, hair may not fall below the band of properly worn headgear.
- c. Hair coloring must appear natural.
- d. Ribbons or other ornaments (except for neat inconspicuous bobby pins or conservative barrettes) are prohibited.
- e. Buns and French braids in a neat and attractive manner are permitted on the top or back of the head, provided they do not interfere with the wearing of uniform headgear and do not hang over the collar.
- f. Hairpieces or wigs will conform to all hair standards.

**(CATEGORY A)**

### **3-604 JEWELRY**

Earrings that dangle below the ear lobe are prohibited. Commanders may prohibit the wearing of bracelets (excluding medical alert identification) and any other jewelry which detracts from the professional appearance of the employee or constitutes a safety hazard.

**(CATEGORY A)**

### **3-605 TATTOOS/BODY ART/BRANDS MUTILATION/PIERCINGS**

The purpose of the policy is to promote uniformity of appearance, for the purpose of identification of KCSO personnel to the public, to maintain neutrality and the perception of neutrality amongst members of the public, to foster discipline and to encourage public confidence in members of the KCSO. This policy applies to all sworn and civilian members of the KCSO.

Tattoos, body art or brands that are considered extremist indecent, sexist, or racist are strictly prohibited regardless of their location on the body. For the purposes of this section, the following definitions shall apply.

- a. Extremist tattoos/body art/brands are those affiliated with, depicting, or symbolizing extremist philosophies, organizations, or activities. Extremists' philosophies, organizations, and activities are those which:
  - 1. advocate racial, gender or ethnic hatred or intolerance,

2. advocate, create, or engage in illegal discrimination based on race color, gender, ethnicity, religion, or national origin,
  3. advocate violence or other unlawful means of depriving individual rights under the United States Constitution, Federal, State or Local law.
- b. Indecent tattoos/body art/ brands are those that:
1. are grossly offensive to modesty, decency, or propriety,
  2. shock the moral sense because of their vulgar, filthy, or disgusting nature or tendency to incite lustful thought,
  3. reasonably tend to corrupt morals or incite libidinous thoughts,
- c. Sexist tattoos/body art/brands are those that:
1. advocate a philosophy that degrades or demeans a person based on gender, but that may not meet the definition of “indecent”,
- d. Racist tattoos/body art/brands are those that:
1. advocate a philosophy that degrades or demeans a person based on race, ethnicity, or national origin.

Mutilations includes but are not limited to:

- a. foreign objects inserted under the skin to create a design or pattern,
- b. a split or forked tongue
- c. enlarged or stretched out holes in the ears other than a standard piercing.

Piercings (other than lobes of ears)

- a. While on duty or wearing clothing that identifies the person as a Sheriff's Office employee, an employee (sworn or civilian) may not wear or display any body piercing, that is not covered by an article of clothing unless authorized, in writing, by the Sheriff.

**(CATEGORY A)**

### **3-700            COMPUTER SYSTEMS**

Agency computer systems are created and maintained for accomplishing the mission of the KCSO. The rules governing their use may be found in the County Commissioners of Kent County, MD Employee Handbook. These policies strictly prohibit the introduction of outside computer software and data storage devices into County-owned workstations without the prior approval of the County Information Systems Administrator.

Annually, the Kent County Office of Information Technology performs an audit of all KCSO computers and reports same to the Sheriff and Chief Deputy. Discrepancies or questionable usage are dealt with as per KCSO administrative policies with the personnel involved.

**(CATEGORY B)(CALEA 11.4.4, 41.3.7)**

### **3-701 PROHIBITED USE**

In addition to the restrictions identified in the Employee Handbook, the KCSO has imposed the following restrictions. Violation of these prohibitions may result in disciplinary action or criminal prosecution:

- a. An employee may not access information concerning individuals who are not the subject of legitimate police inquiry.
- b. Only employees who have been trained in and authorized access to MVA or CJIS computer data bases may use them to access criminal history and motor vehicle information or to enter data. When the system is not in use, the screen will be covered.

**(CATEGORY C)**

### **3-702 MOBILE DATA TERMINALS**

All KCSO vehicles are equipped with mobile data terminals (MDTs). The MDT is an in-car laptop computer on which the CrimeStar recordkeeping system has been installed. The CrimeStar system will be used for the preparation of all reports and for tracking a wide variety of previously manual functions, such as warrants, civil documents, calls for service, arrests, traffic accidents, and criminal investigative reports.

MDTs will be used only for official KCSO business and only by those who have been trained in their use. MDTs contain sensitive law enforcement information; use of or access to the MDTs by unauthorized persons is prohibited.

**(CATEGORY B)**

#### **3-702.1 SYSTEM INTEGRITY**

- a. General. MDT users are prohibited from modifying default settings, e.g., font size, pixel count, creation of a windows password, etc. and loading any unauthorized software.
- b. Care of MDT. Special care will be taken to prevent spillage of liquids or other foreign materials onto the MDT. Beverages and other containers will be secured with lids. The employee will clean the MDT device, the screen, and the keyboard daily following the instructions provided in initial training.
- c. Inspection. At the beginning of each shift, the Deputy will verify that the system has started and is functioning properly. If the employee should encounter a problem with starting or operating the system, he or she will notify the shift supervisor immediately and the Office Manager as soon as possible. The Deputy will not personally attempt any repairs to the system other than turning off and restarting the computer.
- d. MDT to Stay in Vehicle. A Deputy may not remove the MDT from his or her vehicle unless directed to do so by the Division Commander or Office Manager (or his or her designee).

**(CATEGORY B)**

#### **3-702.2 SYSTEM SECURITY**

It is the assigned Deputy's responsibility to ensure the security of the MDT against unauthorized use.

- a. Passwords. Employees will not give their passwords to any other person or persons to use, nor will they leave the password in any discernible written form in or near their computer. Individuals will be held strictly accountable for any transaction appearing under their log on signature and password. Assigned personnel, however, may be required to disclose this information to someone in their chain of command or support personnel for KCSO business purposes



- b. Vehicle Security. It will be the assigned Deputy's responsibility to safeguard the MDT by locking the vehicle upon exiting the vehicle. All personnel are required to log off from all network computer systems at the completion of their workday.
- c. Transporting Prisoners. Special care must be taken to safeguard information when transporting prisoners. The Deputy will log off the system and close the laptop cover during prisoner transport.

**(CATEGORY B)**

### **3.702.3            VEHICLE SAFETY**

The driver of any vehicle will not operate an MDT while the vehicle is in motion. Deputies will stop their vehicles and park in a safe manner before attempting to access or input information.

**(CATEGORY B)**

### **3-703                CapWIN**

The Kent County Sheriff's Office (KCSO) has an agreement with the University of Maryland to utilize the Capital Wireless Integrated Network (CapWIN) to provide the KCSO with a tool to enhance communications for law enforcement activities such as incident management. It will also provide a mobile interface to the Maryland Electronic Telecommunications Enforcement Resource System (METERS) and the FBI's National Crime Information Center (NCIC) database. CapWIN is operational on KCSO MDTs in patrol vehicles and on selected computers at KCSO headquarters.

#### **3-703.1            CapWIN DEFINITIONS**

- a. The CapWIN system:
  - 1. Provides wireless access for law enforcement personnel to METERS/NCIC and the Maryland Motor Vehicle Administration (MVA).
  - 2. Through CapWIN, deputies with mobile data terminals (MDTs) can run METERS/NCIC queries from their vehicles.
  - 3. CapWIN is a wireless network designed to allow participating public safety and transportation agencies to communicate with one another through the CapWIN message switch.
- d. The system allows for unit-to-unit communications at incident scenes as well as communications between mobile units, KCSO or "KENT".
- b. Authorized CapWIN Users:
  - 1. Authorized CapWIN Users are those persons who have received the required CapWIN training and possess a valid CapWIN system log-on and password.
  - 2. To access METERS/NCIC through the CapWIN System, KCSO users must receive authentication and authorization as required by both CapWIN and the Criminal Justice Information System (CJIS).
- c. Positive Response - A response received from a CapWIN System query of law enforcement databases which would indicate that some type of law enforcement action is warranted or required.
- d. False Positive Response - A response received from a CapWIN query which indicates that law enforcement action is necessary or warranted, but upon confirmation through radio communications, the response is determined to be incorrect and no law enforcement action would normally be taken.

- e. False Negative Response - A response received from a CapWIN query which indicates that no law enforcement action is necessary or warranted, but upon confirmation of the response through normal radio communications, it is determined that the response is incorrect and law enforcement action is indeed warranted.
- f. Error Response - Any response received from a CapWIN query which does not match the response received via normal terminal response of METERS/NCIC.
- g. Instant Messaging (IM) - A form of electronic communication between two users who are online simultaneously.
- h. Chat Room - A virtual room where two or more users can communicate electronically. Chat rooms can be either public or private
  - (1) Public rooms are visible and accessible to any user on the system.
  - (2) Private rooms can only be joined by users who are invited to be part of the conversation by the creator of the room.

### **3-703.2 CapWIN POLICIES**

- a. Before using CapWIN to run law enforcement queries, KCSO users will receive any and all necessary approvals, authentications and/or authorizations necessary for access to METERS/NCIC.
- b. Authorized CapWIN users are responsible for their conduct while utilizing the CapWIN System and will comply with all applicable laws related to access to CJIS information.
- c. Additionally, CapWIN users will be required to receive training in the use of the CapWIN system and will comply with all applicable CapWIN "Rules of Behavior" and KCSO guidelines as defined in the KCSO Administrative and Operations Manual, Chapter 3.
- d. Users will maintain their CapWIN log-on identification and password as confidential. Users will not divulge their log-on or password to others and will not allow anyone else to access the CapWIN System with their log-on and password.
- e. Instant messaging and chat rooms are available for official business and incident management related communications between CapWIN users.
  - 1. Personnel are reminded that all information sent over the CapWIN system is recorded and can be retrieved for review.
  - 2. The content of electronic communications may be monitored to support operational, maintenance, auditing, security, and investigative activities
  - 3. Users should structure their electronic communications in recognition of this fact.
  - 4. Neither the KCSO nor CapWIN can guarantee that electronic communications will be private. Employees should be aware that electronic communications could, depending on the technology, be forwarded, intercepted, printed, and stored by others.
  - 5. All KCSO regulations governing the use of electronic communications will apply to the use of the CapWIN messaging system.

**(CATEGORY C)**

### **3-703.3 CapWIN PROCEDURES**

- a. CapWIN users will obtain confirmation, with "KENT", for any positive response indicating an active METERS/NCIC Hit (e.g. stolen, wanted or warrant), before relying or acting upon the results. If the response is confirmed, the user will take the appropriate enforcement action. However, if the CapWIN response is found to be incorrect, the user will report the issue as outlined below.
- b. Notification of CapWIN issues:
  1. Authorized CapWIN users will immediately report all false positive, false negative and error responses to the Kent County Government IT Help Desk at 410-778-5315, or via email at [help@kentgov.org](mailto:help@kentgov.org).
  2. Any other issues related to CapWIN access will be reported to the Kent County Government IT Help Desk in the same manner or may be reported to the CapWIN Help Desk at 877-CAP-WIN1 (877-227-9461) or [helpdesk@capwin.org](mailto:helpdesk@capwin.org).

**(CATEGORY B)**

- c. The Kent County Government IT Help Desk will:
  1. Document and track all CapWIN related issues.
  2. Notify CapWIN of all documented issues and coordinate their resolution.

### **3-800 OFFICE TELEPHONES**

The impression citizens receive when we speak with them over the telephone can help to promote or hinder the good will we need to accomplish our mission. Employees must strive to be courteous and helpful and to leave citizens with the impression that they have been served efficiently by the KCSO.

The policies in this section are equally applicable to land lines and cell phones.

#### **3-801 TELEPHONE PROCEDURES**

- a. An employee will answer promptly, giving the caller immediate and undivided attention.
- b. An employee will be prepared for telephone calls, with pad and pencil available for note taking, and will take down the caller's name when it is first mentioned.
- c. An employee will answer installation telephones by saying: "Kent County Sheriff's Office, this is (employee's name and rank). How may I help you?" The employee will carefully explain what he or she is doing to address the citizen's concern (E.g., "I am going to transfer your call to Sgt. Smith, who can answer your question." Or, "Please hold the line while I check our records; this may take several minutes, but I will be right back"
- d. An employee will offer to assist or take a message when a caller asks for another employee who is not present. Every employee will verify that messages are signed by the taker and that the date and time have been noted, and that the name of the caller and the message are verified.
- e. When a caller makes a complaint, the employee will obtain all information required to complete a Complaint Against Personnel Report or will advise the caller how to obtain and complete a Report, before terminating the conversation.

**(CALEA 22.1.8)**

**(CATEGORY A)**

### **3-802 PERSONAL CALLS PERMITTED**

- a. Personal calls should be limited to emergencies and important matters and should be kept to the minimum duration.
- b. Examples of the kinds of brief personal calls permitted are:
  - 1. calls to notify family, doctor, etc. when an employee is injured on the job,
  - 2. calls within the local commuting area to advise family of a change in schedule or to make alternate transportation or childcare arrangements when an employee is required to work overtime or otherwise alters his or her work schedule without advance notice,
  - 3. calls to locations within the local commuting area than can be reached only during working hours,
  - 4. calls to locations within the local commuting area to make arrangements in an emergency,
  - 5. calls to check on family members,
  - 6. calls of an emergency nature to or from hospitals, doctors, schools, day care, etc.
- c. Whenever possible, outgoing personal calls should be made from cell phones. Abuse of telephone rules may result in disciplinary action.

**(CATEGORY A)**

### **3-803 PERSONAL LONG-DISTANCE CALLS**

An employee may make a personal long-distance call from a telephone only if there are no charges to the KCSO. That is, the call must be charged to the employee's home telephone number or another non-KCSO number; be made to a toll-free number; be charged to the called party; or be charged to a personal telephone credit card.

### **3-804 PERSONAL CALLS PROHIBITED**

The following personal uses are prohibited and may subject an employee to administrative action.

- a. Use where there is a toll charge to the KCSO, or where the employee intends to reimburse the KCSO for the toll.
- b. Use which significantly interferes with the conduct of official business.
- c. Listening in on or recording telephone conversations, except as authorized by appropriate legal authority.

**(CATEGORY A)**

### **3-805 CELLULAR TELEPHONES**

#### **3-805.1 PROVISION OF CELL PHONES**

- a. The KCSO will provide each sworn staff member with a cellular telephone.

- b. The KCSO will pay for the basic telephone service, which includes a specified number of monthly anytime minutes. That allowance should be adequate for use of the cellular phone for official business.
- c. A Deputy may use the cellular telephone for personal use; however, all charges in excess of the basic charge are the responsibility of the Deputy, unless the Deputy can demonstrate that more than the base number of minutes was used for necessary KCSO business.
- d. In order to maintain compliance with Maryland law, KCSO personnel shall not “text message” while operating any KCSO vehicle.

**(CATEGORY A)**

### **3-805.2 BILLING**

Cellular telephone bills will be sent to the KCSO front office. The Office Manager will provide the Deputy each month with his or her payment amount. Telephone bills must be paid within 5 days of notification from the date of the Office Assistant.

The Office Manager is responsible for resolving billing disputes with the cellular telephone service provider.

**(CATEGORY A)**

### **3-805.3 USE OF CELLULAR TELEPHONES IN GENERAL**

- a. Deputies will carry their cellular telephones at all times, charged and turned on.
- b. Deputies must be aware that cellular telephone coverage in the County is not universal.
- c. Deputies will use their cellular telephones while on duty to send information which is too lengthy, too sensitive, or otherwise inappropriate for the mobile radio system.

### **3-805.4 USE OF CELLULAR TELEPHONES WHILE OPERATING AGENCY VEHICLES**

Although law enforcement personnel while acting within the scope of official duty are exempt from the requirements of the laws documented herein, in order to promote highway safety by reducing the probability of KCSO personnel becoming involved in a motor vehicle accident while talking or texting while using a cellular telephone/wireless device, the following policy will apply to all KCSO personnel operating agency vehicles:

- a. All KCSO personnel while operating an agency vehicle on the travelled portion of a highway are prohibited from using a “handheld” cellular telephone/wireless device to talk or text,
- b. If KCSO personnel have a need to communicate with a “handheld” cellular telephone/wireless device while operating an agency vehicle, they shall drive the agency vehicle off the travelled portion of the highway to a safe location to utilize the cellular telephone/wireless device,
- c. If KCSO personnel have a need to communicate with a cellular telephone/wireless device while operating an agency vehicle and the cellular telephone/wireless device they need to communicate with has the capability to operate in the “handsfree” mode, the KCSO personnel may utilize the device to talk while operating an agency vehicle while operating on the travelled portion of a highway. KCSO personnel are reminded that if the “handsfree” mode of operation of the cellular telephone/wireless device becomes a distraction to the safe operation of an agency vehicle, they

shall discontinue the use of the cellular device until the usage can be continued off the travelled portion of the highway in a safe location and manner,

- d. KCSO personnel are reminded that there is also a prohibition from utilizing a Mobile Data Terminal (MDT) while an agency vehicle is in operation (KCSO Administrative and Operations Manual Chapter 3, Section 703.3),

**(CATEGORY A)**

### **3-805.5 MAINTENANCE AND REPAIR**

Questions about cellular telephone operation, maintenance, or repair should be addressed with the Office Manager.

### **3-900 INSPECTIONS**

In order to fulfill the responsibilities of office, the Sheriff must at all times be familiar with the condition of facilities, equipment and personnel within the KCSO. To maintain this familiarity and awareness, there is established a system of inspections. The system includes the inspection of personnel, equipment, vehicles, supplies, office space and other physical locations used or occupied by the Sheriff's Office. All command and supervisory personnel are charged, on both a random and scheduled basis, to continually inspect all that falls within their respective areas of responsibility.

Discrepancies found as a result of inspections will be corrected as they are found if the corrections are within the realm of the inspector's authority and resources. If not, they will be brought to the immediate attention of the inspector's superior.

#### **3-901 COMMANDERS**

- a. Each Commander will, when assuming a command, inventory the entire command and accept responsibility for all he or she finds at his or her disposal as a result of assumption of command. In like manner, each commander, in preparation for turning over a command to another, will inventory his or her command and formally give an accounting of that which is to be turned over. Each such inventory should include personnel inspections, as well as equipment, supplies, vehicles, and physical spaces occupied by the command. The results of the inventory will be reported to the Sheriff through the Chief Deputy.
- b. Commanders will conduct annual physical inventories of all equipment assigned to their commands. The results of the inventory will be reported to the Sheriff through the Chief Deputy.
- c. Commanders will inspect all physical space, personnel, equipment, and vehicles at least semi-annually, in March and September. All inspections will be documented on the KCSO Inspection Sheet. The results of the inspection will be reported to the Sheriff through the Chief Deputy.

**(CALEA 53.1.1)**

#### **3-902 SUPERVISORS**

Supervisors will monitor physical space, personnel, equipment, and vehicles continually. They will take corrective action with respect to deficiencies they discover, when those deficiencies are within the scope of their authority, and they will report deviations from KCSO standards to their Commanders.

### **3-903 EMPLOYEES**

- a. Employees should engage in a regular process of self-inspection and should also bring to their supervisors' attention deficiencies which they note in supplies, equipment, physical plant, or other areas of the KCSO's responsibilities.
- b. All equipment, uniforms, supplies, vehicles, physical spaces, and all other things owned or under the control of the KCSO, which are assigned to the keeping of an individual employee, are subject to inspection.
- c. If an employee puts any personal security device in place, the employee's immediate supervisor will be supplied with the means to access the security device for purposes of inspection.
- d. Any personal property of any kind which is placed within the vehicles or physical spaces owned or controlled by the Sheriff is the responsibility of the individual employee placing it there. The KCSO assumes no responsibility or liability for such items. All such items are subject to the inspection procedure of this Agency. No item which would violate any rule, policy or law by its possession or use, will be allowed in vehicles, physical spaces, or in the possession of employees of the KCSO.
- e. Each employee assigned a vehicle will, at the beginning of each shift, inspect all of the systems of the vehicle for correct operation and ensure that the vehicle is stocked with all materials needed to carry out assigned duties. The employee will also search the interior of the vehicle to ensure that there is no contraband present. The employee will conduct the same search prior to and after transporting any prisoner.

**(CATEGORY B)(CALEA 53.1.1, 70.1.2)**

### **3-1000 LOSS/DAMAGE TO KCSO EQUIPMENT**

The purpose of this Section is to establish a uniform procedure dealing with the reporting of lost or damaged KCSO equipment.

#### **3-1001 DEFINITIONS**

KCSO equipment or parts thereof owned and issued by the KCSO. This term does not include expendable equipment.

- Loss: includes accidental loss and/or theft.
- Damage: includes any physical damage. This term does not include malfunction or normal wear.

#### **3-1002 SCOPE**

These procedures will apply to all cases of loss of or damage to KCSO equipment, except damage to a motor vehicle resulting from a motor vehicle accident, which is covered in Chapter 12.

#### **3-1003 RESPONSIBILITY**

Employees are held responsible for their uniforms, motor vehicles, and other equipment issued to them. Where it is established that equipment has been damaged or lost through negligence, the employee may be obligated to replace the item at his or her own expense. Every employee of the KCSO will assume personal responsibility for all County property issued to him or placed in service for his or her use or convenience.

**(CATEGORY B)**

### **3-1004 INITIAL NOTIFICATION**

The employee assigned any equipment which is damaged or lost, or the first employee having knowledge of such damage or loss, will report it immediately to his or her immediate supervisor.

**(CATEGORY B)**

### **3-1005 REPORT REQUIRED**

In each case of damage or loss of equipment, the employee making the initial notification, or another employee designated by the immediate supervisor will complete a written detailed report.

**(CATEGORY B)**

### **3-1006 SUPERVISORY REVIEW**

The supervisor receiving the written detailed report, or another supervisor designated by the Chief Deputy will initiate an appropriate investigation into the incident and report the facts and appropriate recommendations to the employee's Commander.

**(CATEGORY B)**

### **3-1007 ADMINISTRATIVE REVIEW**

Upon completion of the supervisory review, the detailed report will be submitted to the employee's Division Commander for initial administrative review. The Division Commander will determine, considering all the facts and circumstances, whether disciplinary action is warranted. The Report will be forwarded to the Chief Deputy for final administrative review.

### **3-1008 DISTRIBUTION OF REPORT**

The report will be filed as follows:

- a. a report involving any type of damage to a motor vehicle will be filed in the motor vehicle history file;
- b. a report involving damage to or loss of personal issue equipment will be filed in the employee's personnel file.

### **3-1009 RESTITUTION TO KCSO**

If the Report involves the theft of or damage to equipment by a third party from whom restitution may be gained, the Chief Deputy will be responsible for monitoring the progress of the case through the courts. The Chief Deputy will be responsible for obtaining a certified copy of and acting upon a certified copy of any court decision ordering restitution in favor of the KCSO.

### **3-1100 APPEARANCE OF FACILITIES**

All facilities will be maintained in a clean and orderly fashion. Commanders are responsible for the cleanliness and orderliness of areas under their control. Commanders will encourage all personnel to practice energy conservation measures to ensure efficient use and management of utilities.

### **3-1101 SECURITY**

The responsibility for security at each work area or facility rests with the respective Division Commander. The goal of security procedures is to provide adequate protection to personnel and property. During night-time and other hours of limited operation, all areas will be secured, with the exception of an entrance for the public.



Offices used by personnel will be secured when not occupied. Only authorized employees will be issued keys.

### **3-1101.1      PROPERTY SECURED**

Each Commander is responsible for securing KCSO property under his or her control so as to prevent public access.

### **3-1101.2      DUPLICATE KEYS**

The Chief Deputy will establish and maintain a key control system which will include the availability of duplicate keys for all vehicles and facilities.

### **3-1200      KCSO EMPLOYEE CRIMINAL AND DRIVING RECORDS AUDIT**

Annually, the KCSO Criminal Investigation Division Commander shall conduct an audit of every KCSO employee's criminal and driving record. The results of the audit shall be provided to the Sheriff for his review and administrative action, if appropriate. The annual audit shall be maintained and secured by the Sheriff.

# CHAPTER 4

## PERSONNEL ADMINISTRATION

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## **4-001 PERSONNEL ADMINISTRATION**

The KCSO recognizes that its employees are its public face to the citizens it serves, the primary means by which its mission is accomplished, and its most valuable asset. The KCSO strives to compensate employees fairly, to provide meaningful assignments which demonstrate the dignity of work, and to treat every employee in an equitable manner.

### **4-100 EQUAL EMPLOYMENT OPPORTUNITY, HARASSMENT AND WORKPLACE VIOLENCE**

The KCSO will conduct all its personnel activities in a manner which will assure equal opportunity for all persons based on merit, without regard to political affiliation, race, color, religion, national origin, gender, marital status, age, disability, or other non-merit factor. This policy is consistent with the policy of the Kent County Government, set out in the County Commissioners of Kent County, MD Employee Handbook.

The KCSO has a separate Equal Employment Opportunity Plan which is found as Appendix 4-A.

All employment-related notices, such as advertisements for vacancies, will indicate that the KCSO is an equal-opportunity employer.

#### **4-101 SCOPE**

This policy applies to all aspects of the employment process, including hiring, pay, benefits, assignment, promotion, transfer, layoff, training, and general personnel administration.

#### **4-102 DISCRIMINATION PROHIBITED**

A supervisory or managerial employee of the KCSO who violates this policy will be subject to the disciplinary process.

**(CATEGORY D)**

#### **4-103 APPEALS**

A sworn employee who believes he or she has been discriminated against on one of the prohibited bases identified above may file a grievance in accordance with the procedure described in this Manual. A non-sworn employee may file a grievance in accordance with the Kent County Government, set out in the County Commissioners of Kent County, MD Employee Handbook.

**(CALEA 31.2.3)**

#### **4-104 HARASSMENT**

The KCSO is committed to achieving and maintaining a workplace free of the effects of illegal harassment, including sexual harassment. That commitment is part of the policy set out and more fully described in the Kent County Government, set out in the County Commissioners of Kent County, MD Employee Handbook.

An employee will normally report harassment through the chain of command; however, if a supervisor is the source of the alleged harassment, the employee may go directly to the Sheriff or to the Chief Deputy.

**(CATEGORY D)(CALEA 26.1.3)**

#### **4-105 WORKPLACE VIOLENCE**

Kent County has adopted a strict policy against workplace violence found in the Kent County Government, set out in its The County Commissioners of Kent County, MD Employee Handbook. That policy is applicable to all employees of the KCSO.

**(CATEGORY D)**

#### **4-200 CLASSIFICATION AND PAY**

Except for the position of Sheriff, which is established by the Constitution of the State of Maryland, every position in the KCSO is established pursuant to the Kent County Classification Plan. (See, the County Commissioners of Kent County, MD Employee Handbook.) A copy of each position description is maintained by the Office Manager and is available for review by employees. These positions will be reviewed every four (4) years.

**(CALEA 21.2.1, 21.2.2)**

#### **4-201 BASIC PAY**

Grade levels for KCSO employees are set in accordance with the Kent County Classification plan. Pay level is based on grade level.

##### **4-201.1 PAY GRADES**

Sworn employees are paid, based upon their ranks.

Non-sworn employees are paid, based upon their grade levels.

**(CALEA 22.1.1)**

##### **4-201.2 ADVANCEMENT WITHIN GRADE**

Contingent upon funding by the Board of County Commissioners, an employee may receive an increase in pay at the beginning of each fiscal year. Increases are not automatic and are based upon the results of the employee's overall performance evaluation. If an employee receives an Unacceptable performance evaluation, the employee may not receive an pay increase for that fiscal year.

**(CALEA 22.1.1)**

##### **4-201.3 RELATIONSHIP TO RANK**

The Deputy levels in the classification system correspond to the KCSO rank structure:

Deputy Sheriff	Deputy 1
Deputy First Class	Deputy 2
Corporal	Deputy 3
Sergeant, Lieutenant,	Deputy 4
Captain/Chief Deputy	Deputy 5

**(CALEA 22.1.1)**

#### **4-202 PREMIUM PAY**

Sworn employees not exempt from the Fair Labor Standards Act will be paid premium pay when, in a work period of 28 consecutive days, their tour of duty exceeds 171 hours or the average length of tours of duty during a 28-day work period; or, in a work period of at least 7 but less than 28 days, the employee's total number of hours exceeds the ratio of 171 hours for 28 days.

The KCSO does not provide salary supplementation based upon special skills or augmentation based upon special duties.

Canine Deputies are scheduled for one hour less per shift than other Deputies in recognition of the time required to care for their animals.

**4-203****OVERTIME PAY**

- a. An employee who works scheduled or unscheduled overtime hours will enter the hours on the overtime log and Executime at the conclusion of the assignment. The Patrol Commander or Chief Deputy shall approve the overtime.
- b. Compensation will be at the employee's hourly rate for all overtime hours worked when the employee has worked less than 85.5 hours in a pay period.
- c. Compensation will be at 1.5 times the employee's hourly rate for all overtime hours worked when the employee has worked more than 85.5 hours in a pay period.
- d. An employee who is requested to report for duty ("called out") on a leave day or during a period more than 2 hours prior to a scheduled shift shall be compensated at a minimum rate of 2 hours overtime. If the "call out" is less than 2 hours prior to a scheduled shift, the employee shall be compensated for the actual amount of time worked.
- e. As in all scheduled or non-scheduled overtime events or incidents, KCSO supervisory and/or administrative personnel will monitor the hours worked by KCSO personnel on said assignments so as not to cause detriment to the employee's health or safety or to negatively affect the employee's ability to function effectively in their regularly scheduled duties prior to or after participating in any scheduled or non-scheduled event to include participation in Special Event Detail Overtime.
- f. No KCSO employee shall be allowed to work an overtime or special overtime assignment while on paid "sick leave."
- g. Employees who work a scheduled twelve (12) hour KCSO workday shall not engage in a voluntary overtime assignment on days they work a scheduled shift at the KCSO, with the following exception. KCSO employees who are scheduled for court following a 1900 to 0700 scheduled shift may elect to work a voluntary overtime assignment from 0700 until court begins, usually no more than two (2) hours. KCSO employees working other than a scheduled twelve (12) hour workday may engage in voluntary overtime not to exceed four (4) hours on days they work a scheduled shift at the KCSO, so long as the voluntary overtime does not impair the employee's ability to perform his or her duties at the KCSO. In any event, KCSO employees will not be allowed to engage in voluntary overtime with less than eight (8) hours off-duty between a scheduled KCSO shift. The Patrol Division Commander and the Criminal Investigation Division Commander shall be responsible to monitor and evaluate overtime activities for those personnel under their respective commands and take the appropriate action when issues arise.

**4-203.1 SPECIAL EVENT DETAIL OVERTIME**

With the approval and at the discretion of the Sheriff, an employee may participate in providing law enforcement services for special events that occur in Kent County. Considerations effecting the Sheriff's determination to provide law enforcement services for special events include but are not limited to:

- a. The detail would provide a valuable public service to Kent County residents and visitors.
- b. A reduction of crime or criminal activity would likely result from the detail.
- c. A reduction of traffic accidents or the mitigation of traffic related incidents or congestion would likely result from the detail.
- d. A reduction of routine calls for service in conjunction with the event would likely result from the detail.



In addition to the considerations listed above, it is the policy of the KCSO that Special Event Detail Overtime events are primarily those events in which the promoter is other than a “non-profit” or “charitable” organization.

- a. Deputies must bear in mind that they are sworn law enforcement officers, even when working in special event detail, and that they must take appropriate enforcement or other action to safeguard life and property when circumstances demand such action.
- b. Special event detail overtime may be authorized for establishments which sell and dispense alcoholic beverages, so long as the sale of alcohol is not the primary business of the promoter/establishment. A sworn employee is prohibited from directly selling or dispensing alcoholic beverages.
- c. The Sheriff may not authorize certain types of special event detail overtime by KCSO personnel that in his sole discretion and opinion would constitute a conflict of interest or would tend to bring discredit to the agency.
- d. KCSO personnel will work these special event details in uniform and will use vehicles assigned to the Kent County Sheriff's Office.
- e. Additionally, KCSO personnel will work solely under the direction and control of Kent County Sheriff's Office supervisory personnel and may be called away from the event based on the discretion of KCSO administrative or supervisory personnel.
- f. The Sheriff may revoke authorization for an employee's special event detail overtime at any time that employment conflicts with his or her duties or constitutes a conflict of interest with the KCSO. The Sheriff may also revoke authorization when an employee has been placed on light or restricted duty status and the performance of the special event detail overtime may adversely affect an injury or illness. The revocation will be made in writing.

The KCSO Patrol Division Commander shall be responsible to coordinate and administer the Special Event Detail Overtime Program. The Patrol Division Commander shall be responsible to control and/or limit the special event detail hours worked which may interfere with the health and/or normal working requirements of the KCSO personnel involved. Therefore, employees who work a twelve (12) hour KCSO workday shall not engage in a Special Event Detail Overtime assignment on days they work a scheduled shift at the KCSO. KCSO employees working other than a twelve (12) hour workday may engage in a Special Event Detail Overtime assignment not to exceed four (4) hours on days they work a scheduled shift at the KCSO, so long as the Special Event Detail Overtime assignment does not impair the employee's ability to perform his or her duties at the KCSO.

Liability for KCSO personnel working special event details shall be insured under Kent County's liability coverage through the Local Government Insurance Trust (LGIT).

KCSO personnel participating in a Special Event Detail shall document said activity on the KCSO CrimeStar RMS System.

The KCSO and the promoter shall engage in a written agreement for the services provided by the KCSO. The KCSO shall invoice the promoter of the special detail event at the pre-determined rate. The Special Event Detail overtime rate shall cover the employee's time and one-half overtime rate, their benefits and use of the agency vehicle. Overtime payment for a KCSO employee's services in conjunction with a special event shall be made to the employee through the Kent County Office of Finance.

**(CALEA 22.2.5)**

#### **4-204 COMPENSATORY LEAVE**

- a. FLSA Non-exempt employees may earn compensatory leave in lieu of, and at the same rate as, overtime pay.
- b. FLSA Exempt employees may earn compensatory leave in lieu of overtime pay at the rate of an hour worked for an hour off.
- c. An employee may accrue up to a maximum of 240 hours of compensatory leave in a leave year.
- d. An employee may apply to use compensatory leave to his or her credit in the same fashion as other leave.

For more on this subject, see, the County Commissioners of Kent County, MD Employee Handbook.

**(CALEA 22.1.1)**

#### **4-205 APPROVED ABSENCES**

Provisions for accrual and use of annual leave, sick leave, holidays, personal days, military leave, educational leave, funeral leave, medical leave, jury duty, subpoena, and leave without pay are fully described in the County Commissioners of Kent County, MD Employee Handbook.

Kent County government no longer documents family medical leave independently. It is captured as sick leave

**(CALEA 22.1.2)**

#### **4-206 EMPLOYEE BENEFITS**

Kent County provides a comprehensive benefits package to KCSO full-time sworn and non-sworn personnel which are described in the County Commissioners of Kent County, MD Employee Handbook.

The Personnel Coordinator in the Office of the Kent County Commissioners is available to provide employees and their families with assistance in the full range of employee benefits, including retirement, health benefits, life insurance, and liability protection. Employees may make an appointment to meet with the coordinator by calling the County Commissioners' Office. The coordinator also has brochures and other materials available for all employee benefit programs.

**(CALEA 22.1.3, 22.2.3)**

##### **4-206.1 RETIREMENT, DEATH, AND DISABILITY BENEFITS**

Sworn employees are covered by the Maryland State Law Enforcement Officers' Pension System (LEOPS). Non-sworn employees are covered by the Contributory Pension System for Employees and Teachers of the State of Maryland (State Retirement and Pension System, or SRPS). Employees are provided copies of the brochure describing costs and benefits and further information about the plan from the Maryland State Retirement Agency.

Both programs also provide benefits for employees and survivors in the case of service-connected or non-service-connected disability or death.

**(CALEA 22.1.3)**

##### **4-206.2 HEALTH INSURANCE**

Full time and permanent part-time employees are eligible for coverage under the County health insurance plan. An employee may obtain a copy of the document describing costs and benefits and further information about the plan by contacting the Personnel Coordinator in the Office of the Kent County Commissioners.

**(CALEA 22.1.3)**

#### **4-206.3 LIFE INSURANCE**

Full time employees are covered by a County-paid life insurance policy. An employee may obtain a copy of the master policy and further information about the plan by contacting the Personnel Coordinator in the Office of the Kent County Commissioners.

#### **4-206.4 LIABILITY PROTECTION PROGRAM**

Under the State Government Article of the Maryland Code, §6-106, the Attorney General of the State of Maryland is responsible for defending the Sheriff and KCSO Deputies in matters which arise from carrying out their functions of service of process, courtroom security, transportation of prisoners and certain administrative matters, so long as their actions were within the scope of their employment.

For all other areas, Kent County carries insurance intended to provide protection for employees and the County in the event of legal action against the employee and the County, as well as the cost of damages to citizens' property and injury to citizens. The insurance only covers actions by employees that are within the scope of their employment.

Any legal action which is instituted against an employee or the County as a result of willful neglect of duty or purposefully harmful action is the sole liability of the employee involved.

An employee of the KCSO who is served as a defendant in a lawsuit related to his or her official duties will notify the Chief Deputy within 24 hours of service and may request appropriate legal representation.

The employee should prepare a memorandum for the Chief Deputy making the request and attaching copies of all court documents received. The memorandum should note the date, time, and manner of service of the documents. The request for representation will be reviewed by the employee's division Commander who will then forward the request to the Chief Deputy. The Chief Deputy will review the request and forward it to the Attorney General's Office on KCSO letterhead. If a determination is made that the Attorney General's Office will be the representing entity, the employee may need to fill out additional forms as mandated by the Attorney General's Office.

Employees will not make any statements, or otherwise furnish information regarding an incident or allegation of liability against the Sheriff or the KCSO to anyone outside the agency without first notifying the Chief Deputy and the Attorney General's Office. Approval must be obtained from the Attorney General's Office to make the statement or to furnish the information.

An employee filing a lawsuit as a plaintiff must provide sufficient written information at the time of notification so that a determination can be made as to whether the cause of action arose during employment.

Employees will not compromise, discharge, or settle any claim arising from the performance of their duties of employment against their personal or property interests, or against the State or County's property or interests, without the consent of the Chief Deputy and the Office of the Attorney General.

**(CALEA 22.1.3, 22.1.4)**

#### **4-206.5 TUITION REIMBURSEMENT**

Kent County's plan for tuition reimbursement for courses related to the employee's position is described in the County Commissioners of Kent County, MD Employee Handbook. An employee may obtain further information about the plan by contacting the Personnel Coordinator in the Office of the Kent County Commissioners.

**(CALEA 22.1.3)**

#### **4-300 RESERVE DEPUTY PROGRAM**

The KCSO maintains a Reserve Deputy Program as a cost-effective way of meeting the agency's workforce needs. Reserves are used primarily to help the KCSO meet its patrol responsibilities and may be subject to the supervision of the patrol supervisors on duty during their shifts. (CALEA 21.2.3)

#### **4-301 AUTHORITY, QUALIFICATION AND SELECTION**

KCSO Reserve Deputies exercise the same powers and authorities as full-time Deputies. They carry weapons and have full custodial arrest authority.

As such, they must possess and maintain current certification from the Maryland Police and Correctional Training Commission, achieved only after completing the full course of study at an MPCTC-certified training academy.

They also will meet the same qualification requirements and complete the same pre-employment process as full-time Deputies.

(CALEA 16.1.1, 16.1.2, 16.1.3, 16.1.4)

#### **4-302 UNIFORMS, EQUIPMENT, TRAINING, and LIABILITY PROTECTION**

Reserve Deputies will be issued regulation KCSO uniforms and equipment.

Reserve Deputies will be subject to the same weapons qualification requirements, use of force training, and in-service training requirements as full-time Deputies.

Reserve Deputies have the same liability protection as full-time Deputies.

(CALEA 21.2.3, 16.1.5, 16.1.6, 16.1.7)

#### **4-303 TENURE AND BENEFITS**

Reserve Deputies are "at will" contract employees who may be dismissed without cause upon 30 days' advance notice.

Reserve Deputies are not eligible for annual or sick leave, health benefits, life insurance, dental benefits, or retirement benefits. They are eligible for medical benefits for injuries sustained in the line of duty.

(CALEA 22.1.3)

#### **4-304 PERFORMANCE APPRAISALS**

Reserve Deputies are rated on the same schedule as and under the same standards as full-time Deputies. (CALEA 16.3.1 to 16.1.7)

#### **4-400 VOLUNTEER PERSONNEL**

Volunteer personnel are uncompensated non-employees who provide assistance to the Kent County Sheriff's Office in the accomplishment of its mission. Volunteers are appointed by and serve at the pleasure of the Sheriff. Volunteers are not sworn employees and have no law enforcement responsibilities or authority.

(CALEA 45.3.1)

#### **4-401 DUTIES AND TRAINING**

The duties, role, and authority of each volunteer will be described in writing and the description will be maintained by the Office Manager. Each volunteer will have training sufficient to complete his or her auxiliary functions. The written description of the volunteer's duties will include a statement concerning the training required for the function.

**(CALEA 45.3.1, 45.3.2)**

#### **4-402 UNIFORMS**

KCSO volunteers are not issued and do not wear uniforms.

**(CALEA 45.3.3)**

#### **4-403 BENEFITS**

Volunteers are not eligible for annual or sick leave, health benefits, life insurance, dental benefits, or retirement benefits. They are, however, eligible for medical benefits for injuries sustained in the line of duty.

**(CALEA 1.2.1)**

#### **4-500 EMPLOYEE ASSISTANCE PROGRAM**

The Kent County Government recognizes that an early intervention process that guides an individual with personal and/or workplace problems toward an effective solution benefits the employee and the County. The County has therefore established a comprehensive Employee Assistance Program (EAP) for all employees.

Copies of the brochure describing program services have been provided to all employees and are available from the County Personnel Administrator.

The services of the EAP are available to employees (both for their own concerns and for their concerns about other co-workers), to employees' dependents and household residents, and to supervisors.

**(CALEA 22.1.7, 35.1.9)**

#### **4-501 OBTAINING SERVICES AND CONFIDENTIALITY**

EAP services are available 24 hours a day, 7 days a week by calling the toll-free number in the program brochure. The brochure also lists the range of services available through the program.

Except as required by law, all calls to the EAP and all counseling sessions are confidential.

**(CALEA 22.1.7)**

#### **4-502 REFERRALS TO EAP**

While use of the EAP is always voluntary, there may be circumstances under which an employee will be referred by his or her supervisor. Those circumstances may include:

- an unexplained decline in the employee's performance or attendance record,
- misconduct by the employee,
- invocation of the early warning system; or

- the perception by the supervisor that the employee's performance or conduct is being adversely affected by factors external to the work environment.

Referrals to the EAP will be approved by the Chief Deputy.

The referral will take the form of a memorandum from the supervisor to the employee, identifying the concerns which prompt the referral, attaching a copy of the program brochure, and advising the employee that he or she is responsible for bringing conduct and performance within acceptable standards.

The Chief Deputy will arrange an annual briefing on supervisors' responsibilities under the program and on referrals for KCSO supervisors.

**(CALEA 22.1.7, 35.1.9)**

#### **4-600 PERSONNEL EARLY INTERVENTION SYSTEM (PEIS)**

The Personnel Early Intervention System (PEIS) is an information-based management tool designed to identify employees whose behavior is problematic and to provide a form of intervention to correct that performance. Typically, the KCSO will attempt to intervene before an employee is in a situation which warrants formal disciplinary action. The KCSO's small size and command employees' consequent intimate knowledge of employees' behaviors gives it an advantage that larger agencies may lack. The Chief Deputy will be responsible for oversight of the system.

**(CALEA 35.1.9)**

#### **4-601 INITIATING A PEIS REVIEW**

A number of conditions may initiate a PEIS review. Among these are:

- Allegations of misconduct
- Questionable/frequent use of force incidents
- Preventable motor vehicle accidents resulting in damage over \$2,000
- Civil litigation
- Notices of intent to sue
- Abuse of sick leave
- Habitual tardiness
- Continual or sudden poor performance
- Inability to work effectively with co-workers
- Unusual behavior
- Unexplained/frequent injuries
- Discretionary arrests
- Incidents of workplace violence

- n. Subject of a criminal/internal investigation
- o. Garnishment of wages
- p. Subject of a protective/peace order
- q. Detainee abuse complaints
- r. Traffic/pedestrian stop complaints or suspected inequities supported by data review
- s. More than one citizen complaint in a 12- month period

This list is not meant to be all-inclusive. While the Chief Deputy will initiate a review upon any of these incidents, he or she may also initiate a review based on other factors or supervisory reports. A supervisor may also suggest a review.

**(CALEA 35.1.9)**

#### **4-602 CONDUCTING THE PEIS REVIEW**

The Chief Deputy will conduct the initial review by gathering all available information concerning the employee's recent conduct and behavior. Most of that information will be available in the employee's personnel folder, maintained by the Sheriff. Other information will be available from KCSO internal affairs reports, motor vehicle accident reports, citizen complaint files, and other sources.

If the Chief Deputy perceives a pattern of behavior which constitutes a matter of concern, he or she will convene a meeting with the employee's immediate supervisor and the employee's Commander to review the materials.

In that meeting, the managers will decide whether intervention is necessary and what form that intervention will take with the final approval of the Sheriff.

**(CALEA 35.1.9)**

#### **4-603 FORMS OF INTERVENTION**

- A. In most cases, the initial intervention will be in the form of a counseling session with the first-line supervisor. In that session, the supervisor will:
  - a. specifically describe the conduct or behaviors which are of concern to the KCSO.
  - b. describe alternative conduct or behaviors which would be acceptable.
  - c. establish a schedule for meeting with the employee at least biweekly for a specified period to review the employee's conduct and performance; and
  - d. specifically inform the employee about Kent County's Employee Assistance Program.

In some circumstances, other intervention, such as training, may be necessary.

**(CALEA 35.1.9)**

- B. Before returning to full duty, the KCSO shall provide:
  - 1. Voluntary mental health consultation and voluntary counseling services to the Deputy if the Deputy is involved in an accident resulting in a fatality; and

2. Mandatory mental health consultation and voluntary counseling services to the Deputy if the Deputy is involved in an incident resulting in:

- i. A serious injury to the Deputy
- ii. A Deputy-Involved Shooting; or
- iii. Any use of Force resulting in a fatality or serious injury.

C. A mental health consultation and counseling service shall be confidential

D. Mental health consultation and services shall be offered at no cost to the Deputy

#### **4-604                    PROGRESS REPORTS**

The first-line supervisor will report to the Chief Deputy, through the Commander, after each biweekly meeting with the employee, on the employee's progress.

The Chief Deputy will, as required, reconvene the management team if the prescribed interventions are not successful in correcting the employee's behaviors.

**(CALEA 35.1.9)**

#### **4-605                    ANNUAL PEIS EVALUATION**

Each year, the Chief Deputy will perform an analysis of the process and the system and will report to the Sheriff in writing on the status, including the number of reviews conducted, the number of interventions made, the results of those interventions, and any suggestions he or she may have for changes in the program.

**(CALEA 35.1.9)**

#### **4-700                    OFF-DUTY EMPLOYMENT**

##### **4-701                    DEFINITIONS**

- a. "Off-duty employment" is the rendering of any service or the sale of anything for pay or remuneration from any source other than the Kent County Sheriff's Office. The definition includes entrance and/or re-enlistment into the military reserve and any form of self-employment. It does not include engaging in investments in real property or securities as an individual, or sale of an employee's home, or other personal property.
- b. "Employee" means every employee of the KCSO, unless otherwise indicated.

##### **4-702                    AUTHORIZATION**

An employee who wishes to engage in off-duty employment must submit a memorandum to the Sheriff. The memorandum will fully and specifically identify the employment activities for which authorization is requested. The request, approved or denied, will be placed in the employee's personnel file.

**(CATEGORY C)**



#### **4-703 REVOCATION**

The Sheriff may revoke authorization for an employee's off-duty employment at any time that employment conflicts with his or her duties or constitutes a conflict of interest with the KCSO. The Sheriff may also revoke authorization when an employee has been placed on light duty status and the performance of the off-duty employment may adversely affect the injury or illness. The revocation will be made in writing.

#### **4-704 CONDITIONS FOR OFF-DUTY EMPLOYMENT**

- a. The limitations of all-off duty employment overtime hours are to reduce conflicts with regular scheduled KCSO duty assignments and to reduce instances of fatigue, which can increase the probability of injury to the KCSO employee and/or the public, in addition to possibly placing the KCSO and Kent County in a libelous situation
- b. Sworn and non-sworn KCSO employees will report for duty fully rested and alert, capable of performing the essential functions of a KCSO Deputy and other duties as assigned.
- c. Deputies must bear in mind that they are sworn law enforcement officers, even when working in off-duty employment, and that they must take appropriate enforcement or other action to safeguard life and property when circumstances demand such action.
- d. Off-duty employment may be authorized for establishments which sell and dispense alcoholic beverages, so long as the sale of alcohol is not the primary business of the establishment. A sworn employee is prohibited from directly selling or dispensing alcoholic beverages.
- e. The Sheriff may not authorize certain types of off-duty employment by KCSO personnel that in his sole discretion and opinion would constitute a conflict of interest or would tend to bring discredit to the agency.
- f. Unless specifically authorized by the Sheriff in writing, an employee engaging in off-duty employment may not wear the KCSO uniform, or any part of the uniform, except the issued sidearm.
- g. An employee may not engage in off-duty employment while on-duty, on sick leave and may not engage in off-duty employment which will impair his or her ability to perform KCSO law enforcement duties.
- h. Use of KCSO vehicles in connection with off-duty employment is discussed in Chapter 3, Section 208.10 of the KCSO Manual.

**(CATEGORY B)(CALEA 22.2.4)**

#### **4-705 LIABILITY**

An injury or illness arising from off-duty employment is not compensable by the County. Employees have only their personal or job-provided insurance and County sick and vacation leave on which to rely for income while ill or injured. Serious illness or injury may result in being disqualified to resume employment with the KCSO. The exception is an injury resulting from a bona fide law enforcement action taken while working at off-duty employment.

**(CALEA 22.2.4, 22.2.5)**

## **4-800 RECOGNITION OF MERITORIOUS SERVICE**

### **4-801 POLICY**

The KCSO strives to recognize outstanding performance on the part of individual employees of the KCSO or groups of employees. It also strives to recognize the performance of non-employees who have made significant contributions to or rendered significant services to the KCSO.

**(CALEA 26.1.2)**

### **4-802 MERITORIOUS SERVICE BOARD**

The Meritorious Service Board consists of the Command staff of the KCSO, chaired by the Sheriff. The Board meets periodically at the call of the Chair. Each member of the Board has the responsibility to bring to the Board's attention outstanding service which he or she believes is worthy of recognition. The Patrol Commander will serve as Secretary to the Board and will set out in writing the basis for the award recommendation.

**(CALEA 26.1.2)**

### **4-803 FORMS OF RECOGNITION**

Sheriff's Citation for Valor. This award will be authorized for posthumous presentation to the next of kin of any employee who has died while exercising law enforcement functions, where the circumstances indicate the display of true valor; or for presentation to a member of the KCSO whose performance has been identified as outstanding and above and beyond the call of duty, where a risk of life by the member was involved.

Sheriff's Commendation. This award will be authorized for posthumous presentation to the next of kin of any employee who has died in the line of duty under honorable circumstances, where facts do not warrant presentation of the Sheriff's Citation for Valor; or for presentation to a member whose performance has been identified as outstanding and above and beyond the call of duty. Courage and valor play an important role but are not mandatory.

Sheriff's Citation. This award will be authorized in instances where the performance of a member of the KCSO is identified as exceptional and exemplifying the highest standard of the police profession. This award will also be authorized in instances where the actions of a civilian/citizen is identified as exceptional and exemplify the highest level of assistance to a member of the KCSO and/or the community.

Kent County Certificate of Valor. This award will be authorized when a citizen or member of another law enforcement agency has assisted the KCSO at a definite risk to his or her own life.

Kent County Certificate of Recognition. This award will be authorized when a member of the KCSO has performed in an exemplary manner for a period of at least one year, with or without an outstanding incident. The award will be authorized in instances where other law enforcement agencies or their members have provided exemplary and meritorious assistance to the KCSO.

Kent County Certificate of Appreciation. This award will be authorized in instances where a citizen has voluntarily provided exemplary assistance to a member of the KCSO, or to another citizen in a matter in which the KCSO is involved.

**(CALEA 26.1.2)**

#### **4-804 PRESENTATION**

Awards will be presented at a regularly scheduled meeting of the Kent County Commission or at some other function deemed appropriate by the Meritorious Service Board.

**(CALEA 26.1.2)**

#### **4-805 DOCUMENTATION**

Awards will be publicized within the agency through a Personnel Order issued to all employees. A copy of the Order and the citation will be placed in an employee's personnel folder.

**(CALEA 26.1.2)**

#### **4-900 DISCIPLINE**

##### **a. Background:**

1. The purpose of discipline is to correct inappropriate behavior.
2. The KCSO must strive for consistency when applying discipline.
3. The Statewide Police Disciplinary Matrix ensures that similar violations receive similar penalties

##### **b. Philosophy:**

The Statewide Disciplinary Matrix, developed by the Maryland Police Training and Standards Commission includes but is not limited to all possible charges which may arise out of violations of any KCSO rules, regulations, or orders.

#### **4-901 POLICY**

It is the policy of the KCSO that employee performance and conduct will adhere to the Standards of Conduct set out in Chapter 1 of this Manual. Every employee will at all times comport him or herself in a fashion that is fully consistent with those standards.

The KCSO Sworn Personnel are governed by the Statewide Police Disciplinary Matrix. (See 4-1002 of the KCSO Manual).

The KCSO civilian personnel are governed by the County Commissioners of Kent County, MD Employee Handbook, whereas progressive discipline is used to correct performance or attitude problems.

**(CALEA 26.1.4)**

#### **4-1000 THE STATEWIDE POLICE DISCIPLINARY MATRIX**

##### **4-1001 PURPOSE**

The Maryland Statewide Model Disciplinary Matrix is required by the Maryland Police Accountability Act of 2021 (Public Safety Article, 3-105, Annotated Code of Maryland). The Statewide Model Disciplinary Matrix is the required framework through which all matters of discipline will be imposed as a result of a sustained disposition from an administrative investigation into an officer's misconduct.

The purpose of this Disciplinary Matrix is to apply disciplinary standards in a fair, equitable and consistent manner statewide.

For purposes of this section a KCSO sworn Deputy is considered an Officer as defined by the statewide disciplinary matrix.

#### **4-1002 GENERAL PROVISIONS**

- a. In order to protect the collective integrity of a law enforcement agency, all matters that may result in discipline shall be imposed pursuant to the Disciplinary Matrix as responsive measures to an officer's sustained violation of an agency's policy or other police misconduct. Generally, each sustained misconduct violation shall be considered separately for the purpose of recommending and imposing discipline. However, when multiple violations arise from the same incident, a determination may be made that the most effective manner to address discipline in the case is to consolidate violations into one form of discipline.
- b. Discipline is imposed for first violations and may follow a progressive course for repeat or increasingly serious offenses. This Disciplinary Matrix, and the imposition of discipline, shall not be based on the member's race, religion, gender expression, gender identity, sex assigned at birth, sexual orientation, national origin, age, ethnicity, or familial relationships. Furthermore, the imposition of discipline shall not be influenced by the high or low profile nature of the incident.
- c. The Matrix includes a breakdown of six (6) different categories of violations, labeled A through F, with A as the lowest level of discipline and F as the highest. Each category is defined, along with example violations. Three penalty levels are included in each category which are based on the number of similar violations in a specified period of time. A disciplinary range is then used for assessing the recommended discipline. Based on aggravating and/or mitigating factors the disciplinary range can increase or decrease upon review of the totality of the circumstances surrounding the sustained violation.

#### **4-1003 DEFINITIONS**

- a. **Aggravating Factors-** Conditions or events related to the violation that increase the seriousness of the violation and may increase the degree of penalty as specified in the Matrix below. Examples of aggravating factors include, but are not limited to, the following:
  1. The officer's prior disciplinary history
  2. The officer's prior negative work history, including non-disciplinary corrective action
  3. The officer's rank
  4. The violation was committed willfully or for personal gain
  5. The officer's efforts to conceal the violation, or to be untruthful or dishonest
  6. The officer's failure to cooperate with the investigation into the alleged misconduct
  7. The violation was retaliatory in nature
  8. The violation or behavior was motivated by bias against a member or group of a protected class under the State's hate crimes law, (Public Safety Article, §10-304, Annotated Code of Maryland).

9. The officer's expressed unwillingness to comply with policy, tactics, or performance standards
10. The impact of the violation on the community or the department's ability to carry out its mission
11. The degree to which the violation caused or could have caused the loss of life or injury, and
12. The degree to which the violation caused loss or damage to public or private property.

**(CALEA 26.1.4)**

**Note:** *Some aggravating factors may in themselves constitute additional violations of policy associated with separate, higher, ranges of discipline. For example, "efforts to conceal" even a minor violation may themselves constitute separate ethics/honesty violations subject to a higher range of discipline (e.g., lying or destroying/falsifying evidence to conceal a minor violation).*

- b. **Disciplinary Matrix** - A written, consistent, progressive, and transparent tool or rubric that provides ranges of disciplinary actions for different types of misconduct. {Public Safety Article, §3-101, Annotated Code of Maryland).
- c. **Formal Written Counseling (FWC)** - A form of counseling given to employees who have violated an agency's policy. Formal Written Counseling, the least severe form of disciplinary action, serves as a warning for violations. Further violations of same or similar conduct may result in more severe discipline. A copy of the formal written counseling shall be placed in the officer's disciplinary file.
- d. **Letter of Reprimand (LOR)** - A formal letter to an officer from the agency which details the officer's wrongful actions and states their actions have been deemed inappropriate or unacceptable. Further violations of same or similar conduct may result in more severe discipline. A copy of this letter shall be placed in the officer's disciplinary file.
- e. **Loss of Leave (LOL)**- Removal of leave from officer's accrued leave total (vacation, personal). Loss of leave shall be determined in hours.
- f. **Loss of Pay (LOP)** - Suspension from duty without pay.
- g. **Level (One)** - Penalty level for first offense violation.
- h. **Level (Two)** - Penalty level for second offense of similar conduct.
- i. **Level (Three)** - Penalty level for third offense or more of similar conduct.
- j. **Mediation** - A process in which parties in a dispute work with one or more impartial mediators who assist the parties in reaching a voluntary agreement for the resolution of a minor dispute or conflict.

k. **Mitigating Factors** - Conditions or events that relate to the violation, but do not excuse or justify the violation, that are considered in deciding the degree of penalty. Examples of mitigating factors include, but are not limited to, the following:

1. The officer's actions are attributable to selfless concern for the well-being of others
2. The officer's lack of disciplinary history
3. The officer's complimentary work history
4. The officer's prior positive work history
5. The violation was the inadvertent result of reasonable, otherwise compliant performance
6. The officer's prompt acceptance of responsibility for the conduct and willingness to be held accountable
7. The officer's commission of the violation at the direction of a superior (who might also be subject to separate discipline)
8. Unusually serious workplace tensions/ stressors, and
9. The violation is attributable to limitations beyond the control of the officer that are caused by legally protected physical or mental disabilities and/or conditions.

**(CALEA 26.1.4)**

l. **Penalty Days** - The forfeiture of vacation days and/or the imposition of suspension without pay for a specified period of time. The decision to suspend, deduct vacation days, or impose a combination of both, is based upon the severity of the misconduct along with any relevant aggravating and mitigating factors. The local ACC and/or Agency Head shall define a "day" as a specified number of hours depending on the officer's schedule and/or unit within the agency.

m. **Police Misconduct** - Refer to Public Safety Article, §3-101, Annotated Code of Maryland.

n. **Remedial Training**-Training designed to correct the behavior of officers who have failed to perform their duties with the skill, knowledge and/or ability expected and/or required of them or have otherwise demonstrated a need for additional training.

#### **4-1004 PROCEDURES**

a. **Violation Categories** - The Matrix includes six (6) categories. Each offense is categorized by a letter (A-F) that represents the severity of the offenses in that category. Category A is the lowest level of discipline and Category F is the highest level. Each category is defined along with a list of example misconduct violations that fit into that category.

- b. **Special Circumstance Categories** - Special circumstance categories are specific violations with their own disciplinary ranges.
- c. **Factors Influencing Discipline** - Mitigating and aggravating factors surrounding a violation may increase or decrease the discipline. Those factors will be considered within the disciplinary range for a specific category.
- d. **Multiple Count Adjustments** - Generally, each sustained misconduct violation shall be considered separately for the purpose of recommending and imposing discipline. However, when multiple violations arise from the same incident, a determination may be made that the most effective manner to address discipline in the case is to consolidate violations into one form of discipline. The most serious offense is used as a starting point within a violation category. The other offenses determine whether and how much to increase the discipline within the selected violation category.
- e. **Prior Disciplinary Record - Same Category** - The Matrix incorporates an officer's prior sustained disciplinary record in determining discipline for a new violation. In each category, there are three penalty levels based on the number of misconduct violations within a specified period of time. Three or more sustained violations in the same category and specified time period will progress to the next higher offense category noted in the Matrix.
- f. **Determining Discipline** - In determining discipline, there must first be an agency policy violation or other police misconduct. Once a violation has been identified, review the violation examples found in the Matrix and select the appropriate offense category. If the specific policy/procedure violation is not listed, review the violation category definition, along with similar example violations and select the most appropriate category. Next, determine if the offense is a first offense or repeat offense and select the appropriate level. The disciplinary section is located to the right of the category definition and level. Each chart includes an acceptable disciplinary range for applicable violations. In addition to the severity of the conduct, mitigating or aggravating factors should be considered prior to making a final determination of discipline. The range of discipline includes formal written counseling (least severe), reprimands, penalty days, and termination (most severe).
- g. **Additional Corrective Measures** - Notwithstanding the penalties in the Matrix, an officer may be referred to counseling, an employee assistance program, training, restitution and/or a demotion. Demotions can be considered for Category D and E violations. Additionally, suspension or removal from a take-home car program and suspension or removal from secondary employment are also options for an ACC to consider. These options may also be imposed by police management, independent of the Local Administrative Charging Committee, consistent with management rights and/or agency policy.
- h. **Violations that Fall into Multiple Violation Categories** - Some violations can fall into multiple categories depending on the severity of the violation. For example, penalties for body-worn camera related violations, insubordination, and harassment may carry more or less severe penalties, depending on which category most accurately fits the member's actions.

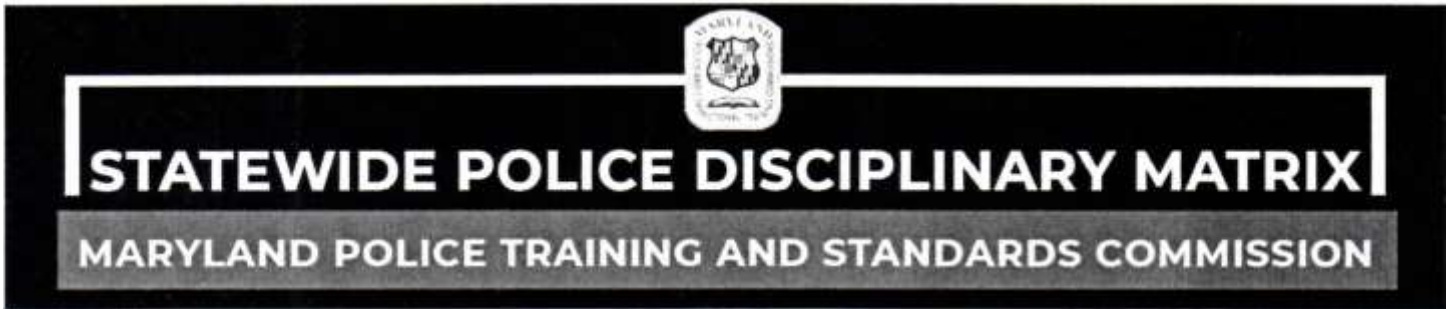
**Notes:**

- *PAB/ACCs and Agencies may only deviate from the use of the Matrix when required to do so by court order, consent decree or any other superseding legal authority. The Matrix does not impact police management rights to maintain the order and manage the affairs of an agency in all aspects including, but not limited to, establishing standards of service, transfer or assignment of employees, establishing standards for performance and conduct, and maintaining control and regulation of the use of government equipment and/or property.*
- *Agencies that operate a formal mediation program are not impacted by this process since it occurs prior to an investigation and is mutually agreed to by both the complainant and officer.*



4-1005

## STATEWIDE POLICE DISCIPLINARY MATRIX



*Note: An agency policy violation must first be identified prior to selecting a Violation Category. If the specific po/icy/procedure violation is not listed in the examples, review the violation category definition, along with similar violations and select the most appropriate category.*

## VIOLATION CATEGORY -A

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors	→ Aggravating Factors
<b>Category A:</b> Conduct that has or may have a minimal negative impact on operations or professional image of the law enforcement agency.	<b>ONE:</b> 1st Violation	Formal Written Counseling	→ Letter of Reprimand
	<b>TWO:</b> 2 <sup>nd</sup> Violation in 24 Months	Formal Written Counseling	→ Up to 1 Day Loss of Leave or Loss of Pay
	<b>THREE:</b> 3 <sup>rd</sup> Violation in 24 Months	GO TO CATEGORY B LEVEL 1	

## Policy Violation Examples for Category A

Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.

Violation associated with improper attire and grooming (uniformed/non-uniformed)
Late for duty assignment
Failure to properly care for agency vehicle, including but not limited to vehicle inspection and maintenance care
Failure of officer to provide identification when required
Failure to comply with traffic stop procedures
Loss of agency property (excluding weapon and radio)
Parking Violations

## VIOLATION CATEGORY - B

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors →	Aggravating Factors
<b>Category B:</b> Conduct that has or may have a negative impact on the operations or professional image of law enforcement agency; or that negatively impacts relationships with other officers, agencies, or the public.	<b>ONE:</b> 1 <sup>st</sup> Violation	Letter of Reprimand →	Up to 2 Days Loss of Leave or Loss of Pay
	<b>TWO:</b> 2 <sup>nd</sup> Violation in 36 Months	1 Day Loss of Leave or Loss of Pay →	Up to 3 Days Loss of Leave or Loss of Pay
	<b>THREE:</b> 3 <sup>rd</sup> Violation in 36 Months	GO TO CATEGORY C LEVEL 1	

### Violation Examples for Category B

Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.

Rude, discourteous actions towards the public or other employees to include profanity and/or obscene gestures.
Failure to furnish name, ID number, and assignment
Officer using their official status, name, or photograph to endorse any product or service connected with law enforcement for personal gain without permission from agency
Failure to remain alert and awake on duty
Failure to notify supervisor of the suspension, revocation, or cancellation of driver's license
Unauthorized use or wearing agency issued equipment (or use of agency insignia) while working secondary employment
Failure to make required inspection of agency vehicle for weapons/contraband prior to and after transporting a prisoner
Operating an agency vehicle beyond jurisdictional boundaries without authorization
Altering or modifying agency equipment without approval
Operating an agency vehicle while on sick leave, light duty status, or suspension without authorization
Failure to submit required report
Failure to conduct preliminary and follow-up investigation/reporting
Improper use of Internet or other communications equipment
Working secondary employment without approval
Violation of social media policy
Failure to accept a complaint against an officer
Failure to obey traffic laws-minor, while operating an agency vehicle

## VIOLATION CATEGORY - C

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors → Aggravating Factors	
<b>Category C:</b> Conduct that involves a risk to safety or that has or may have a pronounced negative impact on the operations or professional image of the law enforcement agency or a member, or on relationships with other officers, agencies, or the public.	<b>ONE:</b> 1 <sup>st</sup> Violation	2 Days Loss of Leave or Loss of pay	→ Up to 4 Days Loss of PAY
	<b>TWO:</b> 2 <sup>nd</sup> Violation in 48 Months	3 Days Loss of Pay or 3 Days Loss of Leave	→ Up to 5 Days Loss of pay
	<b>THREE:</b> 3 <sup>rd</sup> Violation in 48 Months	<b>GO TO CATEGORY D LEVEL 1</b>	

Violation Examples for Category C	
Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.	
Failure to notify or report to duty assignment -Absent without leave (AWOL)	
Failure to notify agency that officer has become subject of a criminal investigation	
Failure to properly secure a firearm	
Unauthorized/careless use/handling/display of a weapon	
Carrying an unauthorized firearm, ECD or other weapon in a vehicle or on the officer's person, on or <i>off</i> duty	
Discharging of firearm in violation of policy- no injury	
Failure to properly search a prisoner incident to arrest	
Improper release/escape of a prisoner (no criminal intent)	
Unnecessary force/excessive force resulting in unknown injury or minor injury	
Failure to document or investigate a physical use of force	
Engaged in secondary employment while on sick leave	
Unauthorized vehicle pursuit- no injury	
Dissemination of confidential information related to a criminal investigation, Criminal Justice Information System (CJIS) or Motor Vehicle Administration (MVA) to unauthorized persons	

## VIOLATION CATEGORY - D

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors	→ Aggravating Factors
<b>Category D:</b> Conduct substantially contrary to the values of the law enforcement agency or that substantially interferes with its mission, operations, or professional image, or that involves a serious risk to officer or public safety, or intentionally violates law enforcement agency policy.	<b>ONE:</b> 1 <sup>st</sup> Violation	5 Days Loss of Pay or 5 Days Loss of Leave	→ Up to 15 Days Loss Pay
	<b>TWO:</b> 2 <sup>nd</sup> Violation in 60 Months	<b>10 Days Loss of Pay</b>	→ <b>Up to 20 Days Loss of Pay</b>
	<b>THREE:</b> 3 <sup>rd</sup> Violation in 60 Months	<b>GO TO CATEGORY E LEVEL 1</b>	

*Note: Demotion and/or reduction in rank can also be considered as a part of the disciplinary penalty for Category D*

Violation Examples for Category D	
Note; The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.	
Reporting to work with a measurable amount of alcohol in system, (no requirement to be legally intoxicated)	
Failure to provide and/or request needed medical assistance (includes individuals not in custody)	
Failure to notify agency that officer has been charged with a civil or criminal violation, whether by arrest or criminal summons.	
Unauthorized vehicle pursuit-with injury	
Failure to report a firearm or less lethal weapon discharge (includes accidental discharges)	
Failure to report an agency collision	

## VIOLATION CATEGORY - E

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors	→ Aggravating Factors
<b>Category E:</b> Conduct that involves misuse of authority, unethical behavior (not involving false reporting or false statements), or an act that could result in an adverse impact on an officer or public safety or to the professionalism of the law enforcement agency or a violation of any misdemeanor.	<b>ONE:</b> 1 <sup>st</sup> Violation	15 Days Loss of Pay	→ 25 Days Loss of Pay up to TERMINATION
	<b>TWO:</b> 2 <sup>nd</sup> Violation in 60 Months	15 Days Loss of Pay	→ 30 Days Loss of Pay up to TERMINATION
	<b>THREE:</b> 3 <sup>rd</sup> Violation in 60 Months	GO TO CATEGORY F LEVEL 1	

*Note: Demotion and/or reduction in rank can also be considered as a part of the disciplinary penalty for Category E*

Violation Examples for Category E	
Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.	
Using official position to avoid consequences of criminal laws and/or incarcerable traffic violations.	
Unnecessary force/excessive force resulting in serious injury	
Failure to report a use of force	
Engaging in acts of retaliation	
Discharging of firearm resulting in injury or death, non-criminal intent	
Obstructing or hindering a criminal investigation	
Obstructing or hindering internal affairs or an administrative investigation	

## VIOLATION CATEGORY - F

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors
<b>Category F:</b> Any violation of law, policy, rule or regulation which: foreseeably results in death or serious bodily injury; or constitutes a willful and wanton disregard of the law enforcement agency's mission, vision and values; or involves any act or omission which demonstrates a serious lack of the integrity, ethics or character related to an employee's fitness to hold their position; or involves egregious misconduct substantially contrary to the standards of conduct reasonably expected, to include those whose sworn duty is to uphold the law; or involves conduct which constitutes the failure to adhere to any condition of employment required or mandated by law, including any 18 U.S.C. § 922(g) (Lautenberg) violations.	<b>ONE: ANY VIOLATION</b>	<b>TERMINATION</b>

<b>Violation Examples for Category F</b> Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.	
Truthfulness: Intentionally making any verbal or written false statement during an official investigation or on any official agency document.	
Enforcement and/or detention of individuals based on discriminatory practices	
Engaging in sexual behavior on duty	
Engaging in sexual behavior in an agency vehicle or facility, on or off duty	
Intentional malicious and unjustified use of force resulting in serious bodily injury or death	
Intentional erasing video footage and/or audio transmissions from digital video camera equipment (BWC/In-Car Camera)	
Converting property/evidence for personal use	
Performing secondary employment while on-duty	
Improper use of controlled dangerous substance (CDS), narcotic, or hallucinogen	
Tampering or manufacturing of evidence	
Knowingly participating or joining an organization that advocates, incites, or supports criminal acts or criminal conspiracies or that promotes hatred or discrimination toward racial, religious, ethnic, or other groups or classes of individuals protected by law.	



# STATEWIDE POLICE DISCIPLINARY MATRIX

MARYLAND POLICE TRAINING AND STANDARDS COMMISSION

## SPECIAL CIRCUMSTANCE VIOLATIONS

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors	Aggravating Factors
<b>DRIVING UNDER THE INFLUENCE</b>  <b>Category 1:</b> Any <u>off-duty</u> driving under the influence of alcohol and/or drugs which would constitute a violation of law.	<b>ONE:</b> 1 <sup>st</sup> Violation	15 Days Loss of Pay	TERMINATION
	<b>TWO:</b> 2 <sup>nd</sup> Violation	30 Days Loss of Pay	TERMINATION
	<b>THREE:</b> 3 <sup>rd</sup> Violation	TERMINATION*	
<b>Category 1a:</b> Any <u>on-duty</u> or off-duty in a departmental vehicle driving under the influence of alcohol and/or drugs which would constitute a violation of law.	<b>ONE:</b> 1 <sup>st</sup> Violation	TERMINATION	

*\*Unless prohibited by Executive Order or Government Policy*

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors	Aggravating Factors
<b>FAILURE TO APPEAR FOR COURT MVA HEARINGS</b>  <b>Category 2:</b> Intentional or purposeful failure to appear for any properly summoned court appearance which is the result of action taken as a law enforcement officer. This category also includes MVA hearings.  *Resets 1 calendar year from the date of the first violation.	<b>ONE:</b> 2 violations in 1 year	Formal Written Counseling →	Formal Written Counseling
	<b>TWO:</b> 2 additional violations in 2 years	Formal Written Counseling →	Up to 2 Days Loss of Leave or Loss of Pay

## DEPARTMENTAL COLLISIONS

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors →	Aggravating Factors
<b>DEPARTMENTAL COLLISIONS</b>  <b>Category 1:</b> Minor Damage <sup>1</sup> to Police Vehicle and/or Other Property or Vehicle  <sup>1</sup> Law Enforcement Agencies may establish a dollar amount as a guideline for determining the level of severity (minor vs major).  <sup>2</sup> Driver Re-training can be imposed at any level but is mandatory for three or more at-fault departmental collisions.	<b>ONE:</b> 1 <sup>st</sup> Violation up to 12 months	Formal Written Counseling →	Letter of Reprimand
	<b>TWO:</b> 2 <sup>nd</sup> Violation within 0-24 months	Formal Written Counseling →	Up to 2 Days Loss of Leave or Loss of Pay
	<b>THREE<sup>2</sup>:</b> 3 <sup>rd</sup> or more Violation within 0-36 months	Letter of Reprimand →	Up to 5 Days Loss of Leave or Loss of Pay
<b>Category 2:</b> Major Damage to Police Vehicle and/or Other Property or Vehicle  <sup>1</sup> Law Enforcement Agencies may establish a dollar amount as a guideline for determining the level of severity (minor vs major).  <sup>2</sup> Driver Re-training can be imposed at any level but is mandatory for three or more at-fault departmental collisions.	<b>ONE:</b> 1 <sup>st</sup> Violation up to 12 months	Formal Written Counseling →	Up to 1 Day Loss of Leave or Loss of Pay
	<b>TWO:</b> 2 <sup>nd</sup> Violation within 0-24 months	Letter of Reprimand →	Up to 3 Days Loss of Leave or Loss of Pay
	<b>THREE<sup>2</sup>:</b> 3 <sup>rd</sup> or more Violation within 0-36 months	Letter of Reprimand →	Up to 10 Days Loss of Leave or Loss of Pay
<b>Category 3:</b> Injury to Law Enforcement Personnel and/or Civilian  If gross negligence or reckless operation of a police vehicle is involved in any collision that results in serious injury or death the disciplinary range will increase up to and including termination.	<b>ONE:</b> 1 <sup>st</sup> Violation up to 12 months	Formal Written Counseling →	Up to 2 Days Loss of Leave or Loss of Pay
	<b>TWO:</b> 2 <sup>nd</sup> Violation within 0-24 months	Letter of Reprimand →	Up to 5 Days Loss of Leave or Loss of Pay
	<b>THREE<sup>2</sup>:</b> 3 <sup>rd</sup> or more Violation within 0-36 months	Letter of Reprimand →	Up to 14 Days Loss of Leave or Loss of Pay





# STATEWIDE POLICE DISCIPLINARY MATRIX

## MARYLAND POLICE TRAINING AND STANDARDS COMMISSION

### VIOLATION EXAMPLES THAT MAY FALL INTO MULTIPLE VIOLATION CATEGORIES DEPENDING ON THE FACTS OF A CASE

The policy violation examples set forth in this document are not intended to serve as an exhaustive list of prohibitions on officer conduct and activities. Rather, they are intended to be a sampling of policy violations that exist in the majority of law enforcement agencies. Examples of misconduct have been provided in each policy violation category to serve as a guide in determining discipline for officers found to have violated an agency's policy or general orders/procedures.

However, while policy examples outlining acceptable and unacceptable conduct for officers is necessary, not every situation can or will be covered explicitly. Below is a listing of policy conduct violations commonly found in law enforcement policies that may not fall into one specific violation category but may warrant a higher or lower level of discipline based on the severity of the misconduct.

**ABUSE OF POSITION:** Officers conduct, whether on or *off* duty, where their authority or position is used for financial gain, obtain or grant privileges or favors, avoid consequences of illegal acts for themselves or others, or to barter, solicit or accept any good or services, such as gratuities, gifts, discounts, rewards, loans, or fees, whether for themselves or others.

#### **BWC/IN CAR VIDEO/VIDEO RECORDED EQUIPMENT VIOLATIONS**

**CONDUCT UNBECOMING:** Officer conduct, whether on or *off* duty, that casts doubt on their integrity, honesty, moral judgment, or character; brings discredit to an agency; or impairs the agency's efficient and effective operation.

#### **CUSTODIAL RELATED VIOLATIONS (ABUSE, SECURING, TRANSPORTATION, MEDICAL CARE)**

#### **DISCRIMINATION AND/OR HARASSMENT TOWARD AN INDIVIDUAL BASED ON RACIAL, RELIGIOUS, ETHNIC, OR OTHER GROUPS OR CLASSES OF INDIVIDUALS PROTECTED BY LAW**

## **DUTY TO INTERVENE/FAILURE TO DEESCALATE**

## **FAILURE OF SUPERVISOR TO PROPERLY MANAGE PERSONNEL AND/OR FOLLOW SUPERVISORY POLICY RESPONSIBILITIES**

**INSUBORDINATION:** Willful failure of an officer to obey a supervisor's lawful orders.

## **VIOLATIONS OF FEDERAL, STATE OR LOCAL LAW**

**WORKPLACE VIOLENCE:** Any act or threat of physical violence, harassment, intimidation, or other threatening disruptive behavior that occurs in the workplace or arises out of the employment relationship.

### **4-1100 KENT COUNTY POLICE ACCOUNTABILITY BOARD PROCEDURES**

Any complaint filed against a sworn employee of the KCSO or any incident that involves a member of the public shall be investigated and disciplined under the Maryland Police Accountability Act of 2021.

- a. All citizen complaints received by the KCSO regarding a sworn Deputy shall be forwarded to the Kent County Accountability Board prior to being assigned as an investigation by the KCSO.
- b. The Sheriff or his/her designee shall notify the Kent County Accountability Board of any incident handled by a KCSO Deputy that involves a member of the public.
- c. Any citizen complaint received by the Kent County Accountability Board shall be forwarded to the KCSO within three (3) days.
- d. Investigations will be assigned in accordance with Chapter 7-200 of this manual.
- e. Upon completion and supervisory approval, the investigation shall be forwarded to the Kent County Administrative Charging Committee located at 400 High Street, Chestertown, MD.
  1. The Administrative Charging Committee will determine if the employee shall be charged administratively.
  2. The Administrative Charging Committee shall review and make a determination or ask for further review within thirty (30) days after completion of the investigating unit's review.
  3. The process of review by the Investigating Unit through disposition by the Administrative Charging Committee shall be completed within one(1) year and one (1) day after the filing of a complaint by a citizen.
  4. If it is determined to administratively charge the KCSO employee, using The Statewide Disciplinary Matrix, the Administrative Charging Committee shall make a recommendation to the Sheriff regarding the appropriate discipline.

5. Within fifteen, (15), days of this decision the Sheriff shall impose the discipline. The discipline imposed by the Sheriff may be the same as recommended by the Administrative Charging Committee or may be a higher degree of discipline within the applicable range of the Statewide Police Disciplinary Matrix. It shall never be lower than the discipline recommended by the Administrative Charging Committee.
- f. If the KCSO employee wishes to appeal the decision, they are entitled to a Trial Board consisting of the following, who are appointed by the Kent County Commissioners and trained by the MPTSC:
  1. An actively serving or retired administrative law judge or a retired judge of the District Court or a Circuit Court, appointed by the Kent County Commissioners.
  2. A Civilian who is not a member of an administrative charging committee, appointed by the Kent County Police Accountability Board, and;
  3. A Sworn Police Officer of equal rank to the Deputy accused of the misconduct appointed by the Sheriff.
- g. Proceedings of a Trial Board shall be open to the public, except to protect:
  1. A victim's identity
  2. The personal privacy of an individual
  3. A child witness
  4. Medical records
  5. The identity of a confidential source
  6. An investigative technique or procedure
  7. The life or physical safety of an individual
- h. A decision of the Trial Board may be appealed to the Kent County Circuit Court by the KCSO employee.

#### **4-1101 EFFECT OF PROBATION**

An employee serving a probationary period on initial appointment is not entitled to the due process requirements of the County Commissioners of Kent County MD Employee Handbook or this Chapter, except in the case of alleged police brutality by a sworn employee.

**(CALEA 26.1.4)**

#### **4-1102 IMPOSITION OF DISCIPLINE: NON-POLICE ACCOUNTABILITY BOARD**

For non-citizen complaint incidents involving potential discipline less than days loss of pay or days loss of leave, the supervisor with firsthand knowledge of the incident will be responsible for initiating the discipline to be imposed on the Deputy. If the potential discipline is days loss of pay, days loss of leave or higher, the Chief Deputy and Division Commander shall determine who will be responsible for completing an IAU investigation and imposing discipline.

In situations where the supervisor is to impose discipline, he or she shall immediately notify the Division Commander of the circumstances surrounding the event. Using the KCSO Administrative and Operations Manual and the Statewide Discipline Matrix, the supervisor will determine what discipline shall be imposed. The supervisor will be responsible for imposing the discipline. There is no formal investigation or notice of charges required for these incidents.

Investigations referred to the CID Commander for an IAU investigation will be assigned and completed in accordance with Chapter 7 of this manual. The investigation should reveal:

- a. whether an offense or violation of the KCSO policy was committed,
- b. whether the employee was involved in the offense,
- c. the past disciplinary record of the employee; and
- d. recommendations as to sustained or non-sustained findings.

**(CALEA 26.1.5)**

If an IAU investigation is to be conducted, the investigator shall ensure the Deputy receives the "Notice of Charges" KCSO Form #119 advising of charges and potential discipline.

#### **4-1103           REPORT TO SHERIFF**

In all cases, the result of the investigation will be reported to the Sheriff.

#### **4-1200           EMERGENCY SUSPENSIONS**

##### **4-1201           EMERGENCY SUSPENSION RESULTING FROM CITIZEN COMPLAINT OR INCIDENTS INVOLVING A MEMBER OF THE COMMUNITY**

- a. Pending an investigation, the Administrative Charging Committee and Trial Board process, the Sheriff or his designee, may impose an emergency suspension with or without pay if the Sheriff, or his/her designee determines that such a suspension is in the best interest of the public.
- b. An emergency suspension without pay under this subsection shall not exceed thirty (30) days.
- c. A Deputy who is suspended without pay under this subsection is entitled to receive back pay if the Kent County Administrative Charging Committee determines not to administratively charge the Deputy in connection with the matter on which the suspension is based.

##### **4-1202           EMERGENCY SUSPENSION RESULTING FROM POLICY VIOLATIONS**

- a. An employee may be immediately suspended on an emergency basis by a superior officer when it is in the best interest of the County or the employee. Concurrence of the Sheriff will be obtained through channels as soon as possible.
- b. The Sheriff, or his/her designee may suspend a Deputy without pay and suspend the Deputy's police powers on an emergency basis if the Deputy is charged with:

1. A disqualifying crime as defined in §5-101 of the Annotated Code of Maryland
  2. A misdemeanor committed in the performance of duties as a Deputy, or
  3. A misdemeanor involving dishonesty, fraud, theft, or misrepresentation
- c. Disqualifying crimes includes:
1. a case in which a person received probation before judgment for a crime of violence; and
  2. a case in which a person received probation before judgment in a domestically related crime as defined in § 6-233 of the Criminal Procedure Article.
  3. "Convicted of a disqualifying crime" does not include a case in which a person received a probation before judgment:
    - i. for assault in the second degree, unless the crime was a domestically related crime as defined in § 6-233 of the Criminal Procedure Article; or
    - ii. that was expunged under Title 10, Subtitle 1 of the Criminal Procedure Article.
- d.. Crime of violence means:
1. abduction;
  2. arson in the first degree;
  3. assault in the first or second degree;
  4. burglary in the first, second, or third degree;
  5. carjacking and armed carjacking;
  6. escape in the first degree;
  7. kidnapping;
  8. voluntary manslaughter;
  9. maiming as previously proscribed under former Article 27, § 386 of the Code;
  10. mayhem as previously proscribed under former Article 27, § 384 of the Code;
  11. murder in the first or second degree;
  12. rape in the first or second degree;
  13. robbery;
  14. robbery with a dangerous weapon;

15. sexual offense in the first, second, or third degree;
16. home invasion under § 6-202(b) of the Criminal Law Article;
17. a felony offense under Title 3, Subtitle 11 of the Criminal Law Article;
18. an attempt to commit any of the crimes listed in items (1) through (17) of this subsection; or
19. assault with intent to commit any of the crimes listed in items (1) through (17) of this subsection or a crime punishable by imprisonment for more than 1 year.

#### **4-1203            EMERGENCY SUSPENSION HEARING**

- a. The suspended employee may elect to appear for a Suspension Review Hearing to determine if the suspension will be continued or terminated pending the disposition of formal charges.
- b. The Sheriff will appoint a high-ranking command officer (Lieutenant or higher rank) from the KCSO to serve as the Suspension Review Hearing Officer. The Suspension Review Hearing will be held as soon as possible following the suspension to determine if the suspension is necessary to protect the interests of the County, the KCSO or the employee pending disposition of charges, and whether other employment or leave status alternatives are appropriate. At the Suspension Review Hearing the employee may:
  1. Be accompanied by counsel,
  2. Rebut the reasons for the suspension,
  3. Present mitigating testimony,
  4. Suggest alternatives to suspension.
- c. The Presenter of Facts at the Suspension Review Hearing will:
  1. Present reason(s) for the initial suspension,
  2. Make recommendations concerning the employee's leave status and possible temporary assignment during the period of suspension,
  3. Recommend a final disposition on the suspension status.
- d. The Suspension Review Hearing will be recorded. The recording will be forwarded in a sealed envelope to the Sheriff for review, retention, and inclusion in the investigative case file.
- e. At the conclusion of the Suspension Review Hearing, the Suspension Review Hearing Officer will make a recommendation to the Sheriff, as follows:
  1. The suspension was not justified, and the employee should return to duty,
  2. The suspension was justified but the employee should return to duty,
  3. The suspension was justified, and the employee's suspension should continue.

- f. After consideration of the Suspension Review Hearing Officer's recommendation, the Sheriff will immediately render a decision whether the suspension will be continued and whether it will be with or without pay. An employee suspended with pay will be advised of the requirement to notify the Chief Deputy, or his/her designee of the telephone number and location where he or she may be reached on a daily basis between 0900 and 1000 hours, Monday through Friday, exclusive of holidays.
- g. Within five (5) days of the Suspension Review Hearing, the employee will receive the decision in writing. The decision is conclusive of the suspension only. A copy of the written decision will be maintained in the investigative case file.
- h. Where an employee is suspended without pay, and the underlying misconduct is not pursued through the disciplinary process or is not sustained, the employee will be made whole for lost pay, less any outside earnings during the period of the suspension.

**(CALEA 26.3.7)**

#### **4-1300            TERMINATION PROCEDURES**

- a. The Sheriff shall terminate the employment of a Deputy who is convicted of a felony
- b. The Sheriff may terminate the employment of a Deputy who:
  - 1. Receives a probation before Judgment for a felony, or
  - 2. Is convicted of :
    - i. A misdemeanor committed in the performance of duties as a Deputy
    - ii. A misdemeanor second degree assault
    - iii. A misdemeanor involving dishonesty, fraud, theft or misrepresentation
- c. In the case of termination, the employee will be provided a final written statement citing the reasons for the action, the effective date, and the effect of the action on the employee's fringe and retirement benefits.

**(CALEA 26.1.7)**

#### **4-1301            MAINTENANCE OF RECORDS**

The KCSO will maintain a complete record of every disciplinary action, including all reports of the employee, supervisors, investigators, and any statements related to the discipline. The record will include all correspondence related to the discipline, including the results of the hearing board, if one is held. All records of disciplinary actions will be maintained in the employee's personnel folder in a locked file in the Sheriff's Office. The records will be retained for the duration of the employee's service with the KCSO.

**(CALEA 26.1.8)**

#### **4-1400            APPEALS OF DISCIPLINE NOT IMPOSED BY THE POLICE ACCOUNTABILITY ACT**

A KCSO Deputy may appeal any imposed discipline which exceeds one (1) day loss of leave or one (1) day loss of pay. Appeals shall be submitted in writing to the Sheriff or his/her designee within 15 days of the

imposed discipline. Upon notification of an appeal, the Sheriff or his/her designee shall convene a hearing board consisting of sworn personnel from another law enforcement agency.

- a. Membership of the hearing board shall consist of at least three (3) members who:
  1. have had no part in the investigation or interrogation of the Deputy
  2. at least one member of the hearing board shall be of equal rank as the Deputy
  3. at least one member of the hearing board shall be of the rank of Lieutenant or above
  4. at least one member of the hearing board shall be of equal rank or higher as the Deputy
  5. The highest-ranking hearing board member shall serve as the Chair.
- b. The Chair of the hearing board may issue subpoenas to compel the attendance and testimony of witnesses and the production of books, papers, records, and documents as relevant or necessary.
- c. The hearing shall be open to the public, unless the chief finds a hearing must be closed for good cause, including to protect a confidential informant, an undercover officer, or a child witness.
- d. The hearing board shall give the law enforcement agency and law enforcement officer ample opportunity to present evidence and argument about the issues involved.
- e. The law enforcement agency and law enforcement officer may be represented by counsel.
- f. Each party has the right to cross-examine witnesses who testify, and each party may submit rebuttal evidence.
- g. Disposition of hearing board shall:
  1. Be in writing and accompanied by findings of fact which shall consist of a concise statement on each issue in the case
  2. A finding of not guilty terminates the action.
  3. If the hearing board makes a finding of guilt, the hearing board shall make a recommendation to the Sheriff following the State Disciplinary Matrix on discipline to include mitigating and aggravating circumstances.
- h. Review by Sheriff and final disposition
  1. Within 30 days after receipt of the recommendations of the hearing board, the Sheriff shall:
    - i. review the findings, conclusions, and recommendations of the hearing board; and
    - ii. issue a final order.
    - iii. The recommendation of a penalty by the hearing board is not binding on the Sheriff. However, the final disposition shall be accordance with the Statewide Disciplinary Matrix.



#### **4-1500            GRIEVANCES**

#### **4-1501            COVERAGE**

All employees of the KCSO are covered by the Grievance Procedure established in the Kent County Personnel Policies and Procedures Manual..

**(CALEA 22.4.1)**

#### **4-1502            ROLE OF CHIEF DEPUTY**

The Chief Deputy will coordinate the grievance procedure within the KCSO and will maintain and control KCSO grievance records. Annually, the Chief Deputy will analyze the grievances which have been filed for any patterns which indicate the need for changes in agency policies or procedures. He or she will report the results of the analysis and recommendations, if any, to the Sheriff.

**(CALEA 22.4.2, 22.4.3)**

#### **4-1600            EMPLOYEE ORGANIZATIONS**

- a. The KCSO recognizes an employee's right to form or be a member of an employee organization. The Sheriff may recognize employee organizations and meet with representatives to discuss issues of mutual concern. There exists no obligation on the part of the KCSO to comply with, endorse, honor, or enter into a binding agreement with any employee organization.
- b. The Sheriff may from time to time authorize schedule changes, use of facilities, or use of equipment by members of recognized employee organizations. Such use may not cause additional expense to the KCSO.
- c. An employee's organizational activities may not interfere with the completion of the employee's duties.
- d. All current or prospective employee organizations will be given access to agency bulletin boards on an equal basis, subject to reasonable space limitations.
- e. An employee may use agency telephones on a limited basis to conduct business on behalf of the organization so long as such use incurs no additional expense to the county, does not interfere with the employee's completion of his or her duties, and does not interfere with KCSO business.

#### **4-1700            RECRUITMENT AND SELECTION**

#### **4-1701            PROGRAM RESPONSIBILITY**

The Sheriff and the Chief Deputy are responsible for the KCSO recruitment program. The KCSO engages in specific recruitment activities in Kent County and elsewhere and designs and distributes recruitment materials. As the agency's chief recruiters and senior managers, the Sheriff and Chief Deputy are intimately familiar with the agency's needs, opportunities within the agency, the County's requirements, and the importance of a representative workforce.

All Deputies serve as KCSO ambassadors and recruiters simply by virtue of their presence in the community. They are expected to be aware of potential recruits, both inside and outside Kent County, and to refer the names of those individuals to the Sheriff or Chief Deputy.

Before any Deputy is given a specific recruiting assignment, he or she will be trained and thoroughly briefed by the Sheriff or Chief Deputy on the audience to be briefed, the message to be presented, and the outcomes that are expected. Recruiters shall be familiar with or have been instructed in current recruiting laws, practices, and EEO requirements.

**(CALEA 31.1.1, 31.1.2)**

#### **4-1702 RECRUITMENT PLAN**

The KCSO believes that it will best serve Kent County when its employees reflect the County's diversity. It is the goal of the KCSO to achieve a workforce which is representative, by race, ethnicity, and gender, of the County it serves. The plan shall include demographic data of KCSO sworn personnel.

The KCSO has adopted a Recruitment Plan, found as Appendix 4-B, as a means to achieving that goal. The Chief Deputy will prepare an annual progress report and will review and amend the Recruitment Plan annually. The Sheriff will review and approve the Recruitment Plan.

**(CALEA 31.2.1, 31.2.2)**

#### **4-1703 VACANCY ANNOUNCEMENTS**

Vacancy announcements for all KCSO positions will:

- a. identify the position, required education and other minimum qualifications.
- b. include salary and benefits information;
- c. be advertised in print media or other sources;
- d. advertise that Kent County and the KCSO are equal opportunity employers on the announcement and the application form; and
- e. explain how to obtain an application and the deadlines for filing.

Vacancy announcements will be sent to churches and other community service organizations. The Sheriff will seek the assistance of key community leaders in filling vacancies.

**(CALEA 31.3.1, 31.3.2)**

#### **4-1704 APPLICANT RELATIONS**

Maintaining contact with applicants and keeping them apprised of the status of their applications are essential parts of an effective recruitment program. The KCSO will inform applicants:

- a. when they do not meet minimum qualification requirements;
- b. whether they are or are not in the pool of candidates to be interviewed;
- c. whether they are or are not selected for final processing; and
- d. whether they are or are not finally selected. Candidates will be kept informed of the final approval process.

Applications will not be rejected for minor omissions or deficiencies that can be corrected before the testing or interview process.

**(CALEA 31.3.3)**

#### **4-1705            SELECTION GUIDELINES**

Appendix 4-C, Selection Guidelines, fully describes the KCSO's recruitment and selection procedures.

#### **4-1706            PROBATIONARY PERIOD ON INITIAL APPOINTMENT**

Every newly appointed Deputy must complete a two (2) year probationary period upon initial appointment. The probationary period begins on the day the Deputy is hired.

**(CALEA 31.5.8)**

#### **4-1706.1        EXTENSION OF PROBATIONARY PERIOD**

The Sheriff has the discretion to extend the probation period for Deputies for any cause which he/she in his/her discretion, deems sufficient and appropriate.

#### **4-1706.2        PROBATIONARY PERIOD UPON REAPPOINTMENT**

The probationary period for reappointed KCSO Deputies shall be one (1) year from the date of rehire.

**(CALEA 31.5.8)**

#### **4-1707           SELECTION FOR SPECIALIZED ASSIGNMENTS**

From time to time, internal selections will be made for specialized assignment within the KCSO (e.g., for the TET member, Firearms Instructor, NET member). The availability of such assignments will be made known to all Deputies so that they may express interest in selection for the assignment.

Deputies will usually be asked to express their interest in writing. Selections will be based upon the requirements of the specialized assignment and the applicants' length and breadth of experience, training, performance ratings, disciplinary records, specialized skills, or other factors appropriate to the assignment to be filled. The selection will be made by the Sheriff or Chief Deputy.

**(CALEA 16.1.2)**

#### **4-1800           TRAINING AND CAREER DEVELOPMENT**

#### **4-1801           POLICY**

It is the policy of the KCSO to provide comprehensive employee training to ensure the delivery of the highest level of effective law enforcement services to the citizens of Kent County.

#### **4-1802           PROGRAM RESPONSIBILITY**

The Chief Deputy is responsible for overseeing the development and delivery of training programs.

#### **4-1803           TRAINING COMMITTEE**

The KCSO has a Training Committee which consists of the Chief Deputy, the Patrol Commander, the CID Commander, the Services Division Commander and one Deputy at the rank of Corporal or below.

- a. The Deputy will be selected by the Sheriff from among those members of the staff who express an interest in serving in the position and will serve for 2 years. A Deputy may serve consecutive terms

on the Committee. The other members are designated by position.

- b. The Committee will meet at least annually, at the call of the Chief Deputy.
- c. The role of the Committee is to evaluate training provided over the last year and to make recommendations to the Chief Deputy concerning training needs for KCSO staff. The Committee is advisory in nature and has no direct authority or responsibility for training activities.

**(CALEA 33.1.1)**

#### **4-1804 ATTENDANCE AT TRAINING**

Training is like any other work to which employees are assigned, and attendance at training programs for assigned employees is therefore mandatory. Legitimate absences, such as illness, court appearance, vacations, etc., may be excused by the Chief Deputy. Those employees will have to attend make-up classes when rescheduled. Employees who successfully complete assigned training sessions may be recognized by a suitable certificate, and all training records will be maintained in the employees' training files.

**(CATEGORY B)(CALEA 33.1.2)**

#### **4-1805 PAYMENT OF EXPENSES**

Employees who are assigned training classes are eligible for reimbursement of mileage (if traveling by privately owned vehicle), lodging, and meal expenses, as appropriate, consistent with the travel regulations of Kent County.

For employees assigned to training, all tuition, books, fees, and related expenses will be paid by the KCSO.

The Office Manager will make arrangements for the payment or reimbursement of expenses.

**(CALEA 33.1.3)**

#### **4-1806 PERFORMANCE OBJECTIVES**

Written performance objectives will be established for all training programs. The use of performance objectives acquaints the training participants with the information they are required to know, the skills that must be demonstrated, and the circumstances under which the skills will be used. Performance objectives will:

- a. Focus on the elements of the job task analyses for which formal training is needed;
- b. Provide clear statements of what is to be learned;
- c. Provide the basis for evaluating the participants;
- d. Provide a basis for evaluating the effectiveness of the training program.

**(CALEA 33.1.4)**

#### **4-1807 LESSON PLANS**

The KCSO requires the development of lesson plans for all internal training. Development of lesson plans ensures that the subject to be covered in training is addressed completely and accurately and is properly sequenced with other training materials. Lesson plans establish the purpose of instruction, set forth the performance objective, relate the training to critical job tasks, and identify matters that will be taught.

- a. Lesson plans should include:
  - 1. References and resources;

2. Teaching techniques
  3. Relationship to job tasks;
  4. Responsibilities of the participants for the material taught; and
  5. Plans for evaluation of the participants.
- b. Among the instructional techniques that may be employed are:
1. conferences (debate, discussion groups, panels, and seminars);
  2. Field experiences (field trips, interviews, operational experiences, and operational observations);
  3. Presentations (lecture, lecture-discussion, lecture-demonstration);
  4. Problem investigations (group inquiry);
  5. Simulations (case study, games, and role-play).

**(CALEA 33.1.4)**

#### **4-1808            TESTING**

Generally, testing methods used in training classes will be competency-based tests based on performance objectives that measure participant knowledge of and ability to use job-related skills. Test questions may be true/false, multiple choice, short answer, matching, or any other approved format. The minimum passing score

on internal training will be 70 percent. Those tests that require a skill performance must be performed to the satisfaction of the grading official.

**(CALEA 33.1.4)**

#### **4-1809            APPROVAL OF LESSON PLANS**

Lesson plans will be submitted to and approved by the Chief Deputy and/or the Sheriff. If lesson plans are to be used in courses to satisfy the MPCTC's in-service or firearms training requirements, they must also be approved by the MPCTC, issued an MPCTC approval number, and resubmitted every 3 years for renewal of approval.

**(CALEA 33.1.4)**

#### **4-1810            REMEDIAL TRAINING**

Remedial training will be used to upgrade necessary knowledge and skills of agency personnel. As they conduct regular inspections of personnel, Supervisors must be alert to signs that remedial training may be required. Among the criteria used to determine the need for remedial training are:

- a. Complaints from prosecutors, citizens, or fellow employees;
- b. Recommendation from a supervisor based on, but not limited to
- c. Poor job performance;
- d. Improper conduct;
- e. Poor personal appearance;
- f. Physical, emotional, or mental inability to perform job-related duties.

- g. In-service or specialized training test results below the passing level.

There are two basic types of remedial training:

- a. Training which may be handled within the shift or Division; and
- b. Training which requires administrative approval and/or supervision.

The immediate supervisor or designee will be responsible for providing Deputy remedial training which is minor in nature and may be handled by counseling. The Chief Deputy may be consulted for resource material and personnel to assist the employee in obtaining the needed training

The following apply to remedial training which requires administrative approval and/or supervision:

- a. Prior to the initiation of a formal remedial training program, the supervisor of the affected employee will submit a letter to the Chief Deputy outlining the problem, to include recommended corrective measures.
- b. Following approval of the formal remedial training program, it will be the responsibility of the Chief Deputy or his or her designee to schedule the training and assist the employee in the program.
- c. An employee assigned to a remedial training program will be observed, retrained, and evaluated until they have successfully demonstrated the necessary skills, knowledge, and ability.
- d. A designated time frame for achieving Fully Acceptable performance will be established by the Chief Deputy. The maximum time frame allowed for achieving Fully Acceptable performance will be established according to the individual situation and need.
- e. The Chief Deputy will file a performance evaluation when the time frame is exhausted and forward the report to the Sheriff.
- f. If the performance evaluation is not Fully Acceptable, the Sheriff and Chief Deputy will make a determination on what action should be taken. Action may include, but is not limited to:
  - 1. Re-testing;
  - 2. Disciplinary action;
  - 3. Discharge from employment.

**(CALEA 33.1.5)**

#### **4-1811            TRAINING RECORDS**

Following the completion of a training assignment, the Chief Deputy will ensure that proper documentation of the training is maintained on file. A training file will be maintained on all employees to include:

- a. Type of training
- b. Date of training;
- c. Training certificates received
- d. Attendance record; and
- e. Test scores.

The KCSO will also maintain a record of each training class conducted internally. The record will include:

- a. Lesson plans;
- b. Name of attendees;
- c. Performance of individual attendees as measured by tests, if administered.; and
- d. Record retention period of 4 years after reaccreditation

**(CALEA 33.1.6, 33.1.7)**

#### **4-1812 NEW RECRUIT TRAINING**

Under Maryland law, a Deputy must be certified by the Maryland Police and Correctional Training Commissions (MPCTC) before being permitted to carry a weapon or to have the authority to make arrests.

Unless a newly hired Deputy is an experienced law enforcement officer who has already been certified by MPCTC, the Deputy must successfully complete a training program consisting of two parts:

- a. a course at an MPCTC-certified training academy; and
- b. a two-hundred forty (240) hour field training program.

This training program includes:

- a. A curriculum based on job task analyses of the most frequent assignments of sworn personnel who complete basic training;
- b. Use of evaluation techniques designed to measure competency in the required skills, knowledge, and abilities; and
- c. An orientation handbook issued on all new recruit personnel at the time the academy training begins.

**(CALEA 33.4.1, 33.4.2)**

#### **4-1813 LAW ENFORCEMENT ACADEMY**

In accordance with the regulations of the MPCTC, newly hired KCSO Deputies receive their basic training at a law enforcement academy certified by the MPCTC, most often the Eastern Shore Criminal Justice Academy (ESCJA) at Wor-Wic Community College in Salisbury, Maryland.

- a. The Sheriff and the Chief Deputy maintain a close liaison with the staff of the ESCJA (and other academies). The Chief Deputy will coordinate all basic and specialized training assignments to the Academy.
- b. Based on discussions with the Sheriff, feedback from the Patrol Commander, and his or her own observations, the Chief Deputy will provide written input to the ESCJA (or other academies) as appropriate.
- c. Upon request, the KCSO may provide Deputies with specialized skills to assist with instruction at the ESCJA (or other academies).
- d. The KCSO will absorb the cost of tuition, housing, meals, mileage, and wages while employees attend the basic and specialized training at the Academy.

- e. The ESCJA (or other academies) will provide staff, facilities, instructors, and other resources during the basic training sessions.
- f. The ESCJA (or other academies) will be responsible for the administration of the prescribed training programs and will provide for the fair and non-discriminatory testing and processing of each student. The KCSO and/or worker's compensation will be responsible for any training-related impairment of its employee at the academy, providing the impairment was not the result of negligence on the part of the Academy.
- g. The ESCJA (or other academies) will provide basic law enforcement training as outlined in the regulations of the MPCTC.
- h. The KCSO will be responsible for training its employees on its office policies, procedures, rules and regulations, general orders, and other written directives after the employee completes academy training.

**(CALEA 33.2.3, 33.2.4)**

#### **4-1813.1      ACADEMY ORIENTATION MATERIALS**

The ESCJA (or other academy) provides orientation materials to all recruit personnel at the beginning of training. The material includes information on:

- a. Organization of the Academy;
- b. The Academy's rules and regulations
- c. The Academy's rating, testing, and evaluation system;
- d. Physical fitness and proficiency skill requirements; and
- e. Daily training schedules.

#### **4-1814      FIELD TRAINING**

The Chief Deputy has overall responsibility for the Field Training Program

After successful completion of the basic academy training, the Deputy will be assigned to a Field Training Officer (FTO) for a minimum of two-hundred forty (240) hours, as per Maryland Police and Corrections Training Commission regulations which exceeds the minimum of 4 weeks (160) hours as required by CALEA. The

purpose of field training is to give the new Deputy a solid grounding in the essential elements of the KCSO patrol function, and to permit him or her to operate effectively, alone, as a KCSO Deputy. During this period, the new Deputy will be thoroughly indoctrinated in KCSO policies, procedures, rules, and regulations. The Deputy is rotated through all aspects of the patrol function, including but not limited to vehicle operation (including radio, video recording and radar operation), service of process, processing arrests, transporting detainees, temporary detention of detainees, traffic stops, report writing, crime and accident scene processing, criminal investigation, taking statements, and court testimony.

During this period, the FTO reviews with the new Deputy the essential elements of the KCSO Administrative and Operations Manual and of KCSO law enforcement functions in a structured fashion. Each day, the FTO will complete a KCSO Field Training Evaluation Form (KCSO #322), indicating the materials covered, the training conducted (i.e., whether by discussion, observation, demonstration, or actual performance), the new Deputy's performance on the training element, and any deficiencies noted and submit it to the Patrol Commander. The FTO will be guided in his/her evaluation of the new Deputy by verbiage contained in the



KCSO Field Training Evaluation Standards (KCSO Form #322A). The FTO will be required to comment on any Training Element where the new Deputy receives an evaluation of "Unacceptable", "Marginally Acceptable", "Exceeds Expectations" or "Superior". The Patrol Commander will review the form daily and forward it to the Chief Deputy.

The FTO will review all reports written by the new Deputy to identify deficiencies, especially ones of spelling, grammar, neatness, attention to detail and general organization of thought.

After the minimum 240 hours training period, the Chief Deputy and the Patrol Commander will decide, with input from the FTO, with the concurrence of the Sheriff, if the Deputy is ready for solo duty or is in need of additional training.

**(CALEA 33.2.4, 33.4.3)**

#### **4-1814.1 FIELD TRAINING OFFICERS**

Field Training Officers (FTO) serve as role models for newly hired Deputies in the development of the knowledge, skills, and abilities needed to perform patrol duties and the practical application of the training received at the Academy. While performing the duties of the FTO, a Deputy gains experience and knowledge that increases leadership, training, and evaluation skills which may enhance career opportunities.

The Patrol Commander will makeshift Supervisors aware of the availability of an FTO assignment and will solicit their recommendations for FTOs. To be eligible, a Deputy must have two (2) years of service with the KCSO. The Patrol Commander will endorse the recommendations, as appropriate, and forward them to the Chief Deputy. The Chief Deputy will consult with the Patrol Commander in making the selection of FTOs with the concurrence of the Sheriff. Among the criteria considered are:

- a. knowledge of the patrol Deputy function;
- b. demonstrated commitment to the KCSO and to the field training program;
- c. personal appearance, bearing and demeanor; and
- d. ability to communicate effectively, both orally and in writing.

KCSO Field Training Officers will attend an FTO Course approved by the Maryland Police Training and Standards Commission prior to training a new Deputy

Prior to the first FTO assignment and before each subsequent assignment FTOs will be trained by the Chief Deputy using the KCSO Field Training Evaluation form. The Chief Deputy will provide practical, one-on-one instruction on:

- a. the importance of the field training experience;
- b. planning training assignments;
- c. how to use the form to provide feedback to the new Deputy;
- d. the necessity of communicating clearly and effectively, both with the new Deputy and with the Chief Deputy and the Patrol Commander, concerning the new Deputy's progress.

The Chief Deputy and the Patrol Commander will meet at least weekly with the FTO to discuss the progress of the field training program and to evaluate the work of the FTO. The FTO will report to the Patrol Commander any matter of concern in the new Deputy's training which arises between the weekly meetings.

**(CALEA 33.4.3)**

#### **4-1815            ACCREDITATION FAMILIARIZATION TRAINING**

The Chief Deputy will ensure that all KCSO employees receive familiarization training with the accreditation process as follows:

- a. To all newly hired personnel within a reasonable period after their employment begins;
- b. To all personnel during the self-assessment phase associated with achieving initial accreditation;

**(CALEA 33.5.3)**

#### **4-1816            IN-SERVICE TRAINING**

For recertification as a law enforcement officer, the MPCTC requires that a Deputy receive 54 hours of training every 3 years. The KCSO exceeds the MPCTC standard and requires that a Deputy receive at least 3 days of training each year. The in-service training program is overseen by the Chief Deputy.

In-service training may consist of refreshing or maintaining existing skills or obtaining new skills. In addition to technical skills improvement, it will include such areas as: review of agency policy, with emphasis on changes to policy; use of force, exercise of discretion and changes to statutory or case law which affect the way in which Deputies perform their jobs.

The in-service training described above is in addition to firearms qualification, which is conducted at least once each year for handgun and shotgun and at least two (2) times each year for Type 3 Long Guns/Patrol Rifles

**(CALEA 33.5.1, 33.5.1)**

#### **4-1817            SPECIALIZED TRAINING**

The primary purpose of specialized training is to prepare employees for new job assignments and/or to enhance the employees' skills, knowledge, and abilities in specialized job assignments. Among the assignments within the KCSO that may require specialized training to perform their duties are:

- a. Detective/Investigator
- b. Narcotics Investigator.
- c. Field Training Officer;
- d. Firearms Instructor;
- e. Tactical Entry Team member
- f. School Resource Deputy;
- g. K-9 Handler;
- h. METERS/NCIC Technician;
- i. UCR Report Preparer;
- j. Other specialized training as needed.

Coordination will be made with the MPCTC, other law enforcement practitioners, or other sources to determine the formal training courses most suited to particular assignment areas. Specialized training should include:

- a. Development and/or enhancement of the skills, knowledge, and abilities particular to the specialization. In most cases, this requirement will be fulfilled by an off-site course of study of at least 3 days' duration,
- b. specific to the specialty, which includes both classroom instruction and practical exercises. For some broad specializations (e.g., Detective), multiple specialized courses may be required.
- c. Periodic in-service training, as necessary, to refresh existing skills or to acquire new knowledge of the specialty.
- d. KCSO personnel shall either provide or ensure supervision and management of specialized functions occurs; to include responsibility for ensuring the KCSO personnel assigned to a specialized function receive adequate training and support services.

**(CALEA 33.6.1)**

#### **4-1818            TACTICAL ENTRY TEAM TRAINING AND READINESS**

Tactical Entry Team members receive initial training in basic special weapons and tactics for law enforcement officers in a course of at least one week's duration approved by the MPCTC.

Personnel assigned to the Tactical Entry Team execute approximately 12 search warrants annually. As a result of this high level of activity, and the careful planning and briefing which goes into each operation, a high level of operational readiness is maintained.

Team members also engage in special weapons training and qualification at least twice each year. A practical/judgmental course is included as part of that training.

**(CALEA 33.6.2)**

#### **4-1819            NON-SWORN ORIENTATION**

All newly hired non-sworn employees will receive the following training:

- a. Orientation to the KCSO role, purpose, goals, policies, and procedures;
- b. Accreditation familiarization training;
- c. Working conditions and regulations; and
- d. Responsibilities and rights of employees.

**(CALEA 33.7.1)**

#### **4-1820            ONGOING NON-SWORN TRAINING REQUIREMENTS**

All non-sworn employees will be trained to perform the duties identified in their job descriptions.

- a. The Office Manager and Office Assistant require training to be certified for access to METERS/NCIC.
- b. The Office Assistant requires training in order to accomplish the KCSO's UCR reporting requirements.

Non-sworn employees will receive in-service training to update their skills, knowledge, and abilities, as needed.

**(CALEA 33.7.2)**

#### **4-1821            TRAINING ON PROMOTION**

KCSO sworn and non-sworn personnel promoted to higher level positions will have training appropriate to their new positions. Upon promotion to Corporal, a Deputy must satisfactorily complete a MPCTC-approved first-line supervision course. Upon promotion to the rank of Lieutenant or above, a Deputy must satisfactorily complete a MPCTC approved law enforcement administration course. In either case, the training must be completed during the first year after promotion.

**(CALEA 33.8.2)**

#### **4-1822            SHIFT BRIEFING TRAINING**

KCSO Deputies report for duty directly from their homes and therefore do not participate in shift briefings. The kinds of information typically transmitted through shift briefings are, in the KCSO, relayed to Deputies through memoranda, specific instruction from a Shift Supervisor, semi-annual all-hands meetings, in-service training, or other appropriate means.

**(CALEA 33.5.2)**

#### **4-1900            PROMOTION**

##### **4-1801            POLICY**

The KCSO believes that promotion of employees within the ranks and the selection of leaders are among the most important factors in creating and maintaining a high-quality law enforcement agency. The KCSO is committed to making selections for promotion solely on the basis of fitness and merit.

##### **4-1902            AUTHORITY AND RESPONSIBILITY**

The authority for advancement of all KCSO employees and the selection of employees for supervisory and managerial positions is vested in the Sheriff. At the direction of the Sheriff, the Chief Deputy is responsible for administering the KCSO's promotion program.

**(CALEA 34.1.1)**

#### **4-1903            COMPLETION OF PROBATION AND PROMOTION TO DEPUTY FIRST CLASS**

All newly hired employees enter the KCSO at the rank of Deputy Sheriff and must serve a 2-year probationary period. No later than 2 months before the end of the second year, a new employee's commander will recommend to the Chief Deputy whether the employee should be retained. The retention decision will be based upon the totality of the employee's performance over the probationary period. To be retained past the end of the probationary period, the employee must have demonstrated Fully Acceptable performance on all elements of the employee's job.

A newly hired Deputy, without prior law enforcement certification, shall serve at the rank of Deputy Sheriff for the entire 2-year probationary period. A Deputy Sheriff who satisfactorily completes the 2-year probationary period (after initial hire) is promoted to Deputy First Class.

A newly hired Deputy who is currently a Maryland certified police officer and has been certified for at least three years from the date of hire will be promoted to the rank of Deputy First Class after one year. However, the Deputy First Class will remain on probation for another year, (2-year probationary period from date of hire).

(CALEA 31.5.8, 34.1.1)

#### **4-1904 PROMOTION ABOVE THE RANK OF DEPUTY FIRST CLASS, AND NON-SWORN PROMOTIONS, GENERALLY**

Because of the KCSO's small size, turnover in supervisory and managerial positions is not common. As a result, the KCSO conducts recruitment for vacancies as they occur, rather than establishing eligibility lists. An individual may express his or her interest in a position at any time one becomes available. Additionally, the KCSO does not use assessment centers as an evaluation tool.

- a. **Announcement**. The availability of a promotional opportunity will be announced in writing and a copy of the announcement will be given to each staff member. The announcement will, at a minimum:
  1. Identify the position to be filled and its rank or position;
  2. Describe the eligibility requirements for consideration;
  3. Provide a general description of the duties of the position;
  4. Describe all of the elements of the selection process;
  5. Establish the means and a deadline date for expressing interest in the position.
- b. **Evaluation of Potential**. The promotion potential of candidates is evaluated by means of standardized written examinations, panel interviews, and a review of productivity reports.
- c. **Written Examination**. Assembled, written examinations are conducted at KCSO headquarters by a staff member who is not a candidate for the promotion. The examination will be one which has been validated as a predictor for successful performance in the position being filled. The written examination will be conducted in accordance with the instructions, including time limits, provided by the test preparer. Promotional materials such as tests, test forms, and standardized interview booklets are secured in the Office Manager's files.
- d. **Oral interviews** will be conducted by a three (3) member board comprised of sworn employees from other Maryland Sheriff's Offices. One board member will be of the same rank as the position being applied for and the senior board member will serve as the board chairperson. The oral interview will be based on uniform scenarios and rating scales as determined by the board members. The scenarios provided to the Oral Interview Board members by the Sheriff's designee will be designed to assess a defined set of personal attributes directly related to the position being filled.
  1. Any numerical weight for each eligibility requirement will be determined by the Oral Interview Board members at their discretion.
  2. The Oral Interview Board members shall, through consensus, determine a ranking of those candidates participating in the oral interview process.
  3. It shall be the sole discretion of the Oral Interview Board members to determine the weight of time in grade or time in rank as it relates to the candidates' promotional potential.
  4. The duration of the eligibility list is the sole discretion of the Sheriff.

5. The Oral Interview Board members, through consensus, provide a ranked list of the candidates to the Sheriff. The Sheriff will promote based on the ranking by the Oral Interview Board members; however, can vary from the ranked list at his discretion.

- e. **Reapplication.** Any eligible staff member may apply for a promotional vacancy, regardless of his or her success in an earlier promotional process.

The Sheriff may amend the promotional procedures upon his authority to promote personnel based on the needs of the agency and at his discretion.

**(CALEA 34.1.2, 34.1.3, 34.1.4, 34.1.5, 34.1.6)**

#### **4-1905 PROMOTION TO THE RANK OF CORPORAL**

The availability of a position for the rank of Corporal will be made known to all employees. Any employee with at least 3 years of service with the KCSO and whose most recent performance rating was at the "Fully Acceptable" level for all performance categories may apply. Candidates will submit to a standardized promotional examination. A promotional examination passing score of 70% is preferable; however, at the Sheriff's discretion, the passing score may be waived, and the candidate may continue in the promotional process. Candidates will be evaluated by a promotion panel of 3 sworn law enforcement officers from outside the KCSO selected by the Sheriff or a designee. The Chief Deputy will provide productivity reports and other relevant material for the panel's consideration. The Chief Deputy will also provide the panel a set of uniform interview questions and a rating scale for evaluation of the candidates. The panel will recommend the most highly qualified candidate(s) to the Sheriff, who will make the final selection.

The Sheriff may amend the promotional procedures upon his authority to promote personnel based on the needs of the agency and at his discretion.

#### **4-1906 PROMOTION TO THE RANK OF SERGEANT OR ABOVE**

Development of leaders internally and promotion of agency members into positions of responsibility are a sound human resources practices which capitalize on the investments that the agency has already made in the skills of its employees and which, by giving recognition to good performance on behalf of the agency, are performance incentives and help to improve morale.

By the same token, there are advantages to bringing in managers from outside the agency, especially if they possess skills not already available in the agency or if there are other reasons to refresh the agency with outside talent.

The decision whether there is a sufficient number of highly qualified internal candidates for any position lies exclusively with the Sheriff. Based on his judgment of the circumstances, the Sheriff, with advice from the Chief Deputy, may decide to advertise such a position only internally or to advertise it to those outside the agency as well. In either event, any KCSO employee who meets the qualification requirements for the position will be eligible to apply and to be considered.

To be eligible, an employee must have served for at least one year in a position one rank lower than the position to be filled. The applicant's most recent performance rating must have been at the "Fully Acceptable" level for all performance categories.

Candidates will submit to a standardized promotional examination. A promotional examination passing score of 70% is preferable; however, at the Sheriff's discretion, the passing score may be waived, and the candidate

may continue in the promotional process. The candidates will be evaluated by a promotion panel of 3 sworn law enforcement officers from outside the KCSO selected by the Sheriff or a designee. The Chief Deputy will provide productivity reports and other relevant material for the panel's consideration. The Chief Deputy will also provide the panel a set of uniform interview questions and a rating scale for evaluation of the candidates. The panel will recommend the most highly qualified candidate(s) to the Sheriff, who will make the final selection. The Sheriff's decision will be based upon the panel's recommendation and first-hand knowledge of the candidates' experience, knowledge, skills, and abilities.

The Sheriff may amend the promotional procedures upon his authority to promote personnel based on the needs of the agency and at his discretion.

#### **4-1907                    COMPENSATION UPON PROMOTION –SWORN PERSONNEL**

KCSO sworn personnel upon promotion to the next rank/salary grade will be compensated at a minimum of a five (5) percent salary increase from their current rank/salary grade or be compensated at the base salary of the next rank/salary grade for which they are promoted to, whichever is greater. This compensation rate does not apply to contractual sworn personnel.

At least every five (5) years, the Sheriff shall review and seek adjustment where appropriate through the budget process to maintain equity in the sworn ranks/salary grades with other law enforcement agencies in the region and state.

#### **4-1908                    PROMOTIONAL PROBATION**

Any KCSO employee selected for promotion to the rank of Corporal or above and non-sworn personnel will be subject to a 1-year probationary period, during which time the Sheriff will evaluate his or her performance on the job. If the Sheriff determines, on the basis of that evaluation, that the employee is not performing the duties of the position satisfactorily, the Sheriff may return the employee to his or her former position.

**(CALEA 34.1.7)**

#### **4-1909                    REVIEW AND APPEAL OF DECISION**

An employee has the right to review the results of and to appeal each element in the promotional process, except non-selection from a list of qualified candidates.

The employee may:

- a. meet with the Sheriff to discuss his or her rating on the promotional element; and/or
- b. file a formal written appeal with the Sheriff, explaining his or her reasons for contesting the determination. The Sheriff will answer the appeal in writing, within 30 days, sustaining or denying the appeal, and giving the reason, therefore.

**(CALEA 34.1.1, 34.1.3)**

#### **4-1910                    DISPOSITION OF RECORDS**

Promotion records will be maintained in the same fashion as recruitment and selection records, as described in Appendix 4-C, Paragraph 18.

**(CALEA 34.11, 34.1.3)**

#### **4-2000            PERFORMANCE EVALUATION**

#### **4-2001            POLICY**

The KCSO will regularly and formally evaluate the performance of all Deputies, including Reserve Deputies, and all permanent non-sworn employees. The evaluation system serves the interests of the agency and its employees by:

- a. promoting fair and impartial personnel decisions;
- b. maintaining and improving performance;
- c. providing a basis and a medium for personnel counseling;
- d. assisting with decisions about the tenure of employees; and
- e. identifying training needs

#### **4-2002            PRINCIPLES OF THE RATING SYSTEM**

Each employee's evaluation will be documented and will cover a specific period. Evaluations will be based only on performance specific to the position occupied during the rating period. The rating assigned to each performance element will be based upon a consideration of the employee's total performance over the course of the rating period.

The KCSO rating system has five levels, both for overall performance and for individual performance elements:

Level 5	Superior
Level 4	Exceeds Expectations
Level 3	Fully Acceptable
Level 2	Marginally Acceptable
Level 1	Unacceptable

The most difficult task for the rater is assigning a numerical value to employee performance. It is possible that two raters might not apply the same values to a person under evaluation. To reduce such differences the KCSO Performance Evaluation Forms define what constitutes Unacceptable, Fully Acceptable, and Superior performance for each job element.

The categories represent key areas of employee performance on the job: critical performance tasks, job knowledge, attitude/relations, and appearance.

The evaluation form focuses on observations of demonstrated proficiency in elements relevant to the job.



Proficiency may be demonstrated in a variety of ways:

- a. Performing the behavior in the field;
- b. Performing the behavior in a role play (e.g., "Show me how you would approach the vehicle of a motorist whom you had stopped for speeding"; or
- c. Written or oral testing.

**(CALEA 35.1.1, 35.1.4)**

#### **4-2003            RATERS' RESPONSIBILITIES**

Ratings are given in the KCSO by Division Commanders. Each year, before ratings are conducted, the Chief Deputy will arrange retraining for the Commanders on the forms and rating process. Commanders are responsible for completing their employees' performance evaluation reports accurately, fairly, and in accordance with the schedule set by the Chief Deputy. Commanders will be evaluated by the Chief Deputy or the Sheriff on the quality of the performance appraisals they prepare and will be held accountable for the uniform application of performance evaluation procedures.

**(CALEA 35.1.1, 35.1.8)**

#### **4-2004            RATING PERIODS**

Each Deputy (including each reserve Deputy) and each non-sworn employee will be evaluated annually on the basis of his or her performance during the preceding year. The rating period is January 1 through December 31 each year. Supervisors will complete the rating process and provide the official copies of their ratings to the Chief Deputy by April 15.

All newly hired employees (including newly hired reserve Deputies) will, if no deficiencies are observed which would lead to separation; receive quarterly written evaluations during the 2-year probationary period.

Employees promoted or transferred to new assignments will receive evaluations every 6 months for the first year of assignment or promotion, or more often at the Sheriff's discretion.

Any employee will be advised in writing whenever his or her performance is deemed to be Unacceptable. This written notification will be given to the employee at least 90 days prior to the end of the annual rating period.

**(CALEA 35.1.2, 35.1.3, 35.1.5, 35.1.6)**

#### **4-2005            RATING PROCEDURES**

All Deputies and non-sworn personnel will be evaluated using the Performance Evaluation Report (PER).

Each Commander will rate the employees in his or her command and the Office Manager will rate all non-sworn personnel not under separate command. The Chief Deputy will rate the Commanders, and the Sheriff will rate the Office Manager and the Chief Deputy.

The rater will complete the PER, using the following guidelines:

- a. To achieve a Fully Acceptable rating, an employee must receive an overall average of at least 3.0. An employee who fails to receive an overall Fully Acceptable rating will receive remedial training and counseling for a period determined by the Sheriff.
- b. Any numerical rating at level "1" must be specifically documented. For example, an employee might receive a "1" (unacceptable) under category five, Deputy Safety. In the comments section, the rater would write "Deputy consistently presents his gun to traffic violators and approaches stopped vehicles with objects in both hands."
- c. Any numerical rating of "5" must be specifically documented.
- d. Any element which does not apply to the Deputy in the position he or she occupies will be marked "not observed" - "N.O."
- e. The rater will total the number of points scored and divide by the number of elements rated to arrive at a final overall rating.

The rater will review the rating with the employee, using the following guidelines:

- a. The review will be conducted in person;
- b. The employee will be given an opportunity to include written comments in the report; and
- c. The employee will be asked to sign the completed evaluation report. The employee's signature indicates only that the employee has received a copy of the report and that it has been discussed with him or her. It does not indicate his or her agreement with the rating.
- d. A copy of the completed evaluation report will be given to the employee being rated. The rater will forward the rating to his or her supervisor. Every rating will be reviewed, officially approved, and signed by the supervisor of the rating official (unless the Sheriff is the rating official).

As part of the performance review, the rating official will consult with each employee concerning:

- a. The results of the performance evaluation just completed;
- b. The level of performance expected, rating criteria or goals for the new rating period; and
- c. Career counseling relative to specialization or training appropriate for the employee's position.

All performance evaluations will be maintained in the Sheriff's immediate office for a period of 3 years.

**(CALEA 35.1.1, 35.1.5, 35.1.7)**

#### **4-2006            CONTESTED EVALUATIONS**

An employee who wishes to contest his or her PER will request an interview with the reviewing official. If the matter cannot be resolved to the employee's satisfaction at that level, the reviewing official will schedule a meeting among the employee, the Chief Deputy, and the Sheriff. The Sheriff's determination on performance rating matters is final.

**(CALEA 35.1.5)**

#### **4-2007                    MONITORING THE EVALUATION SYSTEM**

The Chief Deputy will conduct an annual inspection of the performance evaluation system after all evaluation reports have been completed. Among the objectives of the inspection will be to:

- a. Identify ratings which seem to fall outside the norm for the agency, and determine if they were warranted;
- b. Identify the reasons for contested ratings; and
- c. Determine training needs. If a training need exists, the Chief Deputy in conjunction with the immediate supervisor will formulate a training program to correct performance deficiencies that are related to skills or knowledge.

The Chief Deputy will submit a report of the inspection to the Sheriff, along with any recommendations for changes to the system or related actions. **(CALEA 53.1.1)**

#### **4-2100                    MILITARY LEAVE**

Requests for military leave must be made in writing to the Sheriff at least four (4) weeks prior to the effective date of the military leave, whenever possible. The Sheriff will forward a copy of the employee's request to the Kent County Director of Human Resources at least three (3) weeks prior to the effective date of the military leave. **(CALEA 22.2.1 & 22.1.9)**

#### **4-2101                    SHORT TERM LEAVE**

Any permanently employed KCSO employee who is a member of any United States of America Military Reserve or National Guard Unit and is required to engage in annual training will be granted military leave not to exceed ten (10) days in one (1) calendar year, not inclusive of required weekend drill. In order to meet this commitment, KCSO employees will be paid the difference between their daily pay rate and the amount paid by the military, thereby ensuring no loss of pay is sustained by the employee. Military leave shall not be deducted from other leave earned by the KCSO employee

**(CALEA 22.1.9)**

#### **4-2102                    MILITARY DEPLOYMENT AND REINTEGRATION**

Any permanently employed KCSO employee who leaves the service of the KCSO to join the military forces of the United States of America for a period exceeding 180 days for pre-deployment, deployment, and post-deployment during time of war or other national emergency or to fulfill an obligation as a member of any United States of America Military Reserve or National Guard Unit shall be placed on military leave without pay. The KCSO employee shall be entitled to be restored to the position which he/she vacated, or a similar position for which he/she is qualified, so long as the employee makes a written application for reemployment in accordance with 38U.S.C. 4301-4335 of the Uniformed Services and Reemployment Act of 1994 (USERRA).

- a. The KCSO Chief Deputy shall be the KCSO point of contact with any KCSO employee who is on military leave in excess of 180 days.
- b. The Director of the Kent County Office of Human Resources is the point of contact with any KCSO employee who is on military leave in excess of 180 days regarding county related human resource service issues.

- c. The KCSO Chief Deputy shall conduct an exit interview as part of “out processing” with any KCSO employee who is on military leave in excess of 180 days.
- d. The KCSO Office Manager shall be responsible for the collection and storage of KCSO property issued to any KCSO employee who is on military leave in excess of 180 days.
- e. The KCSO Sheriff or Chief Deputy shall conduct an interview as part of “in processing” for any KCSO employee who is returning from military leave in excess of 180 days.
- f. Any KCSO employee who is returning from military leave in excess of 180 days shall be required to complete any and all training mandated by the Maryland Police and Correctional Training Commission to maintain certification or re-certification as a law enforcement officer in the State of Maryland. Additionally, the returning employee shall be required to fulfill any requirements necessary for the KCSO to maintain CALEA compliance.
- g. It shall be the responsibility of the KCSO Chief Deputy and the KCSO employee deployed on military leave in excess of 180 days to maintain communication during the term of deployment.

**(CALEA 22.1.9)**

#### **4-2200 RETIREMENT IDENTIFICATION**

The Kent County Sheriff's Office, upon the approval of the Sheriff, shall provide a retiring KCSO deputy with an identification card within 45 days after the deputy's retirement from the KCSO, if the deputy has met the following requirements:

- a. Retired in good standing as a law enforcement officer for reasons other than mental instability; and
- b. Before retirement was:
  - 1. Certified by the Maryland Police and Correctional Training Commission, (MPCTC);
  - 2. Had statutory powers of arrest in Maryland; and
  - 3. Completed an applicable probationary period.

The issued KCSO retired identification card shall be in the form approved by MPCTC and include the following:

- a. The caption, “**RETIRED LAW ENFORCMENT OFFICER**” printed on the front of the card;
- b. A photograph of the retired deputy whose name appears on the card;
- c. The name of the retired deputy;
- d. The caption, “**Kent County Sheriff's Office**”;
- e. The date the card was issued and a caption, “Non-Expiring” and
- f. The caption, “**THIS CARD IS THE PROPERTY OF THE KENT COUNTY SHERIFF'S OFFICE**”

# APPENDIX 4-A

## EQUAL EMPLOYMENT OPPORTUNITY PLAN

### COMMITMENT

The KCSO will conduct all its personnel activities in a manner which will assure equal opportunity for all persons based on merit, without regard to political affiliation, race, color, religion, national origin, gender, marital status, age, disability, or other non-merit factor. This policy is consistent with the policy of the Kent County Government, set out in the County Commissioners of Kent County, MD Employee Handbook.

### SCOPE

This policy applies to all employees and applicants and to all aspects of the employment process, including hiring, pay, benefits, assignment, promotion, transfer, layoff, training, and general personnel administration.

### DISCRIMINATION PROHIBITED

A supervisory or managerial employee of the KCSO who violates this policy will be subject to the disciplinary process.

### HARASSMENT PROHIBITED

The KCSO is committed to achieving and maintaining a workplace free of the effects of illegal harassment, including sexual harassment. That commitment is part of the policy set out and more fully described in the Kent County Personnel Policies and Procedures Manual.

### APPEALS

A sworn employee who believes he or she has been discriminated against on one of the prohibited bases identified above may file a grievance in accordance with the procedure described in Chapter 4 of the KCSO Administrative and Operational Manual. A non-sworn employee may file a grievance in accordance with the County Commissioners of Kent County, MD Employee Handbook.

### SPECIFIC ACTIONS

- a. Each year, the Sheriff will issue a statement reminding all employees of the KCSO's commitment to the principles of equal employment opportunity and encouraging any employee who believes that the KCSO is not meeting that commitment to come forward to the Sheriff or Chief Deputy.
- b. Each year, the Chief Deputy will review all complaints of discrimination which have been filed and any other relevant information (such as grievances, disciplinary actions, citizen complaints, etc.) and determine what changes should be made to this plan. The Chief Deputy will recommend to the Sheriff any changes which are required for the plan in the new Fiscal Year.
- c. All employment-related notices, such as advertisements for vacancies, and all appropriate materials prepared by the KCSO for public distribution will indicate that the KCSO is an equal-opportunity employer.

# APPENDIX 4-B RECRUITMENT PLAN

**CY2023**

## **8. INTRODUCTION**

The recruitment standards of the CALEA accreditation process have embraced several important philosophical concepts. The first is the expectation that an accredited agency will be an equal opportunity employer. Equal employment opportunity involves removing barriers that prevent people of all protected classes from being treated fairly for employment purposes. The second concept is the expectation that the agency's sworn workforce will be representative of the population of the service area relative to its composition of minorities and women. Where analysis demonstrates under-representation, the agency must develop a recruitment plan to address that under-representation.

Equal employment opportunity envisions fair and equal opportunities for all people; this plan involves proactive steps that will be taken to encourage members of under-represented groups to seek employment opportunities with the KCSO. This plan does not mandate quotas, nor does it lower legitimate job-related hiring standards or criteria. The KCSO will continue to exercise every effort to ensure that individuals who are hired are well qualified for the jobs involved.

## **9. PURPOSE**

The purpose of this plan is to establish broad-based goals, measurable objectives and specific action steps to address under-representation and achieve a sworn workforce that is representative of community composition.

## **10. POLICY**

The KCSO will recruit prospective employees in a manner that is consistent with Equal Employment Opportunity and this Plan.

## **11. COMMUNITY COMPOSITION**

The following table is derived from the 2020 U.S. Census. It depicts Kent County's composition in terms of race and ethnicity:

### **Kent County**

<b>Race</b>	<b>2020 Census</b>	<b>Percentage</b>
White	15,774	81
Black	2787	14
Hispanic/Asian	953	4
Other	32	1

## 12. WORKFORCE COMPOSITION

The following table depicts the composition of the KCSO's full-time workforce, as of March 1, 2023 in terms of race or ethnicity and gender, where supervisors are Deputies at the rank of Corporal or above<sup>1</sup>:

	Male			Female		
	White	Black	Hispanic or Other	White	Black	Hispanic or Other
<i>Sworn Personnel</i>						
Supervisor	10	0	0	0	0	0
Deputy Sheriff	12	1	0	1	0	0
<i>Subtotal</i>	22	1	0	1	0	0
<i>Non-sworn Personnel</i>	2	0	0	2	0	0
<i>Total</i>	24	1	0	3	0	0

## 13. WORKFORCE ANALYSIS

White males comprise 91%% of the KCSO's **sworn** workforce of twenty-three (23) personnel. Black males comprise 4% of the KCSO's **sworn** workforce. White females comprise 4% of the KCSO's **sworn** workforce and black females comprise 0% of the KCSO's **sworn** workforce.

A perfectly representative **sworn** workforce, based solely on population demographics of Kent County, would have the following approximate composition, assuming 14 % representation for females<sup>2</sup>:

- 75% of the 24 sworn, full-time, law enforcement positions equal 18 White Deputies
- 11% of the 24 sworn, full-time, law enforcement positions equal 3 Black and/or Hispanic Deputies.
- 14% of the 23 sworn, full-time, law enforcement positions equal 3 Female Deputies

	Male			Female		
	White	Black	Hispanic or Other	White	Black	Hispanic or Other
Deputy Sheriff	18	2	1	1	1	1

#### **14. CY2023 GOALS AND OBJECTIVES**

The KCSO has established one overall goal, with six (6) objectives; where possible, they are stated in measurable terms. All are designed to aggressively recruit women and minorities to apply so that they can compete for sworn KCSO positions. The KCSO recognizes that, because of its size and turnover, achieving representation in the sworn workforce is a long-term commitment and a long-term process that is difficult to achieve and maintain.

##### **Overall Goal**

**To achieve a sworn workforce that is representative of the Kent County population.**

##### **Objectives**

- a. To increase the number of minority entry-level Deputies as vacancies develop.
- b. To increase the number of female deputies.
- c. To increase the number of minority male deputies and supervisors.
- d. To improve the quantity and quality of KCSO outreach efforts through distribution of a KCSO Recruitment Brochure.
- e. To focus the KCSO's recruitment efforts more clearly.
- f. To evaluate KCSO progress with regard to the recruitment and retention of minority entry Level Deputies objectively and quantifiably.

#### **8. CY2023 ACTION ITEMS**

The KCSO has identified five (5) specific action items to actively recruit women and minority candidates into the application and testing processes for available entry-level and managerial positions.

##### **Item 1: Use respected minority community and religious leaders more effectively in the Recruitment process.**

They should be utilized to effectively recruit minority candidates for positions in the KCSO.

##### **Item 2: Distribute the KCSO recruiting brochure.**

The KCSO has developed an effective recruitment brochure. The recruitment brochure presents the KCSO in a positive light and emphasizes its commitment to excellence and equal employment opportunity with the ultimate goal of attracting quality candidates.

##### **Item 3: Conduct a more active recruitment program as vacancies develop.**

##### **Recommended Measures**

- a. The Sheriff regularly speaks before a variety of community groups. When he addresses minority community, he will express his commitment to a representative workforce. The



Sheriff will also express that commitment when speaking with individual leaders of the minority community. The Hispanic population of Kent County continues to increase; therefore, an emphasis should be directed toward identifying and attracting qualified applicants of Hispanic ethnicity.

- b. The Sheriff will provide a copy of the KCSO Recruitment Plan to the press.
- c. The KCSO will post job announcements with community groups, churches, colleges, and community colleges as vacancies occur. Among the institutions which will be sent printed recruitment notices are Washington College; Chesapeake Community College; Delaware State University; Salisbury University and the University of Maryland Eastern Shore.
- d. The KCSO will consider establishing an annual recruitment drive, in lieu of position-by-position recruitment; thus, establishing a pool of interested candidates who may be tested and then available when vacancies occur.

**Item 4: Conduct career-related activities for targeted populations.**

Continue to promote a ride-along program, whereby interested persons have the opportunity to accompany Deputies on patrol. The existing waiver form should be used, and conditions established. Deputies should be encouraged to use the ride-along program as a practical recruitment tool.

**Item 5: Make the KCSO a more attractive employer.**

In past years, applicants have indicated that the KCSO is competitive with other local and state agencies. The KCSO entrance level exceeds the Maryland State Police entrance salary. The Sheriff has encouraged the Kent County Commissioners to continue funding "pay-parity" to all ranks within the KCSO to improve recruitment and retention of quality personnel.

**9. EVALUATION OF EFFORTS**

The following procedures will be utilized to evaluate the efforts associated with affirmative action efforts:

- a. The Chief Deputy and the Sheriff will evaluate the KCSO Recruitment Plan on an annual basis. The evaluation will be conducted prior to the modification to, or development of, a new plan.
- b. The evaluation should include the following elements:
  - progress toward achieving stated objectives.
  - demographic data compiled during the past calendar year.
  - identified training needs.
  - application, testing and hiring information should also be included in summary form.
- c. The Chief Deputy will retain a copy of each plan and evaluation to document CALEA accreditation compliance. (CALEA 31.2.1)

# APPENDIX 4-C

## SELECTION GUIDELINES

### 1. POLICY

The Kent County Sheriff's Office views recruitment and selection as one of its most important activities. The KCSO will attempt to identify and hire the best candidates available and not merely eliminate the least qualified. The benefits of successful recruitment and selection will be manifest in a lower rate of personnel turnover, fewer disciplinary problems, higher morale, better community relations, and more effective police services for the citizens of Kent County.

In recognition of its goal to have a workforce which reflects the community it serves, the KCSO has developed a separate Recruitment Plan, also found as an appendix to this Manual, to increase the employment of women and minorities in the KCSO.

These guidelines describe the procedures for the most commonly filled position in the KCSO the entry-level Deputy Sheriff who will perform patrol duties. The basic outline of steps is, however, the same for all positions. Minor adjustments will be made to the procedures described herein for other positions.

### 2. RESPONSIBILITY

As Chief Executive of the KCSO, the Sheriff bears ultimate responsibility for administering the recruitment and selection process; he exercises that responsibility through the Chief Deputy.

### 3. RECRUITMENT

The purpose of recruitment is to ensure that there is a sufficient pool of qualified applicants for each position to be filled. Ideally, the pool will be diverse with respect to gender, race, and ethnicity.

The extent of formal recruitment activity will be based upon the actual number of vacancies within the KCSO. Personnel may be assigned from time to time to participate at recruiting functions. Examples would include but are not limited to college career day, high school career days, community events and festivals.

All KCSO personnel are encouraged to participate actively in the recruitment process by seeking out qualified applicants, publicizing openings and/or testing dates. This approach allows more personnel to become involved in the recruitment process than could be assigned specifically to such duties. As a general rule, only the Sheriff and Chief Deputy serve as formal recruiters. Before any Deputy is given a specific recruiting assignment, he or she will be thoroughly briefed by the Sheriff or Chief Deputy on the audience to be briefed, the message to be presented, and the outcomes that are expected.

A community outreach effort will be integrated into personnel recruitment which includes:

- a. Seeking recruitment assistance, referrals, and advice from community organizations and key leaders.
- b. Providing job announcements to churches and community service organizations, in order to achieve broader dissemination and greater exposure of recruitment information.
- c. On-site recruitment and educational programs for educational institutions and community organizations in the Kent County area.

#### **4. BASIC QUALIFICATIONS**

- a. Law Enforcement Officers. The Maryland Police and Correctional Training Commissions set the minimum qualifications for law enforcement officers in the State of Maryland. They are:

1. Age 21 at the time of certification
2. U.S. Citizenship
3. High school graduate or GED
4. Valid driver's license

The MPCTC also imposes certain requirements upon the agency in connection with certification of an officer:

1. Background and criminal history investigations
2. Physical and mental health examination
3. Oral Interview
4. Drug screening

- b. Civilians.

1. Age 18 at time of selection
2. U.S. Citizenship
3. High school graduate or GED
4. Background and criminal history investigations
5. Oral interview
6. Drug screening

#### **5. STEPS IN THE SELECTION PROCESS**

Step 1 - Solicitation of Applications

Step 2 - Written Examination

Step 3- Physical Fitness Assessment

Step 4- An oral Interview with the Sheriff and two senior staff members

Step 5 - A thorough background investigation, involving checks with your references, prior employers, and neighbors

Step 6 - A polygraph examination (sworn personnel only)

Step 7 - A psychological examination, using the MMPI interpreted by a professional psychologist (sworn personnel only)

- Step 8- A physical examination by a licensed physician (sworn personnel only)
- Step 9- Drug screening

## **6. UNIFORM TREATMENT OF APPLICANTS**

All applicants will be treated uniformly with respect to administration, scoring, evaluation, and interpretation of the results of their tests. No preference will be given to any candidate which does not derive from as objective as possible an analysis of his or her qualifications or suitability for the position.

**(CALEA 31.4.3)**

## **7. SOLICITATION OF APPLICATIONS**

A vacancy announcement will be placed by the County Personnel Administrator in appropriate local media. The position will be advertised at least twice, and the application period will be at least 3 weeks. Typical language for the advertisement will be:

*Deputy Sheriff: This is a full performance level position with rotating shifts. Must be a U.S. citizen, high school graduate, 21 years of age and hold a valid driver's license. Beginning salary for non-certified applicants (\$51,468); certified applicants (\$51,468). Comprehensive benefit package, including Law Enforcement Officers' Pension System (LEOPS). Obtain and return completed application to the County Commissioners' Office, 400 High Street, Chestertown, MD 21620; (410) 778-4600. Interested applicants who have applied within the last year should notify the Commissioners' Office of their interest. Application deadline is 3:00 p.m. on (date). All applicants approved for hire for this position must be able to pass a background investigation and will be required to submit to urinalysis to screen for illegal drug use prior to appointment. The Kent County Government and the Kent County Sheriff's Office are Equal Opportunity Employer.*

Each candidate is required to submit the Kent County Sheriff's Office Employment Application and Personal History Statement (Sworn Personnel Version or Civilian Version) in lieu of the more general Kent County Application for Employment. At the time the candidate picks up or is mailed the application, he or she will receive a copy of the memorandum found as Attachment A. The memorandum informs applicants of the steps in the employment process, the approximate duration of the process, and that they may reapply if not selected.

After the closing date, the County Personnel Administrator will provide all applications to the Sheriff's Office, where all remaining processing will take place.

**(CALEA 31.4.4)**

## **8. INITIAL SCREENING OF APPLICANTS**

The Chief Deputy will make an initial review of the applications to determine that all applicants meet minimum qualification requirements. The Office Manager will run a preliminary NCIC check on each applicant to identify any preliminary suitability issues which would eliminate a candidate from further consideration.

A candidate who is eliminated based on this review will be notified of his or her disqualification and the reason for it with the letter found as Attachment B.

Remaining candidates will be scheduled for the written examination, physical fitness assessment and oral interview with the letter found as Attachment C.

Applications that contain omissions or deficiencies will be returned to the applicant. The application must be corrected and returned prior to the testing or interview process in for the applicant to remain in the selection process.

## **9. WRITTEN TESTING**

The purpose of written testing is to evaluate the candidate in terms of such critical elements as judgment, ability to learn, observation and memory, and problem-solving ability. The KCSO may also apply tests which measure non-cognitive elements such as motivation for police work, attitudes toward people, and sense of responsibility. The KCSO will use testing materials only from known sources which can attest to their validity for the position of entry-level police officer. The KCSO will also attempt to identify and use tests which have a minimal adverse impact on minorities.

All tests will be administered uniformly to all candidates and in accordance with the instructions provided by the vendor.

**(CALEA 31.4.3)**

## **10. PHYSICAL FITNESS ASSESSMENT**

All KCSO applicants who pass the written test will be required to complete a physical fitness assessment. The purpose of this assessment is to test muscular and cardiovascular endurance of each candidate. This assessment is based on Cooper's Physical Fitness Norms used in the Entry-Level Training Academy for Law Enforcement. The test will consist of completing sit-ups and push-ups for one continuous minute and completing a 1.5-mile run. The outcome of this assessment will not automatically eliminate a candidate from selection. It will be used collectively with the written test and oral interview to guide in the selection of the best qualified candidate for Deputy Sheriff.

**(CALEA 31.4.3)**

## **11. ORAL INTERVIEW**

The purpose of the oral interview is to assess the ability of the candidates to communicate clearly and thoughtfully and to give them the opportunity to demonstrate their reasoning abilities.

While the interview is necessarily a subjective process, that subjectivity is controlled to the extent that 1) a uniform set of questions asked of all candidates and 2) there are three interviewers present, each of whom rates each candidate's responses.

Interviewers should bear in mind that the oral interview is not a knowledge test. The primary purpose is to determine whether the candidate has the interpersonal skills and communications skills to function successfully as a Deputy Sheriff. Oral interviews will be administered as uniformly as possible to all candidates. To ensure uniformity in the way questions are asked, the interviewers will not vary from the text of the questions in the interview booklet. Additionally, either one person will conduct all the interviews; or the panel will decide, in advance of the first interview, which set(s) of questions each of them will ask in all of the interviews.

Each interviewer will have a copy of the examination booklet, in which he or she may make contemporaneous comments about and rate the candidate's responses. Immediately after the candidate leaves the interview, each interviewer will rate the candidate on his or her responses. The candidate's overall score on the oral interview will be determined by adding the scores assigned by each interviewer.

**(CALEA 31.4.3)**

## **12. TENTATIVE SELECTION**

The Chief Deputy and the Sheriff will review the personal history statements, written examination results, physical fitness assessment results and oral examination results to determine the best qualified candidates for the positions to be filled. If necessary, they may ask a candidate to return for another interview prior to making a tentative selection.

From the best qualified candidates, the Sheriff will tentatively select individuals for the positions to be filled, subject to their satisfactory completion of the remaining steps in the employment process.

Both successful and unsuccessful candidates will be notified of the results of the process at this point, using the letters found as Attachments D and E.

**(CALEA 31.4.5)**

## **13. BACKGROUND INVESTIGATION**

The CID will conduct a background investigation of every candidate prior to appointment to probationary status. The investigating Deputy will be furnished with the KCSO Employment Application and Personal History Statement and any other pertinent information.

The background investigation will include:

- a. Verification of candidates' qualifying credentials, educational achievement, employment, age, residence, citizenship, and driver's license.
- b. Review of candidates' criminal and traffic records; and
- c. Verification of five personal references.

The completed background investigation report will be submitted to the Chief Deputy. After review, the Chief Deputy will submit the report to the Sheriff with his or her recommendations.

Completed background investigations will be maintained in the candidate's personnel folder for the duration of his or her employment with the KCSO. The background investigation of an unsuccessful candidate will be destroyed by shredding.

Background investigations will be conducted by criminal investigators trained in background investigations.

**(CALEA 31.5.1, 31.5.2)**

## **14. POLYGRAPH**

Candidates for sworn positions will be given a polygraph examination by a trained and qualified polygraph examiner.

Admissions concerning moral attitudes and illegal activities made during polygraph testing will be reviewed as to their acceptability.

Although the results of the polygraph exam will not be used as the single determinant of employment status, deception to relevant questions during any part of the polygraph examination that is corroborated by other

investigative means may eliminate the applicant from further consideration. Applicants will be provided with a list of areas from which polygraph question will be drawn, prior to the examination.

Specific questions will be provided just prior to and at the location of the test so that candidates will have sufficient time to review and understand what will be asked of them.

**(CALEA 31.5.3, 31.5.5, 31.5.6)**

## **15. PSYCHOLOGICAL TEST**

Candidates for sworn positions are administered a psychological test. The psychological instrument used by the KCSO is the Minnesota Multiphasic Personality Inventory (MMPI), a widely used and validated test. The results are interpreted by a licensed psychologist.

The results of the psychological test are maintained in the personnel folder in a locked file in the Sheriff's Office. Those records of KCSO personnel who retire, resign, or are terminated will be forwarded to the Kent County Office of Human Resources for retention purposes. The results of psychological testing of an unsuccessful candidate will be destroyed by shredding.

**(CALEA 31.5.7, 32.2.9)**

## **16. PHYSICAL EXAMINATION**

Prior to being selected, the applicant for a sworn position will submit to a physical examination by a licensed physician, at KCSO expense. To ensure proper interpretation and defensibility, only licensed physicians will be used to certify the general health of candidates.

The physical examination of each candidate will be conducted using valid, useful, and nondiscriminatory procedures. The examining physician selected by the KCSO will examine the health of the candidate to identify any medical problems which might inhibit work performance, shorten a career, or contribute to work-related disabilities.

The results of the physical examination are maintained in the personnel folder in a locked file in the Sheriff's Office. Those records of KCSO personnel who retire, resign, or are terminated will be forwarded to the Kent County Office of Human Resources for retention purposes. The results of physical examinations of an unsuccessful candidate will be destroyed by shredding.

**(CALEA 31.5.6, 32.2.9)**

## **17. RE- APPLICATION, RE-TESTING, AND REEVALUATION**

At the time of their application, candidates will be informed that if they are not appointed to probationary status (employed) they are permitted to re-apply, re-test, and be reevaluated for future positions, provided they meet the general requirements of the KCSO selection procedure. Candidates will be required to reapply for consideration.

## **18. DISQUALIFICATION OF APPLICANTS**

Applicants may be disqualified at a number of points in the selection process, as information about them becomes available. Candidates will be informed in writing of their disqualification as soon as possible, but no later than 30 days after the determination. Some of the letters used for notifying candidates of disqualification are found in the Attachments to this Appendix.

While the following list is not exhaustive, it contains the principal reasons that a candidate may be found Disqualified:

- a. The applicant is not a citizen of the United States.
- b. the applicant will not reach his or her 21<sup>st</sup> birthday before the end of Academy.
- c. the applicant is not a high school graduate with a diploma or does not possess an equivalency certificate recognized by the State of Maryland.
- d. the applicant may not carry a weapon under federal or Maryland law.
- e. the applicant is unable to read or write the English language.
- f. the applicant does not possess a valid Maryland driver's license at the time of appointment. Specific requirements of the applicant's driving record are as follows:
  - o An applicant may not have been convicted, in any State, of perjury, or making false statements during driver's licensing procedures
  - o An applicant's license may not have been suspended, canceled, or revoked in the 3 years prior to application.
  - o An applicant may not have been convicted of five moving violations in the 3 years prior to the application process.
  - o An applicant with a conviction of operating a motor vehicle while intoxicated, in any State, must submit a letter of explanation of the circumstances surrounding the arrest for review.
- g. the applicant is not determined to be of good moral character by a thorough background investigation, including a fingerprint search conducted of local, State, and national fingerprint files or has not been convicted of a felony or of a crime involving moral turpitude.<sup>7</sup>
- h. the applicant has a history of excessive use of alcohol.
- i. the applicant has a history of excessive use of drugs.
  - o An applicant may not, within 3 years of application, have used LSD, cocaine or crack cocaine, heroin, methamphetamine, opium, PCP, and/or mescaline.
  - o An applicant may not, within 1 year of application, have used marijuana, hashish, hash oil, amphetamines, barbiturates and/or steroids, unless prescribed by a licensed physician and legally dispensed
  - o An applicant may not, at any time after applying, use any illegal drug.
- j. the applicant, by reason of conscience or belief, opposes the use of force when appropriate or necessary to fulfill their duties.
- k. the applicant does not meet physical standards for the position, as determined by the examining physician.
- l. an applicant must have uncorrected vision of not less than 20-100 in either eye; correctable to 20-20, and normal color vision
- m. an applicant must have normal hearing in each ear.
- n. Chest x-ray findings must be normal.



- o. the applicant may not make a false statement of fact or of practice deception in the application or the examinations.

**(CALEA 31.4.5)**

## **19. SECURITY OF SELECTION MATERIALS AND DISPOSITION OF RECORDS**

All testing materials, including written and oral test booklets, will be maintained in a locking file cabinet under the exclusive control of the Sheriff and the Chief Deputy. Unused, spoiled, out of date, or otherwise unneeded testing materials will be returned to the vendor or disposed of by shredding.

The retention of selection data is required for research, independent evaluation, and defense against lawsuits. The KCSO therefore follows these recordkeeping practices concerning the selection process:

- a. Successful Candidates. Records of successful candidates who are maintained in their official personnel folders in the Sheriff's immediate office.
- b. Unsuccessful Candidates. In accordance with Kent County policy, applications of unsuccessful candidates are returned to the Kent County Human Resources Department, where they are retained for a period of 1 year. They are then destroyed.
- c. Selection Records. The KCSO will establish a folder to document the essential elements of each recruitment, whether for a Deputy Sheriff position or for a civilian position. The folder will contain copies of:
  - 1. The announcement that the County sends to the newspapers to produce the advertisement for the job.
  - 2. The first newspaper ad, with the date and the newspaper from which the ad was clipped documented.
  - 3. Any correspondence sent to assist with the recruitment (e.g., to local colleges or others)
  - 4. The "Applicant Letter" that covers the application form.
  - 5. Letters sent to applicants scheduling them for the written and oral exams.
  - 6. Letters sent to applicants notifying them of disqualification.
  - 7. The cover page of the written exam (to identify the version used).
  - 8. Offer letters to successful candidates.
  - 9. Rejection letters to unsuccessful candidates.
  - 10. Any other correspondence created as part of the process.
  - 11. The Selection Processing form.

The Applicant Testing folder will be maintained for a period of 3 years, after which time it will be destroyed by burning or shredding. It will be maintained in a locking file cabinet under the exclusive control of the Sheriff, the Chief Deputy, or the Office Manager.

The KCSO will comply with all federal and State requirements regarding the privacy, security, and freedom of information of all candidate records and data.

**(CALEA 31.4.6, 32.1.7)**

## ATTACHMENT A

Dear Applicant:

Thank you for expressing interest in the position of Deputy Sheriff with the Kent County Sheriff's Office. We believe we are a first-class law enforcement agency, and we exercise great care in evaluating candidates for our entry-level positions.

We want you to understand our selection process and we will do everything we can to keep you informed as you move through it. If you ever have any questions about the process, please call us on (410) 778-5946.

In order to be considered for this position, you must complete and return the attached Kent County Sheriff's Office Employment Application and Personal History Statement and Medical Practitioner's Certification of Applicant Ability to Perform.

After the application deadline has passed, we will do a thorough records check on each applicant to ensure that he or she initially meets our suitability requirements. Then the following examinations will be scheduled, and you will be notified of the dates.

- Step 1 --       Written Examination
- Step 2-       Physical Fitness Assessment
- Step 3 --       An oral Interview with the Sheriff and senior staff members
- Step 4 --       A thorough background investigation, involving checks with your references, prior employers, and neighbors, and potentially involving sensitive or confidential aspects of your personal life
- Step 5 --       A polygraph examination
- Step 6 --       A psychological test which will be interpreted by a licensed psychologist
- Step 7 --       A physical examination by a licensed physician

We will bear the cost of all testing. It is very important that you contact us in advance if you will be unable to keep an appointment for an examination. If you do not do so, you may forfeit the opportunity to continue in the process. Most candidates will complete steps 1-3; because of the costs involved, only the most highly qualified candidates will proceed to Steps 4 through 7.

This process may take from 4 to 8 weeks and the order of Steps 4 through 7 may change. The successful candidate will be scheduled for attendance at a law enforcement academy within the State of Maryland certified by the Maryland Police and Correctional Training Commissions. The academy program is residential and lasts for 19 weeks. While you are at the academy, your pay will be at the rate of \$ annually; upon graduation and certification, you will begin as a probationary Deputy Sheriff performing patrol duties in the County.

If you should not be successful as a candidate, we invite you to develop your skills and to apply when we have future vacancies.

We are seeking the best-qualified candidates for our demanding but rewarding positions. We wish you every success in this process and look forward to meeting you.

## ATTACHMENT B

Dear Applicant:

We have completed an initial review of your application for the position of Deputy Sheriff with the Kent County Sheriff's Office.

Unfortunately, we have determined that you are not eligible for the following reason(s):

- ☐ You must be a U.S. citizen to be hired for this position. You do not meet the citizenship requirement.
- ☐ You must be age 21 to be hired for this position. You do not meet the minimum age requirement.
- ☐ You must be a high school graduate to be hired for this position. You do not meet the minimum education requirement.
- ☐ You must possess a valid driver's license to be hired for this position. A check of automated law enforcement systems shows that you do not possess a valid driver's license.
- ☐ A check of automated law enforcement systems revealed derogatory information which makes you ineligible for appointment.
- ☐ Other:

If you believe our determination is incorrect, you should immediately call (name) on (410) 778-5946.

If you are able to correct the condition which currently makes you ineligible for consideration, you are invited to apply for a position with the Kent County Sheriff's Office in the future.

Sincerely,

## ATTACHMENT C

Dear Applicant:

Thank you for applying for the position of Deputy Sheriff with the Kent County Sheriff's Office. We look forward to meeting you during the examination process.

As we have previously explained, there are several important steps involved in the selection process:

- Step 1 - Written examination
- Step 2- Physical Fitness Assessment
- Step 3 - An oral Interview with the Sheriff and senior staff members
- Step 4 - A thorough background investigation, involving checks with your references, prior employers, and neighbors, and potentially involving sensitive or confidential aspects of your personal life
- Step 5 - A polygraph examination
- Step 6 - A psychological test which will be interpreted by a licensed psychologist
- Step 7 - A physical examination by a licensed physician

We will bear the cost of all testing. It is very important that you contact us in advance if you will be unable to keep an appointment for an examination. If you do not do so, you may forfeit the opportunity to continue in the process.

Most candidates will complete steps 1-3; because of the costs involved, only the most highly qualified candidates will proceed to Steps 4 through 7.

This process may take from 4 to 8 weeks and the order of Steps 3 through 6 may change.

The schedule for Steps 1 and 3 is as follows:

Written Examination	_____ (Date, time, and place)
Physical Fitness Assessment	_____ (Date, time and place)
Oral Interview	_____ (Date, time, and place)

The written examination is designed to test your general ability and aptitude for police work; it does not require any specific knowledge of law enforcement principles or practices. The test will take approximately 2 hours. You do not need to prepare for or bring any materials with you to the test.

The physical fitness assessment is designed to test your muscular and cardiovascular endurance. The test will take approximately 1 hour. You will need to ensure you can complete push up and sits up for one continuous minute each and run 1.5 miles.

The oral interview will last for approximately 1 hour. This will be a structured interview in which you will be asked to respond to specific questions. The same questions are asked of all applicants. You do not need to prepare for or bring any materials with you to the test.

## ATTACHMENT D

Dear Applicant:

Congratulations. You have been selected from among the many candidates who applied for the position of Deputy Sheriff to continue with the examination process.

The remaining steps are:

- Step 4 - A thorough background investigation, involving checks with your references, prior employers, and neighbors, and potentially involving sensitive or confidential aspects of your personal life;
- Step 5 - A polygraph examination;
- Step 6 - A psychological test which will be interpreted by a licensed psychologist
- Step 7 - A physical examination by a licensed physician

The Kent County Sheriff's Office will conduct the background investigation on the basis of the Personal History Statement you provided with your application. The employers and references you identified on the form can expect to contact shortly.

The times for the examinations are as follows:

Polygraph Examination \_\_\_\_\_ (Date, time, and place)

Physical Examination \_\_\_\_\_ (Date, time, and place)

Psychological Examination \_\_\_\_\_ (Date, time, and place)

We will bear the cost of all testing. It is very important that you contact us in advance if you will be unable to keep an appointment for an examination. If you do not do so, you may forfeit the opportunity to continue in the process.

As you know, the polygraph examination is an instrument for the detection of deception. It will be used to determine whether the information you have provided in the application process is true. The test will be administered by a certified polygrapher and you will be provided a list of areas from which the polygraph questions will be drawn before the examination.

The physical examination is required to determine whether you are physically fit for the duties of Deputy Sheriff and for participation in the entrance level training program you will attend.

The psychological examination is required to determine whether you are emotionally and mentally fit to perform the duties of Deputy Sheriff.

Sincerely,

## **ATTACHMENT E**

Dear Applicant:

Thank you for your interest in the position of Deputy Sheriff with the Kent County Sheriff's Department. The pool of qualified applicants was large, and, after the written test and oral interview, you were not selected to continue in the employment process.

Your application will be retained in the Commissioners' Office files for one year and will again be reviewed for consideration in the event another vacancy occurs within that time. You may also apply again after that time.

My best wishes to you.

Sincerely,

## ATTACHMENT F

### Physical Fitness Assessment

The **Medical Practitioner's Certification of Applicant's Ability to Perform the Kent County Sheriff's Office Physical Fitness Assessment** must be completed and brought with you to the Physical Fitness Assessment.

All Kent County Sheriff's Office applicants for Entry-Level Deputy Sheriff positions will complete the Physical Fitness Assessment.

This is not a "Pass/Fail" portion of the application process; however your results will be considered as you proceed through the application process

Should you be successful in the application process and enter the Police Academy, the chart shown below depicts the physical fitness standards required to pass the Police Academy

Cooper's Physical Fitness Norms				
Age Group				
1.5 Mile Run				
40th Percentile	20-29	30-39	40-49	50-59
Male	12:51	13:36	14:29	15:26
Female	15:26	15:57	16:58	17:55
Sit-ups in One Minute				
40th Percentile	20-29	30-39	40-49	50-59
Male	38	35	29	24
Female	32	25	20	14
Push-ups in One Minute				
40th Percentile	20-29	30-39	40-49	50-59
Male	29	24	18	13
Female	15	11	9	

The following exercises will be completed for the Kent County Sheriff's Office Physical Fitness Assessment;

#### **Push-up** – muscular endurance

Hands must be shoulder width apart. Start in the up position. For the rep to count, the chest must touch a cushion (rolled towel) that is three inches in height. Resting must be done in the up position and time will not stop during rests. The test will last one minute.

#### **Sit-up** – muscular endurance

Lie on flat surface. Knees will be flexed, with the feet 12-18 inches from the buttocks. Hands on the side of the head (over ears), not interlaced or behind the head. When coming up, the elbows must touch the inner thighs, this will count as one rep. When going down, the shoulder blades must touch the mat/flat surface. Resting must be done in the up position, and the time will not stop during rests. The test will last one minute.

#### **1.5 Mile Run** – Tests Cardiovascular endurance

Applicants will complete a timed, 1.5 mile run on a suitable surface.

Following the Physical Fitness Assessment, your results will be recorded and be placed with your records for consideration in the application process.

**Medical Practitioner's Certification of  
Applicant Ability to Perform  
Kent County Sheriff's Office  
Physical Fitness Assessment**

Applicant Name: \_\_\_\_\_

Dear Medical Practitioner;

The above referenced applicant will be required to participate in the Kent County Sheriff's Office pre-employment Physical Fitness Assessment (PFA). The PFA will be performed under the guidance of Kent County Sheriff's Office personnel and consist of the following elements. The Practitioner need only certify that the applicant may safely participate in:

**\*Push-Ups** (muscular endurance) – Maximum number of reps performed in one minute

**\*Sit-ups** (muscular endurance) – Maximum number of reps performed in one minute

**\*1.5 Mile run** (cardiovascular endurance) – Scored in minutes and seconds

**TO BE COMPLETED BY APPLICANT'S MEDICAL PRACTITIONER**

**Can perform at this time: YES \_\_\_\_\_ NO \_\_\_\_\_ (Must be checked)**

The Section below must be completed **in its entirety and personally signed** by the applicant's medical Practitioner. **Please ensure that EACH LINE is completed. Illegible or incomplete forms will not be accepted, and you will not be allowed to complete the assessment. Stamped signatures will not be accepted.**

I hereby certify that I am a licensed medical Practitioner and that I have satisfied and maintained the licensing requirements required for my specialty. I further certify that I have reviewed this applicant's condition in a manner consistent with the prohibitions contained in regulations adopted by the State Board of Quality Assurance or its equivalent. My opinions are based on my personal review of the applicant's examination, and the conclusions reached are based on a reasonable degree of medical certainty.

**\*\*NO STAMPS FOR THE PRACTITIONER'S SIGNATURE ALLOWED\*\***

**Practitioner's Signature** \_\_\_\_\_

**Date of Examination** \_\_\_\_\_

**Printed Last Name** \_\_\_\_\_

**Specialty** \_\_\_\_\_

**License No.** \_\_\_\_\_ **Expiration**

**Date** \_\_\_\_\_

**Address** \_\_\_\_\_

**Phone** \_\_\_\_\_



**Kent County Sheriff's Office**  
**Pre-Employment Physical Fitness Assessment**

Name: \_\_\_\_\_ Sex: \_\_\_\_\_ Race: \_\_\_\_\_  
                    (Last)                      (First)                      (M.I.)

Age: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_

Date Of Birth: \_\_\_\_\_

Assessment Date \_\_\_\_\_

**Waiver of Liability**

In consideration of my being permitted to participate in the Physical Fitness Assessment for the Kent County Sheriff's Office, I agree that I shall not hold the Kent County Sheriff's Office or the Kent County Government or any of its employees and any public or private facility building or organization at which the Physical Fitness Assessment is held responsible for any injury or damage that I may receive during or as a result of this Physical Fitness Assessment.

Signature \_\_\_\_\_

Date \_\_\_\_\_

Witness (print) \_\_\_\_\_

(sign) \_\_\_\_\_

KCSO Form #113

# APPENDIX 4-D

## SUCCESSION PLAN

### 1. INTRODUCTION

The KCSO believes that training and mentoring of employees within the ranks is vital to the promotion of qualified individuals. It is essential to the continuity of the KCSO that those employees who show interest and have the capability to perform well in positions of leadership, receive mentoring from the command staff and other supervisors. Mentoring, coaching, and training will aid the employee in developing the skills and knowledge needed to perform a supervisory role in KCSO. This process will also aid the command staff in promoting the best candidate for the supervisory position.

### 2. PURPOSE

The purpose of this plan is to establish procedures of mentoring and training to assist supervisors and command staff, so the best candidates are promoted to ensure the KCSO maintains continuity in the performance of policies and procedures. When practical, the Sheriff and Chief Deputy should provide assurances for a smooth transition as promotions to supervisory positions occur.

### 3. DEFINITIONS

- a. **Mentor/Coaching**-advise or train (someone, especially a younger colleague)  
Mentoring or Coaching is not just telling someone what to do, it requires working with employees to help them make decisions, solve problems, and develop skills.
- b. **Supervisor**-Rank of Corporal or above
- c. **Command Staff**-Rank of Lieutenant or above

### 4. RECRUITMENT

Supervisors have the responsibility to train and mentor all employees in ranks below them. Supervisors should encourage employees to attend additional training in areas outside the scope of their regular duties. They should also recognize an employee's ability to perform certain tasks, working to strengthen weaknesses and highlight strengths. Supervisors need to encourage the rank below them to understand their duties, ask questions and make decisions about their own promotional aspirations. At the same time, supervisors need to determine who may be the best qualified candidate to one day replace them.

- a. Training available to assist employees in the promotional process can include:
  - 1. Field Training Officers
  - 2. Detective/Investigator
  - 3. Narcotics Investigator
  - 4. Firearm Instructor
  - 5. Tactical Entry Team
  - 6. School Resource Deputy

7. K-9 Handler
8. Other trainings offer by MPCTC

b. Mentoring/Coaching can involve the following:

1. Delegate: Let the employee know what results you want to see, set parameters, determine what support the employee needs, and set times to conduct progress reviews along the way.
2. Give performance [feedback](#) Let the employee know what you observe, be specific and direct, show sincerity, and communicate both positive and negative performance.
3. Motivate employee performance: Give timely recognition for a job well done and provide assignments that will challenge the employee.
4. Promote employee growth: Give words of wisdom and ask employees for ideas to make improvements and solve problems.
5. Focus employee performance: Together, set goals with action plans that define the key steps for achieving the goals.
6. Set meaningful goals: Define the results that need to be achieved and how the goals will be measured.
7. Aid career development: Together, set plans that define how employees will prepare themselves to grow in their skills and capabilities.
8. Deliver training: Give step-by-step instruction that involves your employee doing the skills or procedures in a hands-on way.

## 5. STEPS IN SELECTION PROCESS

When promoting individuals, the command staff of the KCSO should encourage supervisors to speak on behalf of employees they mentored or coached to assist in the promotion process. This should not be the only deciding factor when promoting but should be considered when evaluating all elements of the selection process. The steps to the selection process can be located in Chapter 4, section 4-1404 of the KCSO Administrative and Operations Manual and include:

- a. **Announcement.** A promotional opportunity will be announced in writing and a copy of the announcement will be given to each staff member.
- b. **Evaluation of Potential.** The promotion potential of candidates is evaluated by means of standardized written examinations, panel interviews, and a review of productivity reports.
- c. **Written Examination.** Written examinations are conducted at KCSO by a staff member who is not a candidate for the promotion. The examination will be one which has been validated as a predictor for successful performance in the position being filled.
- d. **Oral interviews** will be conducted by a three (3) member board comprised of sworn employees from other Maryland Sheriff's Offices.

## 6. SELECTION

The Sheriff and Chief Deputy will review the personal history, written examination, and statements made by possible mentors or coaches to determine the best qualified candidate for the position to be filled

# CHAPTER 5

## SAFETY AND HEALTH

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#### APPENDIX 5-A KCSO INFECTIOUS DISEASE EXPOSURE CONTROL PLAN

## **5-001 POLICY**

The Kent County Sheriff's Office is committed to providing a safe and healthful work environment for every employee.

## **5-100 SAFETY**

### **5-101 BLOODBORNE PATHOGENS**

The KCSO Infectious Disease Exposure Control Plan (ECP) is provided to eliminate or minimize occupational exposure to bloodborne pathogens in accordance with OSHA standard 29 CFR 1910.1030 "Occupational Exposure to Bloodborne Pathogens."

The complete KCSO Infectious Disease Exposure Control Plan can be referenced under Appendix 5-A.

#### **5-101.1 PROGRAM ADMINISTRATION**

The Chief Deputy is responsible for the implementation of the ECP. He or she will maintain, review, and update the ECP at least annually, and whenever necessary to include new or modified tasks and procedures. **(CALEA 22.1.6)**

#### **5-101.2 EMPLOYEE EXPOSURE DETERMINATION**

All employees in the job classification of Sheriff, Chief Deputy or Deputy Sheriff have occupational exposure.

There are no job classifications in which some employees have occupational exposure, and some do not.

## **5-102 FIRING RANGE SAFETY**

The KCSO operates a firing range facility for periodic weapons training and qualification and for other training operations, as needed.

### **5-102.1 KCSO INSTRUCTOR REQUIRED**

- a. No person may use the KCSO firing range facility for live-fire practice unless a KCSO MPCTC-certified firearms instructor is present.
- b. On the facility, the KCSO firearms instructor is the officer-in-charge, regardless of the rank of another personnel present. All persons using the facility will follow the orders and instructions of the Firearms Instructor.
- c. The KCSO firearms instructor shall be trained in emergency medical response from a recognized organization.

**(CALEA 4.3.5)(CATEGORY B)**

## 5-102.2 PREPARATION OF FACILITY FOR USE

Before the KCSO firing range facility may be used for live-fire activities, the KCSO Firearms Instructor will ensure that the following actions have been taken:

- a. The Kent County Public Works director has been notified at least 24 hours in advance.
- b. Two signs have been placed on the roadway surface leading to the range which read "CAUTION, RANGE IN USE." One sign will be placed at the entrance to the facility, about 200 yards from the range itself, and the other at 50 to 75 yards from the range.
- c. A red "range hot" flag will be flown from the range flagpole.

After the facility is used, the Firearms instructor will ensure that the range is thoroughly cleaned.

## 5-102.3 FIRING RANGE SAFETY RULES

- a. Ear and eye protection will be worn at all times by those firing and those within 50 yards of the firing. Over-the-ear protection is required (and may be used with earplugs). Side shields are required for eye protection when firing handguns.
- b. All KCSO personnel shall wear their agency issued protective vest while participating in firearms training/qualification.
- c. All KCSO Tactical Entry Team members shall wear their agency issued full tactical uniform and protective vest while participating in AR-15 firearms training/qualification.
- d. Dry firing is allowed only under the supervision of the Firearms Instructor.
- e. Follow all commands of the Firearms Instructor as they are given. **Do not anticipate any commands.** Ask questions if a command is not understood.
- f. No loaded weapons will be left unattended on the range. All weapons will be holstered, or in the case of shotguns/rifles or other shoulder weapons, actions will be open in a safe condition when not in use.
- g. Range safety is **everyone's** responsibility. Anyone who observes any unsafe condition or act should give the command to cease fire.
- h. Keep the muzzle of the weapon pointed in a safe direction, normally down range, at all times. In the case of a malfunction, keep the weapon pointed down range and "clear" the malfunction, if possible. **The instructor will be notified of all malfunctions to determine the cause and will be responsible to determine the safety of the "firing line."**
- i. Discontinue firing if a weak or unusual report is felt or heard. Keep muzzle down range and obtain assistance from an instructor.
- j. Keep finger off the trigger and outside the trigger guard until the weapon is on the target.
- k. Do not leave the firing line at any time during the firing until given the command by an instructor.
- l. Do not bend over, attempt to recover magazines, etc., until the line is declared safe.
- m. Upon clearing the firing line at any time during the firing of shotguns/rifles or other shoulder weapons, an Instructor will check and confirm that all weapons are unloaded and in a safe condition.

- n. When carrying shotguns/rifles or other shoulder weapons around the range they will be in a high port position with the muzzle above the head with actions open and in a safe condition.
- o. At the completion of a course, all weapons will be cleared, checked twice by the shooter, and only holstered or grounded after a final inspection by an instructor.
- p. No shooter will be permitted on the range if there is knowledge or reason to believe he or she has consumed alcoholic beverages or taken any other type of drug or medication that could impair his or her ability to handle a weapon safely.
- q. Loading and unloading will only be done on the firing line under direction of the instructor or in a designated loading/unloading area.
- r. Smoking is prohibited in all KCSO facilities.
- s. Talking is prohibited on the firing line except when conversing with the instructor.
- t. Personnel not actually firing will not interfere with shooters or instructors.
- u. No live ammunition is allowed in or around the cleaning area.
- v. Only KCSO-provided ammunition will be used.
- w. After firing, every employee will wash his or her hands thoroughly before touching them to the mouth or eating or smoking.

**(CATEGORY B)**

## **5-103            SAFE STORAGE OF AGENCY-ISSUED WEAPONS**

Every Deputy is responsible for the safe and secure storage of agency-issued weapons.

### **5-103.1            HANDGUNS**

When they are not in use, handguns will be stored unloaded using the agency-issued gun lock. If the Deputy has a gun safe, the weapon should be stored in the safe with the gun lock applied.

Ammunition will be stored in a separate location from the weapon.

**(CATEGORY C)**

### **5-103.2            SHOTGUNS AND OTHER WEAPONS**

Shotguns and rifles will be stored in the locked trunk of the agency-issued vehicle. Rifles will be locked in the agency-provided gun rack. If the vehicle will be out of the Deputy's possession (for example, for repairs), all weapons and ammunition will be removed and stored in the KCSO armory.

**(CATEGORY C)**

### **5-103.3            TRAINING**

Safe and secure storage of agency weapons will be included in all firearms training.

**(CALEA 4.3.1)**

## **5-200            HEALTH**

### **5-201            GENERAL HEALTH AND FITNESS**

Each employee is required to maintain a level of general health and fitness sufficient to carry out the essential duties of his or her position, with or without reasonable accommodation.

When a supervisor determines, by observation, that there is an essential duty that an employee is unable to perform, and it appears that the reason for the employee's inability is the result of the employee's health or fitness, the supervisor will notify the employee and report the specific deficiency, in writing, to the Chief Deputy.

The Chief Deputy will determine if it is necessary to refer the employee to a KCSO physician for an examination, at KCSO expense, to determine the employee's continued ability to perform the essential duties of his or her position.

**(CATEGORY A)(CALEA 22.3.1)**

## **5-202 PHYSICAL EXAMINATIONS**

The KCSO requires a physical examination, at its expense, as part of the hiring process for new Deputies. The result of that examination is kept in the employee's personnel file. The KCSO has no other regular examination program.

**(CALEA 22.3.1)**

## **5-203 MENTAL HEALTH ASSESSMENT**

As a condition of continued certification as a KCSO Deputy, a Deputy shall submit to a mental health assessment every two (2) years. The Sheriff or his/her designee will arrange for each sworn Deputy to undergo an assessment by a licensed mental health professional.

## **5-204 PHYSICAL AGILITY ASSESSMENT**

As a condition of continued certification as a KCSO Deputy, a Deputy shall submit to a physical agility assessment annually as required by the Maryland Police Training and Standards Commission. The Sheriff or his/her designee will arrange for each sworn Deputy to undergo an assessment of physical agility.

## **5-205 REPORTING WORK RELATED INJURIES**

KCSO employees who are injured while performing duty related functions shall immediately notify the on-duty KCSO Supervisor of said injury. The on-duty KCSO Supervisor shall ensure that the injured KCSO employee receives immediate medical treatment for their injury. After ensuring that the injured KCSO employee is receiving the necessary medical treatment, the KCSO on-duty Supervisor shall notify the injured employee's Division Commander and the Chief Deputy. The Chief Deputy is responsible to notify the Sheriff. If the injured KCSO employee is the on-duty KCSO Supervisor, and the on-duty KCSO Supervisor is incapable of notifying his/her Division Commander, the first responding KCSO employee shall notify the Chief Deputy. The Chief Deputy is responsible to notify the Sheriff.

### **a. Employees' Reporting Responsibilities:**

The injured KCSO employee shall be required to complete the Injured Worker's Insurance Fund (IWIF) Employee's Report of Injury Form, prior to the end of their shift during which the injury occurred and provide same to the on-duty KCSO Supervisor. If the injured KCSO employee is incapable of completing the form at the time of the injury, the on-duty supervisor shall complete same based on the information that is available when the injury occurred.

### **b. Supervisor's Reporting Responsibilities:**

The on-duty KCSO Supervisor shall initiate a CrimeStar Call for Service and Incident Report documenting the employee's injury. Additionally, the on-duty KCSO Supervisor shall complete the IWIF Supervisor's Accident Investigation Form, prior to the end of the shift during which the



injury occurred. If there was a witness or witnesses to the injury, it shall be the responsibility of the on-duty KCSO Supervisor to contact the witness(es) and have them complete the IWIF Accident Witness Statement Form, prior to the end of the shift during which the injury occurred. If the on-duty KCSO Supervisor is the employee that is injured, the Chief Deputy or his designee shall be responsible to complete the reporting duties of the on-duty KCSO Supervisor. The on-duty KCSO Supervisor investigating the injury shall forward all applicable IWIF forms to the KCSO Office Manager prior to the end of the shift in which the injury occurred.

All required IWIF forms are available in the KCSO forms cabinet located in the KCSO Patrol Division Office.

c. KCSO Office Manager's Reporting Responsibilities:

When the KCSO Office Manager receives all applicable IWIF forms from the KCSO Supervisor investigating the injury, he/she shall be required to notify the IWIF as required. The KCSO Office Manager shall retain and file copies of all CrimeStar reports and IWIF forms completed by KCSO employees, including any validation/confirmation reports received from the IWIF. The KCSO Office Manager shall also serve as the liaison for the KCSO and the injured KCSO employee with the IWIF.

**(CATEGORY B)**

**5-206 TEMPORARY LIGHT DUTY AND RETURN TO DUTY**

Temporary light-duty assignments, when available, are for KCSO personnel who, because of a duty related injury or illness are temporarily unable to perform their regular assignments. Use of temporary light duty can provide employees with an opportunity to remain productive while convalescing as well as providing a work option for employees who may otherwise risk their health or safety or the safety or health of others by remaining on duty when physically or mentally unfit for their regular assignment. Therefore, it is the policy of the KCSO that eligible personnel are given a reasonable opportunity to work in temporary light-duty assignments where available and consistent with this policy.

An employee who has been injured or contracted an illness in the line of duty may be placed on temporary light duty status if:

- a. The employee has a written physician's document stating that the employee is physically eligible for temporary light duty, including those types of duties that the employee can perform. Additionally, there must be documentation that a favorable prognosis of returning to full duty in the near future; and
- b. If there is a position, job, or duty available within the KCSO which the employee has the ability to perform and qualifies as temporary light duty pursuant to the employee's physician's statement.

Temporary light-duty assignments may be drawn from a range of technical and administrative areas that include but are not limited to the following:

- a. phone duty;
- b. clerical functions
- c. finger printing; and
- d. administrative duties.

Temporary light duty assignments will originate from the Patrol Commander or Criminal Investigation Commander with the approval of the Sheriff.

Decisions on temporary light-duty assignments shall be made based upon the availability of an appropriate assignment, given the employee's knowledge, skills, and abilities; availability of light-duty assignments; and the physical limitations imposed on the employee.

Every effort shall be made to assign personnel to positions consistent with their rank and pay classification. However, where deemed appropriate, personnel may be assigned to positions designated for personnel of lower rank or pay classification. Deputies thus assigned shall:

- a. retain the privileges of their rank, but shall answer to the supervisory Deputy of the unit to which they are assigned with regard to work responsibilities and performance; and
- b. retain the pay classification and related benefits of the position held prior to their assignment to temporary light duty.

Temporary Light Duty is divided into two categories, limited duration temporary light duty and long-term light duty:

- a. Limited Duration Temporary Light Duty status may be granted to an employee who is expected to return to full duty and an appropriate initial date for return to full duty of less than ninety (90) days can be established.

An extension of an additional ninety (90) days may be granted by the Sheriff upon documentation by the employee's physician that the employee will return to full duty within the additional extension period.

- b. Long Term Light Duty status may be granted to an employee who provides documentation from their physician stating that the employee is expected to return to full duty in less than one (1) year from the date of duty related injury or illness.

Return to duty is predicated on the ability of the employee to perform all the essential duties of his or her position. The Sheriff may require, at KCSO expense, any necessary medical evaluations when determining whether an employee may return to full duty status.

In the event that subsequent medical evaluation indicates that no possibility of future assignment to full duty is possible, the employee may be required to return to either a worker's compensation status or seek medical retirement.

An employee on Limited Duration Temporary Light Duty or Long-Term Light Duty status will retain their KCSO issued identification card, badge, and weapon. They will not be assigned a KCSO vehicle; therefore, daily transportation to and from work will normally be the responsibility of the employee on either light duty status.

**NOTE:** An employee in either light duty category may retain their Maryland Police Officer Certification Card, so long as certification is maintained.

KCSO personnel incurring an injury or illness which is classified as non-line of duty related, will not be afforded either light duty status. These persons will be required to use other forms or accrued leave.

## **5-207            REPORTING PREGNANCY AND RETURN TO DUTY FOLLOWING CHILDBIRTH**

When an employee determines that she is pregnant, she will submit a report to the Chief Deputy, accompanied by a statement from her physician indicating the date on which she is due and the date beyond which she will be unable to perform all of the duties of her position. A pregnant Deputy who is unable to perform all of the duties of her position will be assigned to Non-Deputy duty for the duration of her time at work before delivery.

Six weeks after delivery of a child, the employee will submit a statement from her physician indicating the date on which she will be able to resume all the duties of her position.

**(CATEGORY A)**

#### **5-207.1 NON-DEPUTY STATUS**

When a sworn employee receives confirmation from her physician that she is pregnant, and the physician recommends in writing that the sworn employee should not be performing those duties required of a "full-duty" sworn law enforcement officer, the employee shall:

- a. Provide said written documentation from her physician to the Chief Deputy which shall include an anticipated delivery date.

The Chief Deputy shall advise the Sheriff and the sworn employee's division commander of the need to change the duty status of the employee from "full-duty" to "non-deputy" Non-Deputy duty assignments may be drawn from a range of technical and administrative areas that include but are not limited to the following:

- a. phone duty;
- b. clerical functions
- c. finger printing; and
- d. administrative duties.

Non-Deputy duty assignments will originate from the Patrol Commander or Criminal Investigation Commander with the approval of the Sheriff.

- a. Decisions on non-Deputy duty assignments shall be made based upon the availability of an appropriate assignment, given the employee's knowledge, skills and abilities; availability of non-Deputy duty assignments; and the physical limitations imposed on the employee.
- b. Every effort shall be made to assign personnel to positions consistent with their rank and pay classification. However, where deemed appropriate, personnel may be assigned to positions designated for personnel of lower rank or pay classification. A Deputy thus assigned shall:
  1. retain the privileges of their rank, but shall answer to the supervisory Deputy of the unit to which they are assigned with regard to work responsibilities and performance; and
  2. retain the pay classification and related benefits of the position held prior to their assignment to non-Deputy duty.

Sworn employees shall remain on non-Deputy duty status until they are unable to perform the duties associated with non-Deputy duty, otherwise they will be required to utilize other appropriate forms of accrued leave. Sworn personnel shall not return to "full-duty" status until the employee provides the Chief Deputy with written documentation from her physician stating that she is capable of performing those duties required of a "full-duty", sworn law enforcement officer. Final approval of a change in duty status is under the purview of the Sheriff.

#### **5-208 MANDATORY SCREENING FOR ILLEGAL DRUG USE**

Kent County has adopted the requirement of a drug free workplace. Every KCSO employee is subject to urinalysis screening for illegal drugs prior to employment. As employees in "safety sensitive" positions, all Deputies are subject to random urinalysis screening for illegal drugs. The procedures for the Kent County drug free workplace program are found in the County Commissioners of Kent County, MD Employee Handbook and in the County's Alcohol and Drug Abuse Policy. Also see KCSO Disciplinary Matrix, Chapter 4, Appendix E

**(CATEGORY C)**

## **5-209                    TRAUMATIC INCIDENT COUNSELING**

The KCSO will provide assistance to any employee who has been a principal in a life-threatening or fatal incident. Examples of such incidents include shootings, stabbings, and automobile accidents.

The immediate supervisor will refer to the Chief Deputy any employee who has been the principal in an incident resulting in death to another or a life-threatening incident resulting in injury to him- or herself or another.

After giving a statement to the appropriate investigative body, the employee will immediately be placed on administrative leave, reassigned to administrative functions, or placed on light duty for at least 48 hours, as determined by the circumstances on a case-by-case basis, by the Chief Deputy.

The KCSO physician will assess the extent of trauma undergone by the employee, and, if indicated, refer the employee to the KCSO psychologist for counseling. If additional counseling is prescribed, the employee will remain on light duty, administrative leave, or assigned to administrative functions until released by the KCSO physician.

When an employee has been involved in a traumatic incident without death or injury, the Commander may, of his or her own volition or at the request of the employee, reassign the employee to administrative functions or place the employee on light duty. The Commander will immediately notify the Chief Deputy so that a determination of the necessity of further treatment may be made.

## **5-210                    LINE OF DUTY DEATH FAMILY ASSISTANCE**

It shall be the responsibility of the Sheriff to notify the family in person when there is a line of duty death. The Sheriff shall designate a member of the command staff as liaison deputy to assist the surviving family with emotional support, assist the family at the hospital, at the funeral and through any court proceedings. The liaison Deputy shall be the point of contact with the Kent County Government benefits coordinator to ensure all available benefits are explained to and offered to the surviving family members. The liaison Deputy should offer EAP referral information to the family and contact the local FOP and C.O.P.S (Concerns Of Police Survivors at [www.concernsofpolicesurvivors.org](http://www.concernsofpolicesurvivors.org)) for additional resources that may be available to surviving families. The Sheriff shall ensure long term contact is maintained with the surviving family.

**(CALEA 22.1.5)**

## **5-211                    EMPLOYEE SUPPORT SERVICES**

For assistance with the wide range of services available through the Kent County government, KCSO employees and their dependents can contact the Personnel Administrator in the Office of the County Commissioners. That individual is able to assist with matters including:

- a. health benefits
- b. retirement
- c. employee assistance program
- d. life insurance
- e. leave
- f. credit union
- g. blood bank

**(CALEA 22.1.4, 22.1.5)**

## **5-212 NALOXONE (Narcan®) FOR THE EMERGENCY TREATMENT OF OPIATE OVERDOSE BY KCSO SWORN PERSONNEL**

Fatal and nonfatal overdose can result from the abuse of opiates such as morphine, heroin, fentanyl, oxycodone as found in OxyContin®, Percocet® and Percodan®, and hydrocodone as found in Vicodin®.

Naloxone is an opioid antagonist which displaces the opioid from receptors in the brain and can therefore reverse an opiate overdose. It is a scheduled drug, but it has no euphoric properties and minimal side effects. If it is administered to a person who is not suffering an opiate overdose, it will do no harm. Naloxone has been available as an injectable since the 1960s and has more recently been developed as a nasal spray.

To attempt to reduce the number of fatalities which can result from opiate overdoses, the Kent County Sheriff's Office will provide training for all sworn personnel in the proper pre-hospital administration of nasal Naloxone. In order to implement a safe and responsible nasal Naloxone plan, the KCSO will establish and maintain a professional affiliation with the Medical Director of the Kent County Health Department who will provide medical oversight over its use and administration. At his or her discretion, the Medical Director of the Kent County Health Department may make recommendations regarding the policy, oversight, and administration of nasal Naloxone by the KCSO.

Opiate: An opiate is a medication or drug that is derived from the opium poppy or that mimics the effect of an opiate (a synthetic opiate). Opiate drugs are narcotic sedatives that depress activity of the central nervous system, reduce pain, and induce sleep. Law enforcement officers often encounter opiates in the form of morphine, methadone, codeine, heroin, fentanyl, oxycodone (OxyContin®, Percocet® and Percodan®) and hydrocodone (Vicodin®).

Naloxone: Naloxone is an opioid antagonist that can be used to counter the effects of opiate overdose. Specifically, it can displace opioids from the receptors in the brain that control the central nervous system and respiratory system. It is marketed under various trademarks including Narcan®.

Naloxone will be deployed in all KCSO vehicles assigned to sworn personnel who have been certified by the Maryland Department of Health and Mental Hygiene to dispense Naloxone for the treatment of opiate drug overdoses. A KCSO Deputy should be dispatched to any call that relates to a drug overdose as they may be able to arrive on scene earlier than responding EMS personnel. The goal of the responding KCSO Deputy shall be to provide immediate assistance via the use of Naloxone where appropriate, to provide any treatment commensurate with their training as first responders, to assist other EMS personnel on scene, and to handle any criminal investigations that may arise.

When a KCSO Deputy has arrived at the scene of a medical emergency prior to the arrival of EMS, and has made a determination that the person may be suffering from an opiate overdose, the responding KCSO Deputy should take the following steps based on the training received upon certification training to administer Naloxone:

- a. Deputies shall use universal precautions.
- b. Deputies should conduct a medical assessment of the person as prescribed by their First Responder training, to include considering statements from witnesses and/or family members or evidence found at the scene regarding drug use by the person.
- c. If the Deputy determines that there may have been an opiate overdose, the Naloxone kit should be utilized as directed during training in the following manner:
  1. The Deputy shall use the nasal mist sprayer to administer a four (4) milligram intra-nasal dose of Naloxone into one nostril. Deputies should be aware that a rapid

2. reversal of an opiate overdose may cause projectile vomiting by the person and/or violent behavior.
- d. The person should continue to be observed and treated as the situation dictates.
- e. The Deputy who has administered the Naloxone shall inform incoming EMS personnel about the treatment and condition of the person and shall not relinquish care of the person until relieved by a person with a higher level of emergency medical training.

#### **EMERGENCY EVALUATION LIABILITY CONSIDERATIONS**

The KCSO Deputy that administers the Naloxone shall report same to the Poison Control Center at 1-800-222-1222 within two (2) hours of administering the Naloxone. The Poison Control Center serves as the national reporting and repository agency for the administration of Naloxone.

Additionally, the KCSO Deputy that administers the Naloxone shall report same via the Kent County Opioid Overdose Data Report, KCSO Form #307. This report shall be emailed before the end of the Deputy's shift to [phudson@kentgov.org](mailto:phudson@kentgov.org) and [wdwyer@wb.hita.org](mailto:wdwyer@wb.hita.org).

A KCSO CrimeStar Incident Report documenting the event shall be completed by the Deputy who administered the Naloxone prior to the end of his/her shift. The Deputy shall document in the incident report that he/she has reported the administration of Naloxone to the Poison Control Center and shall attach a copy of the DHMH Overdose Response Program (ORP) Naloxone Use Report to the KCSO Incident Report for review, approval, and administrative filing.

It shall be the responsibility of Deputies to inspect their Naloxone kits prior to the start of each shift to ensure that the Naloxone kits are intact. Damaged equipment shall be reported to the KCSO shift supervisor immediately. The shift supervisor shall ensure that Deputy informs the Patrol Division Commander or his/her designee of the need for replacement Naloxone and/or supplies.

The KCSO Patrol Division Commander or his/her designee will maintain a written inventory documenting the quantities and expirations of Naloxone replacement supplies, and a log documenting the issuance of initial issue kits and replacement supplies.

The Patrol Division Commander or his/her designee shall as soon as possible after notification, replace Naloxone and/or supplies that have been used during the course of a current shift.

All KCSO sworn personnel shall receive an approved training course approved by the Maryland Department of Health and Mental Hygiene under the State of Maryland Health General Article 13, Section 1301-09 and conducted under the auspices of the Medical Director of the Kent County Health Department prior to being certified to possess and administer Naloxone. The certification period is for two (2) years. The KCSO shall ensure that refresher training is provided and received as directed by law and the Medical Director of the Kent County Health Department.

#### **5-213      REPORT OF A CIVILIAN IN-CUSTODY DEATH OR DEPUTY ON-DUTY DEATH REPORT TO GOCCP**

The Criminal Investigation Division Commander will prepare and submit a report to GOCCP regarding the in-custody death of a civilian or on-duty death of a KCSO Deputy within forty-eight (48) hours of the occurrence by calling 410-697-9298 or via emailing GOCCP Form CJ-11MD to [deathsincustodymd@gmail.com](mailto:deathsincustodymd@gmail.com).

## **5-214      FIELD TESTING HEROIN**

KCSO personnel **will not** field test suspected heroin. Heroin is often “cut” with fentanyl which can be 40 to 50 times more powerful than heroin. Heroin and fentanyl can be absorbed through the skin and inhaled. Very minute amounts of the combination of heroin and fentanyl absorbed through the skin or inhaled can cause serious health effects or can be fatal. When handling any suspected controlled dangerous substance (CDS), KCSO personnel will wear protective gloves. Enhanced care should be maintained when packaging suspected heroin/fentanyl evidence for submission to a forensic laboratory. Do not open, manipulate, or handle any packaging/containers of the suspected CDS more than absolutely necessary.

# **Appendix 5-A**

## **KENT COUNTY SHERIFF'S OFFICE INFECTIOUS DISEASE EXPOSURE CONTROL PLAN**

### **A. Preparation and Revision**

- A. In accordance with the OSHA Bloodborne Pathogens Standard, 29 CFR 1910.1030, this exposure control plan was prepared by Kent County Sheriff's Office (KCSO).
- B. The KCSO Chief Deputy shall review this plan annually. The purpose of the review will be to ensure the plan meets all County, State, and Federal regulations.

### **B. Purpos**

- A. In accordance with the OSHA Bloodborne Pathogens Standard, 29 CFR 1910.1030, the following exposure control plan has been developed by KCSO for the purpose of eliminating or minimizing exposure to Infectious Diseases and to provide a guide in the event an exposure occurs.

### **C. Scope**

- A. This plan is a guide to be utilized by the KCSO. It is the responsibility of the KCSO to ensure their employees are educated to the OSHA Bloodborne Pathogens Standard, 29 CFR 1910.1030, and to customize this guide to fit their needs.

### **D. Exposure Determination**

- A. OSHA requires the KCSO to perform an exposure determination concerning which employee or volunteer may incur occupational exposure to blood or other potentially infectious materials. The exposure determination is made without regard to the use of personal protective equipment. This exposure determination is required to list all job classifications in which all employees may be expected to incur such occupational exposure, regardless of frequency. This exposure determination, which may result in an occupational exposure to the KCSO employee. It will include any sworn employee, civilian employee support staff, KCSO civilian volunteering for the KCSO, hereafter described as KCSO employee and/or volunteer.
- B. In the KCSO, occupational exposure means and is not limited to reasonably anticipated skin, eye, mucous membrane, non-intact skin or parental contact with blood, body fluids and/or other potentially infectious materials, or the inhalation of airborne pathogens, that may result from the performance of a KCSO employee's or volunteer's duties.



C. The KCSO has identified the following as potentially infectious materials and are not limited to these potentially infectious materials:

1. The following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva, any bodily fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids.
2. Any unfixed tissue or organ (other than intact skin) from a human (living or dead).
3. HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solution; and blood, organs, or other tissues infected with HIV or HBV.

D. The KCSO has identified the following as reportable diseases and conditions that can be transmitted through airborne, droplet, or contact and is not limited to these reportable diseases and conditions:

- |  |   |
|--|---|
| 1. AIDS  | 24. Mycobacteria other than tuberculosis or leprosy |
| 2. Amebiasis   | 25. Pandemic Influenza                              |
| 3. Animal Bites                                      | 26. Pertussis                                       |
| 4. Anthrax   | 27. Adverse reactions to pertussis vaccine          |
| 5. Botulism  | 28. Plague  |
| 6. Brucellosis                                       | 29. Poliomyelitis                                   |
| 7. Chancroid   | 30. Psittacosis                                     |
| 8. Cholera   | 31. Rabies  |
| 9. Diphtheria  | 32. Rocky Mountain Spotted Fever                    |
| 10. Encephalitis                                     | 33. Rubella and congenital rubella syndrome         |
| 11. Gonococcal Infections                            | 34. Salmonellosis in the newborn                    |
| 12. Hemophilic Influenza Type B invasive disease     | 35. Shigellosis                                     |
| 13. Hepatitis, viral                                 | 36. Syphilis  |
| 14. Kawasaki Syndrome                                | 37. Tetanus   |
| 15. Legionellosis                                    | 38. Trichinosis                                     |
| 16. Leprosy  | 39. Tuberculosis                                    |
| 17. Leptospirosis                                    | 40. Tularemia                                       |
| 18. Lyme Disease                                     | 41. Typhoid Fever Case or Carrier                   |
| 19. Malaria  |   |
| 20. Measles (Rubeola)                                |   |
| 21. Meningitis (viral, bacterial, parasitic, fungal) |   |
| 22. Meningococcal Disease                            |   |
| 23. Mumps  |   |

- E.** In addition, OSHA requires a listing of tasks and procedures in which some KCSO employees or volunteers may have an occupational exposure. The following tasks and procedures, which may result in an occupational exposure. It will include any KCSO employee or volunteer for the KCSO. Standard precautions, safe work practices, and body substance isolation shall be observed to prevent contact with blood or other potentially infectious materials.

**1. *Task/Procedure***

- a. Ventilation with:
  - (1). fluid shield barrier;
  - (2). pocket mask;
  - (3). bag-valve devices;
  - (4). demand valve devices
- b. Control of bleeding
- c. Stabilization of fractures
- d. Open wound management
- e. Any type of rescue operation

**F. **Methods of Implementation and Control****

**A. Universal Precautions/Body Substance Isolation**

- 1. Universal precautions and/or body substance isolation will be observed in the KCSO in order to prevent contact with blood or other potentially infectious materials. All blood, body fluids, or other potentially infectious material will be considered infectious at all times regardless of the perceived status of the source individual or under circumstances in which differentiation between body fluid types is difficult or impossible.
- 2. Employees or volunteers of the KCSO routinely are not to handle contaminated objects unless absolutely necessary for the purpose of an investigation, decontamination or disposal. (i.e., decontamination of a used laryngoscope blade) or (personnel of the KCSO will not place hands in a trash can, sharps container, or laundry bag where regulated waste or contaminated laundry may be present.)
- 3. Employees and volunteers of the KCSO shall use universal precautions when in contact with blood or other potentially infectious materials are absolutely necessary. Universal precautions shall be replaced as soon as practical when contaminated or as soon as feasible if they are torn, punctured or when their ability to function as a barrier is compromised.

4. Personal protective equipment (PPE) shall be inspected at a minimum of semiannually and documented on the appropriate KCSO inspection form.

B. Work Practice Controls

1. Engineering and work practice controls will be utilized to eliminate or minimize exposure to KCSO employees and volunteers. Where occupational exposure remains after institution of these controls, PPE shall also be utilized. Personnel shall use universal precautions and/or body substance isolation techniques when in contact with blood or other potentially infectious body fluids, materials, or surfaces.

C. Engineering Controls

1. This KCSO will identify the need for changes in engineering control and work practices through:
  - a. review of OSHA records;
  - b. suggestions from the Chester River Hospital Center;
  - c. KCSO employee or volunteer suggestions
2. The following engineering controls will be supplied to the KCSO employee or volunteer and shall be inspected during preventative maintenance and equipment checks:
  - a. disposable eye protection;
  - b. disposable masks/HEPA masks;
  - c. disposable isolation kits;
  - d. disposable gloves;
  - e. red biohazard bags;
  - f. disposable overalls;
  - g. disposable sharps containers

D. Handwashing

1. The KCSO will assure hand-washing facilities are available to employees and volunteers who incur an exposure to blood or other potentially infectious materials. OSHA requires that these facilities be readily accessible after incurring exposure. Hand-washing facilities are located at:
  - a. University of Maryland Shore Medical Center at Chestertown;
  - b. Kent County Emergency Services:

- c. Kent County Sheriff's Office;
    - d. All Kent County Fire/EMS/Rescue Companies
  - 2. When hand-washing facilities are unavailable (due to location away from the locations identified in D, 1. a.-d.) the KCSO recommends that each KCSO employee carry a suitable antiseptic hand cleaner in his/her patrol unit.
  - 3. If an employee or volunteer incurs an exposure to their skin or mucous membranes then those areas shall be washed or flushed with water immediately or as soon as feasible following contact, even after use of antiseptic cleaner.
  - 4. If an employee or volunteer incurs an exposure that requires full body decontamination shower facilities are located at the following locations:
    - a. Kent County Emergency Medical Services;
    - b. Kent County Station 8;
    - c. University of Maryland Shore Medical Center at Chestertown
  - 5. Such facilities shall be utilized immediately or as soon as feasible following contact.
  - 6. After removal of gloves or PPE, employees and volunteers shall wash hands and any other potentially contaminated skin area immediately or as soon as feasible with soap and water.
- E. Sharps Containers
- 1. It will be the responsibility of the KCSO to have properly labeled sharps containers in stock and available. These containers shall be:
    - a. closable;
    - b. puncture resistant;
    - c. labeled or color-coded in accordance with this standard;
    - d. leak-proof on the sides and bottom.
  - 2. It will be the responsibility of the Patrol Division Commander and Criminal Investigation Division Commander to ensure that a sharps box is available in each of their respective command locations.
  - 3. It is also the responsibility of each respective commander listed in E, 2 above to assure the sharp boxes are properly labeled. This will be done using a standard, approved container that is color coded red, red-orange or has a

biohazard label. Sharps containers shall be maintained in an upright position and not overfilled, they are to be removed and sealed.

4. When KCSO employees are ready to discard containers, they should immediately close the lids. If there is a chance of leakage from the primary container, the employees should use a secondary container that is closable, labeled, or color-coded, and leak resistant.
5. KCSO employees or volunteers must never reach by hand into containers of contaminated sharps for any reason.

- a. Current hospital disposal site:

- (1.) University of Maryland Shore Medical Center at Chestertown

#### G. Evidence Specimen Handling

1. Evidence specimens of blood or other potentially infectious materials will be placed in a container that prevents leakage during the collection, handling, processing, storage, and transport of the specimens.
2. The container used for this purpose will be labeled or color-coded in accordance with the requirements of the OSHA standard
3. Any specimens, which could puncture a primary container, will be placed within a secondary container that is puncture resistant (i.e. a sharps container).
4. If outside contamination of the primary container occurs, the primary container shall be placed within a secondary container that prevents leakage during the handling, processing, storage, transport, or shipping of the specimen.

#### H. Equipment Decontamination

1. Equipment that has become contaminated with blood or other potentially infectious materials shall be examined prior to servicing or shipping and shall be decontaminated as necessary unless the decontamination of the equipment is not feasible.
2. Cleaning and Disinfections
  - a. All disposable items will be promptly disposed at the University of Maryland Shore Medical Center at Chestertown
  - b. All non-disposable equipment will be cleaned and disinfected in the following manor:

- (1) HIGH – High-level disinfections by either a hospital or "in contact" with an EPA chemical "sterilant" for 20 - 45 minutes (or as directed).
- (2) INTERMEDIATE – Intermediate disinfections by HD/TB or a solution of bleach and water dilution in 1:100 for 20 - 40 minutes.
- (3) LOW – General cleaning and removal of soil (if any blood or body fluid is present a higher level of disinfections must be done).

#### I. Personal Protective Equipment (PPE)

1. All PPE used in the KCSO will be provided without cost to employees or volunteers. PPE will be chosen based on the anticipated exposure to blood or other potentially infectious materials. The PPE will be considered appropriate only if it does not permit blood or other potentially infectious materials to pass through or reach the employee's or volunteer's clothing, skin, eyes, mouth, or other mucous membranes under normal conditions or use and for the duration of time which the PPE will be used.
2. The KCSO shall ensure that appropriate PPE in the appropriate sizes is readily accessible at the worksite or is issued. Hypoallergenic gloves, glove liners, powderless gloves, or other similar alternatives shall be readily accessible to those employees and volunteers who are allergic to the gloves normally provided. PPE will be provided to employees and volunteers in the following manner:

<u>Protective Equipment</u>	<u>When Utilized</u>
Standard KCSO Uniform	Routine law enforcement calls for service
Goggles/Safety Glasses	All KCSO calls for service where Infection Potential Exists
Disposable Mask/HEPA Mask	All KCSO calls for service where Infection Potential Exists
Disposable Coveralls	All KCSO calls for service where Infection Potential Exists
Disposable Gloves	All KCSO calls for service where Infection Potential Exists
Boots	All KCSO calls for service where Infection Potential Exists

3. It will be the responsibility of the KCSO to see that the above-identified items are in stock and available. It will be the individual KCSO employee's responsibility to assure that the necessary equipment is carried in his/her assigned agency vehicle.
4. All PPE will be cleaned, laundered, disposed of, repaired, or replaced by the KCSO at no cost to the employee or volunteer.
5. All garments that are penetrated by blood shall be removed immediately or as soon as feasible.
6. Gloves shall be worn where it is reasonably anticipated that employees or volunteers will have hand contact with blood, other potentially infectious materials, non-intact skin, and mucous membranes. Gloves will be available in KCSO vehicle and available at the KCSO.
7. Disposable gloves used by KCSO employees or volunteers are not to be washed or decontaminated for re-use and are to be replaced as soon as practical when they become contaminated, or as soon as feasible, if they are torn, punctured, or when their ability to function as a barrier is compromised. Utility gloves may be decontaminated for re-use provided that the integrity of the glove is not compromised. Utility gloves will be discarded if they are cracked, peeling, torn, punctured, or exhibits other signs of deterioration or when their ability to function as a barrier is compromised.
8. Masks in combination with eye protection devices, such as goggles or glasses with solid side shields, or chin length face shields, are required to be worn whenever splashes, spray, splatter, or droplets of blood or other potentially infectious materials may be generated and eye, nose, or mouth contamination can reasonably be anticipated.

J. Housekeeping at KCSO by KCSO Personnel

1. Surfaces and Equipment

- a. Decontamination of equipment will be accomplished by cleaning with soap and water, and application of an approved germicide (i.e. Wavicide™, etc.). Contaminated equipment will be decontaminated immediately by the KCSO employee involved. Any equipment that is so contaminated that it cannot be effectively decontaminated will be properly disposed of in a biohazard container. The KCSO Patrol Division Commander or Criminal Investigation Division Commander will be notified of equipment disposal and will be responsible for its replacement for his/her respective division.

- b. All equipment and working surfaces that have been contaminated or suspected of contamination shall be cleaned and decontaminated as necessary.
- c. The KCSO employee's or volunteer's hands shall not pick up any broken glass or glassware that may be contaminated. Only using mechanical means such as tongs, brush and dustpan, or forceps must pick up broken glassware. Broken glass or glassware will never be picked up with bare or gloved hands.

## 2. Work Area Restrictions

- a. In work areas where there is a reasonable likelihood of exposure to blood or other potentially infectious materials, KCSO employees and volunteers are not to eat, drink, apply cosmetics or lip balm, smoke, or handle contact lenses.

## 3. Regulated Waste Disposal

- a. Regulated waste includes liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.
- b. The procedure for handling sharps disposal containers is: All sharps containers, upon becoming two-thirds full, will be taken to the University of Maryland Shore Medical Center at Chestertown for disposal. The sharps container will be properly closed and placed in the designated location in the "Soiled Utility Room". Replacement sharps containers are also located in this room.
- c. Regulated waste other than sharps shall be placed in a red biohazard bag. If there is a potential for leakage the red biohazard bag must be placed in a secondary leak proof container.
- d. Disposal of all regulated waste shall be in accordance with Maryland Regulations (COMAR 26.13.11-13 and COMAR 10.06.06). The KCSO shall turn regulated waste in at the following hospitals:

(1) University of Maryland Shore Medical Center at Chestertown.



#### 4. Laundry Procedures

- a. Clothing contaminated with blood or other potentially infectious material will be handled as little as possible.
  - (1) All KCSO employees or volunteers who have their uniforms contaminated will have them laundered appropriately before wearing same again.
  - (2) If for any reason contaminated clothing cannot be cleaned by the KCSO employee or volunteer, the clothing shall be cleaned at a commercial cleaning establishment. It shall be the KCSO employee's or volunteer's responsibility to segregate the clothing from any other clothing and to notify the commercial cleaning establishment that the clothing is or may be contaminated.

#### K. Labeling

1. Labels required by this section shall include the following legend:

These labels shall be fluorescent orange or orange-red or predominantly so, with the word BIOHAZARD and biohazard symbol in contrasting color



- a. Warning labels shall be affixed to containers of regulated waste, refrigerators and freezers containing blood or other potentially infectious material; and other containers used to store, transport or ship blood or other potentially infectious materials. Labels shall be affixed as close as feasible to the container by string, wire, adhesive, or another method to prevent loss or unintentional removal of the label.

#### G. Vaccinations

##### A. Hepatitis B Vaccination

1. All KCSO employees and volunteers will be offered the Hepatitis B vaccine. Post-exposure evaluation and follow-up will also be offered to all employees and volunteers who have had an exposure incident.

2. If the KCSO employee or volunteer has previously had the vaccine, the employee or volunteer will be responsible to provide verification of the vaccination, the date of the vaccination, and who provided the vaccination this information will be maintained in the individual's secure personnel file
3. KCSO employees or volunteers who decline the Hepatitis B Vaccine will sign a waiver that uses the wording of the OSHA standard.
4. KCSO Employees or volunteers who initially decline the vaccine but who later wish to have it may do so at any time. It shall be the responsibility of the Chief Deputy to see that all KCSO employees or volunteers that decline the Hepatitis B Vaccine sign a waiver.
5. The vaccine will be given in a three-shot series (with the second shot being given 30 days following the first, and the third shot given at 6 months after the first shot).
  - a. Blood antibody, or titer, testing should be completed 1-2 months after the hepatitis series is administered, to ensure that the appropriate antibodies are present.
  - b. Individuals that test negative for HBV antibodies after receiving the Hepatitis "B" series will be given the entire series again, followed by additional titer testing to confirm antibody presence.
  - c. Individual that test negative for HBV antibodies after the second series of shots will be considered a non-responder to the vaccine. This will then be documented in the member's immunization record and no additional hepatitis B shots will be required since they will be considered immune.

## **VII. Reporting Procedure**

- A. Infectious disease exposure incidents and/or concerns and questions should be immediately referred to the Chief Employee and/or Sheriff.
- B. When the KCSO employee or volunteer incurs an exposure incident, it should be reported to:
  1. The KCSO Supervisor on-duty;
  2. The Chief Deputy and/or Sheriff;
  3. University of Maryland Shore Medical Center at Chestertown;
  4. The hospital that the source patient was transported to.
- C. All KCSO employees or volunteers who incur an exposure incident will be offered a confidential medical evaluation and follow-up in accordance with the OSHA standards. This follow-up will include, but is not limited to the following:

1. A KCSO CrimeStar Incident Report (IR) will be completed by the KCSO employee or volunteer exposed. The completion of this report should be done in consultation with the on-duty KCSO Supervisor. In no instance should report completion and physician evaluation be delayed. The report is to be completed by the KCSO employee or volunteer, unless he or she is unable to do so, then the on-duty KCSO Supervisor will complete same and forward the IR to the Chief Deputy and Sheriff. Report information will include and not be limited to:
  - a. a description of the exposed KCSO employee's or volunteer's duties as they relate to the exposure incident, including where and when and by whom treatment was administered to the KCSO employee or volunteer;
  - b. documentation of route(s) of exposure and circumstances under which exposure occurred to include place of exposure and or contact/patient information;
2. Through direct input by the KCSO employee or volunteer is necessary to enable the evaluating physician to understand exactly what exposure occurred and therefore direct treatment appropriately.
3. The following table represents the current CDC guidelines for HIV post exposure prophylaxis:

<u>Recommended HIV post exposure prophylaxis for mucous membrane exposures skin exposures</u>					
Infection Status of Source					
Exposure Type	HIV-Positive Class 1	HIV-Positive Class 2	Source of Unknown HIV Status	Unknown Source	HIV Negative
Small Volume	Consider basic 2-drug PEP	Recommend basic 2-drug PEP	Generally, no PEP warranted; however, consider basic 2-drug PEP for source with HIV risk factors	Generally, no PEP warranted; however, consider basic 2-drug PEP in settings where exposure to HIV-infected persons is likely	No PEP warranted
Large Volume	Recommend basic 2-drug PEP	Recommend expanded 3-drug PEP	Generally, no PEP warranted; however, consider basic 2-drug PEP for source with HIV risk factors	Generally, no PEP warranted; however, consider basic 2-drug PEP in settings where exposure to HIV-infected persons is likely	No PEP warranted

**For skin exposures, follow-up is indicated only if there is evidence compromised skin integrity (e.g., dermatitis, abrasion, or open wound).**

HIV-Positive, Class 1 – asymptomatic HIV infection or known low viral load (e.g., <1,500 RNA copies/ml). HIV-Positive, Class 2 – symptomatic HIV infection, AIDS, acute seroconversion, or known high viral load. If drug resistance is a concern, obtain expert consultation. Initiation of post-exposure prophylaxis (PEP) should not be delayed pending expert consultation, and, because expert consultation alone cannot substitute for face-to-face counseling, resources should be available to provide immediate evaluation and follow-up care for all exposures.

Source of unknown HIV status (e.g., deceased source person with no samples available for HIV testing).

Unknown source - (e.g., splash from inappropriately disposed blood).

Small volume (i.e., a few drops)

The designation, “consider PEP,” indicates that PEP is optional and should be based on an individualized decision between the exposed person and the treating clinician. If PEP is offered and taken and the source is later determined to be HIV-negative, PEP should be discontinued.

Large volume - (i.e., major blood splash).

- (1) For no reason shall an exposed KCSO employee or volunteer delay post-exposure physician evaluation. (i.e. completion of KCSO Incident Report).
- (2) If at all possible, the exposed KCSO employee or volunteer should be transported to the same hospital as the source patient.
- (3) If possible, the information of the identification of the source individual and the status of the source individual will be documented. The blood of the source individual will be tested (after consent is obtained) for HIV/HBV infectivity.
- (4) Results of testing of the source individual will be made available to the exposed KCSO employee or volunteer with the exposed KCSO employee or volunteer informed about the applicable laws and regulations concerning disclosure of the identity and infectivity of the source individual.
- (5) The KCSO employee or volunteer will be offered the option of having their blood collected for testing of the KCSO employee's or volunteer's HIV/HBV serological status. If the KCSO employee or volunteer consents to baseline blood collection but does not give consent at that time for HIV serological testing, the sample shall be preserved for at least 90 days. If within 90 days of the exposure incident, the KCSO employee or volunteer elects to have the baseline sample tested, such testing shall be done as soon as feasible.

- (6) The KCSO employee or volunteer will be offered post exposure prophylaxis in accordance with the current recommendations of the Center for Disease Control and Prevention.
  - (7) The KCSO employee or volunteer will be given appropriate counseling by the Kent County Health Department concerning precautions to take during the period after the exposure incident. The KCSO employee or volunteer will also be given information on what potential illnesses to be on the alert for and to report any related experiences to appropriate personnel.
  - (8) The following persons have been designated to assure that the policy outlined here is effectively carried out as well as to maintain records related to this policy.
    - a. KCSO Supervisor on-duty at the time of the exposure
    - b. Chief Deputy and/or Sheriff
4. Interaction with Health Care Professionals in the Event of a Reported Exposure Incident
- 1. A written opinion shall be obtained from the health care professional that evaluates the KCSO employee or volunteer. The KCSO shall obtain and provide the KCSO employee or volunteer with a copy of the evaluating healthcare professional's written opinion within 15 days of the completion of the evaluation. Written opinions will be obtained in the following instances:
    - a. when the KCSO employee or volunteer is sent to obtain the Hepatitis B Vaccine;
    - b. whenever the KCSO employee or volunteer is sent to a health care professional following an exposure incident.
  - 2. Health care professionals shall be instructed to limit their opinions to:
    - a. whether the Hepatitis B Vaccine is indicated and if the KCSO employee or volunteer has received the vaccine or for evaluation following an incident;
    - b. whether the KCSO employee or volunteer has been informed of the results of the evaluation;
    - c. whether the KCSO employee or volunteer has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials, which require further evaluation or treatment. (Note that the written opinion to the KCSO is not to reference any personal medical information).

### 3. Instruction for the Evaluating Physician

- a. The KCSO employee or volunteer may have suffered an exposure incident as defined in the Bloodborne Pathogens Standard 29 CFR 1910.1030. In accordance with the standard's provision for post exposure evaluation and follow up, the KCSO employee or volunteer presents to you for evaluation.
- b. Included to assist you in this evaluation are:
  - (1) A copy of 29 CFR 1910.1030, Occupational Exposure to Bloodborne Pathogens;
  - (2) A description of the exposed KCSO employee's or volunteers' duties as they relate to the exposure incident;
  - (3) Documentation of the routes of exposure and circumstances under which exposure occurred;
  - (4) Results of the source individual's blood testing, if available;
  - (5) All medical records relevant to this KCSO employee's or volunteer's appropriate treatment, including vaccination status.
- c. After completing the evaluation, please:
  - (1) Inform the KCSO employee or volunteer regarding the evaluation results and any follow up needed;
  - (2) Complete the attached written opinion forms and give it to the KCSO employee or volunteer;
  - (3) Instruct the KCSO employee or volunteer to forward all copies to the Chief Deputy for inclusion in the individual's personnel file and maintained as part of the KCSO employee's or volunteer's confidential medical record.
- d. Should you have any questions regarding the evaluations or medical records, please call the Chief Deputy at (410) 778-2279.
- e. Information provided to the evaluating physician
  - (1) Post-exposure evaluation and follow-up are to be provided to the KCSO employee or volunteer consistent with the requirements of 29 CFR 1910.1030. The KCSO employee or volunteer is directed to return to the Chief Deputy the physician's written opinion which will become part of the KCSO employee's or volunteer's confidential medical record.

## **VIII. Information and Training**

- A. Training for all KCSO employees and volunteers will be conducted prior to initial assignment to tasks where occupational exposure may occur. It will be the responsibility of the KCSO employee supervising the volunteer to assure adherence to this plan. Training for KCSO employees and volunteers will include explanations of the following:
  - 1. The OSHA standard for Infectious Disease;
  - 2. Epidemiology and symptomatology of Infectious Disease;
  - 3. Modes of transmission of bloodborne pathogens;
  - 4. This exposure control plan, areas of responsibility, and how the plan will be implemented;
  - 5. Procedures that might cause exposure to blood or other potentially infectious materials;
  - 6. Control methods that will be used by the KCSO to control exposure to blood or other potentially infectious materials;
  - 7. PPE available to KCSO employees and volunteers and who should be contacted about it;
  - 8. Post exposure evaluation and follow-up;
  - 9. Signs and labels used by the KCSO;
  - 10. Hepatitis B Vaccine program used by the KCSO.
- B. Training will be conducted utilizing the MIEMSS, or related classes given by Chester River Hospital Center or Kent County Health Department or other credible source and will follow all elements specified in OSHA's 29 CFR 1910.1030 and DOT guidelines.
  - 1. All KCSO employees and volunteers of the KCSO will participate in a bloodborne pathogens training program that includes the information of this exposure plan at the time of initial assignment to tasks where occupational exposure occurs. All KCSO employees and volunteers will also receive refresher training to bloodborne pathogens and to this exposure plan or when update in this policy or procedure occurs. It is the responsibility of the Chief Deputy to monitor the training and to assure training is completed by each employee and volunteer.

## **XII. Recordkeeping**

- A. The KCSO will maintain all records required by the OSHA standard. This record should include:
  - 1. Name and social security number of KCSO employee or volunteer;
  - 2. Hepatitis B vaccination status including the dates of all the Hepatitis B vaccinations and any medical records relative to the KCSO employee's or volunteer's ability to receive the vaccination;
  - 3. A copy of all results of examinations, medical testing and follow-up procedures as required;
  - 4. A copy of the healthcare professional's written opinion as required.
- B. The Sheriff will maintain these records. All medical records are considered confidential in nature and are not to be disclosed without the KCSO employee's or volunteer's express written consent. The KCSO shall preserve and maintain their records indefinitely.
- C. Medical consults for post-exposure and personnel responsible for Hepatitis Vaccinations (including record keeping) will be handled by the Kent County Health Department, located at 125 Lynchburg St., Chestertown, Maryland 21620.
  - 1. All records will be maintained indefinitely.
  - 2. Recording of Exposure Incidents.
    - a. The KCSO shall establish and maintain an OSHA Form 300 Log of Work-Related Injuries and Illnesses. The KCSO employee's or volunteer's name must not be entered on the 300 Log. If the KCSO employee or volunteer is later diagnosed with an infectious bloodborne disease, the identity of the disease must be entered, and the classification must be changed to an illness.
    - b. The Chief Deputy will ensure that there is an OSHA Form 301 Injury and Illness Incident Report is completed for each entry on the OSHA Form 300. These forms can be accessed on the following OSHA website:  
<http://www.osha.gov/recordkeeping/new-osha300form1-1-04.pdf>
    - c. The Chief Deputy will ensure that there is an OSHA Form 300A Summary of Work-Related Injuries and Illnesses is completed and posted for review by the department from February 1<sup>st</sup> to April 30<sup>th</sup> of each year for the previous year.
    - d. The KCSO shall establish and maintain a Sharps Injury Log for the recording of percutaneous injuries from contaminated sharps. The information in the Sharps Injury Log shall be recorded and maintained in



such manner as to protect the confidentiality of the injured KCSO employee or volunteer. The Sharps Injury Log shall contain, at a minimum:

1. type of exposure;
2. circumstance of exposure;
3. task or activity being performed when exposure occurred;
4. the type and brand of device involved in the incident;
5. the Department or work area where the exposure incident occurred;
6. training of the KCSO employee or volunteer experiencing the exposure;
7. an explanation of how the incident occurred.

#### **X. Training Records**

- A. Training records are to contain all information specified in 29 CFR 1910.1030 and will be maintained indefinitely from the date on which the training occurred. The Chief Deputy will maintain training records.
- B. Training records will be available upon request for examination and copying to KCSO employees and volunteers of the KCSO.

#### **XI. OSHA Infection Control Plan Officers & Alternates**

- A. Liaisons to the Kent County Health Department:
  1. Chief Deputy

#### **XII. Definition of term**

Assistant Secretary	Assistant Secretary of Labor for Occupational Safety and Health, or designated representative.
Blood	Human blood, human blood components, and products made from human blood.
Bloodborne Pathogens	Pathogenic microorganisms that are present in human blood and can cause disease in humans. These include but are not limited to: Hepatitis B, C, HIV and Human immunodeficiency virus (HIV).

Clinical Laboratory	Workplace where diagnostic or other screening procedures are performed on blood or other potentially infectious materials.
Contaminated	presence or the reasonably anticipated presence of blood or other potentially infectious materials or may contain sharps.
Contaminated Laundry	Laundry which has been soiled with blood or other potentially infectious materials or may contain sharps.
Contaminated Sharps	Any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, broken glass, broken capillary tubes, and exposed ends of dental wires.
Decontamination	The use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.
Director	Director of the National Institute for Occupational Safety and Health, U.S. Department of Health and Human Services, or designated representative.
Engineering Controls	Controls (e.g., sharps disposal containers, self-sheathing needles, safer medical devices, such as sharps with engineered sharps injury protections and needleless systems) that isolate or remove the bloodborne pathogens hazard from the workplace.
Exposure Incident	A specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that result from the performance of an Employee's duties.

Hand-washing Facilities	A facility providing an adequate supply of running potable water, soap and single use towels or hot air drying machines.
Licensed Healthcare Professional	Person whose legally permitted scope of practice allows him or her to independently perform the activities required by paragraph (f) Hepatitis B Vaccination and Post-exposure Evaluation and Follow-up.
HBV	Hepatitis B virus.
HIV	Human Immunodeficiency Virus.
Licensed Healthcare Professional	Is a person whose legally permitted scope of practice allows him or her to independently perform the activities required by paragraph (f) Hepatitis B Vaccination and Post-exposure Evaluation and follow-up.
Neddleless systems	<p>A device that does not use needles for:</p> <ol style="list-style-type: none"> <li>(1) The collection of bodily fluids or withdrawal of body fluids after initial venous or arterial access is established;</li> <li>(2) The administration of medication or fluids; or</li> <li>(3) Any other procedure involving the potential for occupational exposure to bloodborne pathogens due to percutaneous injuries from contaminated sharps.</li> </ol>
Occupational Exposure	Reasonable anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result form the performance of a KCSO employee's or volunteer's duties.

Other Potentially  
Infectious Materials

- (1) The following human body fluids:  
semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, and body fluid that is visibly contaminated with blood, and all body fluids, in situations where it is difficult or impossible to differentiate between body fluids;
- (2) Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and
- (3) HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV.

Parenteral

Piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions.

Personal Protective Equipment

Specialized clothing or equipment worn by a KCSO employee or volunteer for protection against a hazard. General work clothes (e.g., uniforms, pants, shirts or blouses) not intended to function as protection against a hazard are not considered to be PPE.

Production Facility

A facility engaged in industrial-scale, large-volume or high concentration production of HIV or HBV.

Regulated Waste

Liquid or semiliquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semiliquid state if compressed; are capable of releasing these material during

handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.

Research Laboratory

Means a laboratory producing or using research-laboratory-scale amounts of HIV or HBV. Research laboratories may produce high concentrations of HIV or HBV but not in the volume found in production facilities.

Sharps with engineered sharps injury protections

A non-needle sharp or a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluid, with a built-in safety feature or mechanism that effectively reduces the risk of an exposure incident.

Source Individual

Any individual, living or dead, whose blood or other potentially infectious material may be a source of occupational exposure to the KCSO employee or volunteer. Examples include, but are not limited to, hospital and clinic patients; clients in institutions for the developmentally disabled; trauma victims; clients of drug and alcohol treatment facilities; residents of hospices and nursing homes; human remains; and individuals who donate or sell blood or blood components.

Sterilize

The use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

Universal Precautions

An approach to infection control. According to the concept of Universal Precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens.

Work Practice Controls

Controls that reduce the likelihood of exposure by altering the manner which a task is performed (e.g., prohibiting recapping of needles by a two-handed technique)

To the Evaluating Physician:

After you have determined whether there are contraindications to vaccination of this KCSO employee or volunteer with the Hepatitis B vaccine, please state in the space below only (A) if vaccine was indicated or (B) if vaccine was received.

(All other findings are to remain confidential and are not to be included on this page)

Please return this sheet to this KCSO employee or volunteer.	
	(Name of KCSO employee or volunteer)

Thank you for your evaluation of this KCSO employee or volunteer.

Physician's Signature

Physician's Name (Printed)	Date

To the Evaluating Physician:

After your evaluation of this KCSO employee or volunteer, please assure that the following information has been furnished to the employee and provide your initials beside the following statements:

A.		The KCSO employee or volunteer has been informed of the results of this evaluation.
B.		The KCSO employee or volunteer has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials, which require further evaluation and treatment.

No other findings are to be included on this report.

Please return this sheet to this KCSO employee or volunteer	
	(Name of KCSO employee or volunteer)

Thank you for your evaluation of this KCSO employee or volunteer.

Physician's Signature

Physician's Name (Printed)	Date

## KCSO Sharps Injury Log

Name:	
Date:	

Type of exposure:	

Circumstance of exposure:	

Task or activity being performed when exposure occurred:	

The type and brand of device involved in the incident:	

The work area where the exposure incident occurred:	

Training of Employee experiencing the exposure:	

Explain how the incident occurred:	

Signature:		Date:	
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## **Kent County Sheriff's Office Acceptance/ Declination of Vaccine Form**

### **\_\_\_\_\_ I Accept the Vaccination**

I have been informed of and understand the use and role of Hepatitis vaccine. I have also been informed and understand the risks associated with this agent and absolve the Kent County Sheriff's Office of any responsibility for any and all reactions from this medication and its administration.

Employee Name: (First, MI, Last) \_\_\_\_\_ Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Vaccine Date I: \_\_\_\_\_ Vaccine Date II: \_\_\_\_\_ Vaccine Date III: \_\_\_\_\_

Lot #: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

---

### **\_\_\_\_\_ I Decline the Vaccination**

I understand that due to my occupation, exposure to blood or other potentially infectious material, I may be at risk of acquiring Hepatitis B virus (HBV) infection. I have been given to opportunity to be vaccinated with Hepatitis B vaccine at no charge to myself. However, I decline the Hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk for acquiring Hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with Hepatitis B vaccine, I can receive the vaccination series at no charge to me.

Employee Name: (First, MI, Last) \_\_\_\_\_ Date: \_\_\_\_\_ Signature: \_\_\_\_\_

### **\_\_\_\_\_ I have had the series of three (3) Hepatitis B vaccinations.**



**CHAPTER 6**  
**CONCURRENT JURISDICTION AND MUTUAL AID**

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## **6-001                    CONCURRENT JURISDICTION AND MUTUAL AID**

This Chapter describes the relationships between the KCSO and the other agencies which have responsibility for enforcing the law in Kent County. It also describes the agreements Kent County has established with those jurisdictions and with other, neighboring jurisdictions, to assist each other in the event of need.

## **6-100                    CONCURRENT JURISDICTION**

Chapter 2 of this Manual describes the jurisdiction of the KCSO as Kent County, Maryland. However, other law enforcement agencies also have the authority to enforce the law within the County. This section describes the jurisdiction of each.

## **6-101                    KENT COUNTY SHERIFF'S OFFICE**

The KCSO can enforce the laws of the State of Maryland anywhere within the boundaries of the County, as defined in Chapter 2. The KCSO can enforce the law not only in the unincorporated areas of Kent County, but within the towns, including the towns of Chestertown and Rock Hall, which have their own police departments.

Because of an agreement between the State of Maryland and the U.S. Department of the Interior, the KCSO also has the authority to enforce the laws of the State of Maryland in the Eastern Neck Island National Wildlife Refuge.

In Chapter 9 of this Manual, the principles of fresh pursuit are discussed. Those principles govern a KCSO Deputy's authority to enforce the law outside Kent County, including outside the State of Maryland.

## **6-102                    MARYLAND STATE POLICE**

The Maryland State Police (MSP) has the authority to enforce the laws of the State throughout the State, including in Kent County. The KCSO has entered into an agreement with the MSP to allocate workload within the County.

That agreement provides, with respect to criminal enforcement:

- a. That "KENT" will rotate calls for service between the KCSO and the MSP.
- b. That the MSP and the KCSO will each handle the investigation of criminal offenses when specifically requested.
- c. That each agency will assume primary responsibility for investigation of an offense witnessed by a member of the agency.
- d. That the MSP will have primary responsibility for responding to calls for service at State-owned or operated institutions or facilities.
- e. That both agencies will investigate organized criminal activity and conspiracies.

With respect to traffic enforcement, the agreement provides:

- a. That the MSP has primary responsibility for patrol and traffic enforcement on all US routes, State routes and their intersections.

- b. That the KCSO has primary responsibility for patrol and traffic enforcement on County roads.
- c. That the MSP has responsibility to enforce all motor vehicle violations it witnesses and may, on request, investigate motor vehicle accidents anywhere in the County.
- d. That the MSP is responsible for investigating all motor vehicle accidents which occur on US routes or Maryland routes, or which involve an MSP or State of Maryland vehicle.
- e. The KCSO is responsible for investigating all motor vehicle accidents which occur on County roads or which involve a KCSO or Kent County-owned vehicle. The MSP will provide investigative assistance upon request.
- f. An officer of either agency who witnesses an accident is responsible for investigating that accident, regardless of where it occurs.

In the event the agency with primary responsibility for a specific area of enforcement is unable to respond in a timely manner, the other agency may handle the incident.

Additionally, the agency first arriving on the scene of an incident of a minor nature will routinely handle that incident if time permits, without notifying the agency having primary responsibility.

The KCSO will review concurrent jurisdiction agreements every four (4) years or sooner if any of the participants request same.

#### **6-103 TOWNS OF CHESTERTOWN AND ROCK HALL**

In general, the police departments of the towns of Chestertown and Rock Hall have authority to enforce the laws of the State only within their jurisdiction.

An agreement between Kent County and the two towns provides, however, that if a Chestertown or Rock Hall police officer is on official duty on a highway, road, street, or alley that intertwines or abuts the County, and observes a crime in progress within the County, the officer may exercise police powers within the County.

“KENT” gives priority assignment of all requests for police service or response to traffic accidents within Chestertown and Rock Hall to their police departments. If they are unable to respond, the KCSO or the MSP will be asked to respond.

If the KCSO is specifically requested to investigate a crime which occurs within either town, it may do so.

The KCSO will review concurrent jurisdiction agreements every four (4) years or sooner if any of the participants request same.

#### **6-104 CECIL AND QUEEN ANNE’S COUNTIES, MARYLAND**

Agreements between Kent County and these jurisdictions provide that if a police officer of either jurisdiction is on official duty on a highway, road, street, or alley that intertwines or abuts the other, and observes a crime in progress in the other jurisdiction, the officer may exercise police powers in the neighboring jurisdiction. However, because of the water boundaries with Cecil and Queen Anne’s Counties this is not a likely circumstance.

Enforcement issues with these jurisdictions are more likely to involve fresh pursuit or, as described below, mutual aid.

**(CALEA 2.1.2)**

## **6-200 MUTUAL AID AGREEMENTS**

Kent County has entered into agreements with the following jurisdictions to provide mutual aid in emergency situations:

- a. Chestertown, Maryland
- b. Rock Hall, Maryland
- c. Maryland State Police
- d. Cecil County Sheriff's Office
- e. Queen Anne's County Sheriff's Office
- f. Caroline County Sheriff's Office
- g. Wicomico County Sheriff's Office
- h. Somerset County Sheriff's Office
- i. Worcester County Sheriff's Office
- j. Dorchester County Sheriff's Office
- k. Talbot County Sheriff's Office

**Note:** In the event assistance is required from Delaware agencies, the KCSO will request it through "KENT".

## **6-201 PROVISIONS OF THE AGREEMENTS**

The agreements with all jurisdictions are the same. They provide:

- a. When the Sheriff or the chief law enforcement officer of the other jurisdiction determines that there is an emergency situation and the jurisdiction does not have sufficient personnel or equipment immediately available to handle the emergency, he or she may ask for assistance. The determination to make a request and to respond to a request lies solely with the Sheriff or the head of the other agency, or a designee.
- b. The Criminal Procedure Article of the Maryland Code gives an officer who is dispatched under these circumstances' full authority to exercise police powers.
- c. KCSO Deputies sent to another jurisdiction will be specifically told by their Commander(s) where and to whom they are to report. Under most circumstances, Deputies will remain under the command of a KCSO supervisor.
- d. Radio communications will be maintained either through "KENT" or through the issuance of portable radio units provided by the other jurisdiction.

The agreements also include provisions concerning reimbursement for services, liabilities of the parties, and review and revision of the agreements.

**(CALEA 2.1.3)**

## **6-202 WRITTEN AGREEMENTS FOR LAW ENFORCEMENT SERVICES**

From time to time the KCSO may enter into written agreements with Kent County municipalities to provide services to those jurisdictions on a reimbursable overtime basis. All such agreements will be made in writing and will include:

- a. The specific services to be provided;
- b. The specific financial agreements between the parties;
- c. The specific records to be maintained concerning the performance of services by the provider agency;
- d. Language dealing with the duration, modification and termination of the contract;
- e. Language dealing with legal contingencies;
- f. Stipulation that the KCSO maintains control over its employees;
- g. Arrangements for the use of equipment and facilities; and
- h. A procedure for review and revision of the agreement every 4 years

These overtime duties are performed by KCSO Deputies on a voluntary, paid overtime basis. During those periods, the Deputies are for all purpose's employees of and under the direction of the KCSO. Their employment rights as KCSO employees are not abridged by virtue of the funding source for this duty.

**(CALEA 3.1.1, 3.1.2)**

**CHAPTER 7**  
**INTERNAL AFFAIRS**  
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## **7-001 INTERNAL AFFAIRS**

All complaints against the KCSO or its employees, including anonymous complaints, will be investigated appropriately. Responsibility for the internal affairs function in the KCSO rests with the Chief Deputy, under the supervision of the Sheriff.

Through the issuance of this manual, and at least annually at full staff meetings, or through dissemination of a memorandum, employees will be informed of the procedures for filing internal affairs complaints. Employees will also be informed of the procedure for citizens to file complaints against employees or the agency and will keep KCSO Complaint Against Personnel Report forms in their vehicles.

A notice will be posted prominently at the KCSO main reception window, explaining how citizens may file complaints against the agency or its personnel. The Complaint Against Personnel Report form is available 24 hours per day, 7 days per week from Patrol Deputies and on the KCSO website.

The procedures described in this Chapter will apply to the following matters:

- a. any citizen complaint of wrongdoing by a KCSO employee;
- ~~b. any allegation, regardless of the source, of a violation of criminal law by a KCSO employee; and~~
- c. any allegation of a serious administrative violation by a KCSO employee, as determined by the Sheriff; and
- d. any incident by a KCSO Deputy involving death or serious injury.

**(CALEA 26.2.1, 26.2.3, 26.2.4, 26.3.1)**

## **7-100 RECEIVING CITIZEN COMPLAINTS**

Complaints against employees of the KCSO will be processed in accordance with this section.

- a. The employee first acquiring knowledge of a citizen complaint will immediately notify the superior officer on duty, who will notify the Chief Deputy.
- b. The on-duty Deputy will provide the citizen with the KCSO Complaint Against Personnel Report. The citizen will be advised that he or she may complete the report and leave it or may take the report, complete it at another time, and return it by mail or in person. If the citizen leaves the form, the Deputy on duty will forward the form to the Chief Deputy in a sealed envelope.
- c. A KCSO employee who wishes to file a complaint concerning another employee of any rank will submit the complaint in the form of a detailed report through the chain of command.
- d. A complaint concerning the Sheriff should be made to the State Prosecutor's Office, the Maryland State Police, the Federal Bureau of Investigation, or any other appropriate law enforcement agency.
- e. Anonymous callers should be referred to the Chief Deputy. Anonymous complaints are not, per se, excluded from investigation. The Chief Deputy or his or her designee will make every attempt to gain the cooperation of the complainant.
- f. The Chief Deputy will notify the Sheriff as soon as possible of all complaints against KCSO personnel, regardless of the source.

- g. Complaints received by KCSO employees regarding the conduct of law enforcement officers employed by allied law enforcement agencies will be referred to the Sheriff or Chief Deputy.

**(CALEA 26.3.2)**

- h. Citizen complaints forwarded directly to the Kent County Police Accountability Board shall be forwarded to the Chief Deputy for an investigation assignment within 3 days of receiving the complaint.

## **7-200            ASSIGNING CITIZEN COMPLAINTS FOR INVESTIGATION**

The Chief Deputy and the Sheriff will review all Complaint Against Personnel Reports, citizen complaints received by the Police Accountability Board and any other related reports to determine whether the complaint will be investigated by the employee's supervisor, the KCSO Criminal Investigation Division, another commissioned officer of the KCSO, or by another agency. In every case, the investigator assigned must be of a higher rank than the individual investigated.

Where investigation by the KCSO Criminal Investigative Division would represent a conflict of interest or position, the Chief Deputy may decide to assign responsibility for an investigation to another commissioned officer or perform the investigation himself or herself. With the approval of the Sheriff, he or she may also request the assistance of another law enforcement agency in the investigation.

**(CALEA 26.2.1, 26.2.3, 26.3.1)**

## **7-300            ASSIGNING OTHER INVESTIGATIONS**

- a. In general, supervisors will investigate allegations of violations of KCSO rules and regulations made against their subordinates, unless the Chief Deputy determines another investigator would be more appropriate.
- b. In the case of a serious violation of KCSO rule or regulation, or any violation of law, the KCSO Criminal Investigative Division will investigate, unless the Chief Deputy determines another investigator would be more appropriate.
- c. In the case of alleged or potential police-involved death of a civilian, the Chief Deputy shall follow the procedures as set forth below in section 7-400 of the KCSO Administrative and Operations Manual.
- d. The Chief Deputy shall be responsible for assigning case numbers to all investigations. The Chief Deputy shall maintain 2 investigations logs as follows:
  - i. IAU Log: This log shall contain investigations involving all citizen complaints, violations of the Use of Force Policy, behaviors that result in serious injury or death and all criminal arrests. These investigations shall be subject to released upon a Maryland Public Information Act request.
  - ii. Technical Violation Log: This log shall contain all technical violations investigated by the Shift Supervisor or above. Technical violations are minor infractions of the KCSO policies and procedures and are NOT required to be released under the Maryland Public Information Act.



## **7-400 INVESTIGATION OF COMPLAINTS**

### **7-401 TIME LIMITS**

Allegations of misconduct against sworn employees may diminish their effectiveness in the performance of duty, or, in the case of serious allegations, render them unfit for duty. The confidence of the public also demands that allegations of misconduct be resolved as quickly as possible.

Therefore, as a general rule, internal affairs investigations will be completed within 30 days. The investigating authority may request in writing, and the Chief Deputy may grant in writing, extensions of the time required for investigation.

**(CALEA 26.3.3)**

### **7-402 NOTICE TO EMPLOYEE**

The employee will be notified at the earliest appropriate time that he or she is the subject of a complaint or internal investigation. At that time, the Chief Deputy or his/her designee will complete KCSO form #118, Notification of Complaint and provide the employee with a written statement of the allegations and the employees' rights and responsibilities relative to the investigation.

Once a complaint has been assigned for investigation, the Sheriff will notify the complainant in writing:

- a. that the complaint has been received
- b. to whom it has been assigned
- c. that they will be kept apprised of the status of the investigation. They will be informed that the investigation will be completed within 30 days or notified of the status every 30 days.

At the conclusion of the investigation, the Sheriff will notify the complainant of the results. If the investigation is the result of a citizen complaint, the complainant will be given notification that the investigation has been forwarded to the Administrative Charging Committee for review and recommendations.

**(CALEA 26.3.4)**

### **7-403 ANONYMOUS COMPLAINTS**

By their nature, many anonymous complaints are difficult to substantiate. This will not preclude a preliminary inquiry into the matter. The investigation will be terminated if no additional evidence can be obtained.

**(CALEA 26.2.1)**

### **7-404 WHISTLEBLOWER PROTECTION**

It is the policy of the KCSO to require the mandatory reporting by all KCSO staff of serious violations of law and/or KCSO policy, procedures, or rules allegedly committed by any employee of KCSO.

Purposeful retaliation against or interference with an employee who in good faith, reports, assists the reporter, or seeks to report violations of law and/or KCSO policy, procedures or rules is prohibited.

Complaints of retaliation shall be reported to the Chief Deputy. If the Chief Deputy is the subject of, or otherwise involved in the complaint, the employee shall report the complaint to the Sheriff. An internal investigation will be assigned to the Chief Deputy.

## **7-405 INVESTIGATIVE METHODS**

When their use is material and essential to the matter under investigation, any of the following investigative methods may be employed, consistent with the rights of accused persons in criminal cases.

- a. Laboratory or medical examinations.
- b. Photographs of employees;
- c. Line-ups including employees;
- d. Audio and/or video recordings of interviews or interrogations;
- e. Submission of financial disclosure statements; and
- f. Use of instruments for the detection of deception.

**(CALEA 26.3.6)**

Refusal to cooperate with any of the above may result in punitive measures. The results, tests, examinations, and interrogations are not admissible or discoverable in a criminal proceeding against the Deputy.

## **7-406 DUTY STATUS DURING INVESTIGATION**

When it is in the best interests of the County and/or the employee, an employee may be suspended during the pendency of an internal investigation under the procedures outlined in Chapter 4 of this Manual.

**(CALEA 26.3.7)**

## **7-407 CONCLUSION OF INVESTIGATION**

When the investigation is completed, the investigator will provide the Chief Deputy with a written report which summarizes the investigation and includes written conclusions of fact for each allegation. The allegations of fact must be clearly articulated and sufficiently documented to serve as the basis for subsequent disciplinary proceedings, should they be warranted. The report will include all supporting documentation.

After reviewing the results of the investigation, the Chief Deputy will recommend to the Sheriff the course of action to be pursued, consistent with Chapter 4 of this Manual.

**(CALEA 26.3.8)**

If the incident is the result of a citizen complaint, the completed investigation will be forwarded to the Kent County Administrative Charging Committee for review and recommendation. The Sheriff will impose discipline based on the Administrative Charging Committee's recommendation using the MPTSC Disciplinary Matrix in accordance with section 7-002 of this Manual.

## **7-408 RECORDS MAINTENANCE AND RETENTION**

- a. The Employee's personnel records of all complaints against the KCSO or its employees and of all internal affairs investigations will be maintained in the employee's personnel file located in a locked file cabinet in the Sheriff's office.
- b. Investigations shall be retained indefinitely while the employee is actively employed with the KCSO. Upon leaving the KCSO for whatever reason, the employee's personnel file, to include internal affairs investigations shall be forwarded to the Director of the Kent County Office of Human Resources who shall become the custodian of the record.

- c. The Sheriff, Chief Deputy or designee are the custodians of employee personnel records and shall be the only KCSO personnel with access to the records.
- d. A technical infraction is a minor administrative rule violation by any KCSO employee that does not involve an interaction between a KCSO employee and a member of the public, does not relate to the individual's investigative, enforcement, training, supervision, or reporting responsibilities and is not other a matter of public concern. The custodian shall deny inspection of technical infractions.
- e. An employee's personnel records 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 be denied inspection by a person in interest/deputy only to the extent that the inspection would:
  - 1. Interfere with a valid and proper law enforcement proceeding.
  - 2. Deprive another person of a right to a fair trial or an impartial adjudication.
  - 3. Constitute an unwarranted invasion of personal privacy.
  - 4. Disclose the identity of a confidential source.
  - 5. Disclose an investigative technique or procedure.
  - 6. Prejudice an investigation, or
  - 7. Endanger the life or physical safety of an individual.
- f. A custodian shall allow inspection of an employee's personnel record, with the exception of any technical infractions, by the following:
  - 1. The United States Attorney.
  - 2. The Attorney General.
  - 3. The State Prosecutor; or
  - 4. The State's Attorney of Kent County
- g. Except as provided in (e) of this section, a custodian shall redact the portions of a record to include:
  - 1. Medical information of the person of interest.
  - 2. Personal contact information of the person in interest or a witness; or
  - 3. Information relating to the family of the deputy
- h. A custodian shall notify the person in interest/deputy when the personnel record is inspected but may not disclose the identity of the requestor to the person in interest/deputy.

Each year the Chief Deputy will provide the Sheriff with a statistical and narrative report of internal affairs matters undertaken during the previous year. The statistical report will be made available to the public and to agency employees. The narrative report will include the Chief Deputy's recommendations for changes in

KCSO policies, procedures, rules, or regulations or for additional training which may be needed to improve the functioning of the agency.

**(CALEA 26.2.2, 26.2.5)**

**7-409****MPIA REQUEST FOR INTERNAL AFFAIRS INVESTIGATIONS**

Anyone requesting information regarding an internal investigation must submit that request in writing to the Sheriff or his/her designee. If upon review of the request the Sheriff or his/her designee determines that the file can be released (per chapter 7-308d guidelines), he/she shall inform the CID Commander who shall review the file redacting certain information. The redacted file will be forwarded to the requestee by the Sheriff or his/her designee.

**7-410****KCSO MPIA FEE SCHEDULE**

Any request for internal investigative reports shall be charged a non-refundable fee which must be paid prior to processing. The fee schedule is as follows:

- a. \$5.00 for 0-9 pages per report/call for service
- b. \$15.00 for 10-20 pages per report/call for service
- c. \$25.00 for 21-30 pages per report/call for service
- d. \$35.00 for 31-50 pages per report/call for service
- e. \$50.00 for 51-100 pages per report/call for service
- f. \$.30 will be charged per page for pages 101 and above
- g. A \$70.00 charge will be added to the above report fee for every hour after two that it takes to process the request.

**7-500****Civilian Death Investigations**

In the event of an alleged or potential police-involved death of a civilian, the CID Commander or designee shall notify the MSP duty officer at 410-653-4200 as soon as any employee of the KCSO becomes aware of the incident.

The KCSO shall cooperate with the Independent Investigative Unit and MSP in connection with the investigation involving an alleged or potential police involved death of a civilian.

The Independent Investigative Unit or MSP may investigate any other crimes related to police misconduct discovered during a police-involved civilian death. The Independent Investigative Unit or MSP may act with full powers, rights, privileges, and duties of a State's Attorney, including the use of a Grand Jury in any county.

Within 15 days of completing an investigation, the Independent Investigative Unit shall submit a report to the State's Attorney of the county that has jurisdiction to prosecute the matter.

**7-600****SUPERVISOR RESPONSIBILITIES**

The Shift Supervisor will be responsible to ensure all employees assigned to their shift abide by all policies and procedures of the KCSO. Shift Supervisors, Commanders and the Chief Deputy shall maintain an informal file on all subordinates. These files shall contain any notes, counseling records and minor infractions incurred by employees under their supervision. Information contained in these files shall be copied to the Commander of the unit who will notify the Chief Deputy. If infractions continue and warrant additional disciplinary action, the Chief Deputy will confer with the Sheriff.

**ANNUAL REPORTING REQUIREMENTS**

- a. Annually, the Accreditation Manager shall report all discipline and serious Deputy incidents to the Maryland Police & Correction Training Commission through the website [www.mdle.net](http://www.mdle.net).
  1. **PROCEDURES:** By the 1<sup>st</sup> of May on each calendar year the Accreditation Manager shall complete The Serious Officer Incidents/Officer Discipline Reports Template and submit to [pctc.mandates@maryland.gov](mailto:pctc.mandates@maryland.gov).
  2. The template shall include the following information for the previous year:
    - i. Number of incidents from the previous calendar year involving serious injury or death of the Deputy or citizen.
    - ii. Number of disciplines imposed on Deputies from the previous calendar year
- b. Annually the Accreditation Manager shall submit to the Maryland Police Training and Standards Commission the number of Use of Force complaints made against any Deputy during the previous calendar year.
  1. **PROCEDURES:** By the 1<sup>st</sup> day of March on each calendar year the Accreditation Manager shall submit the number of use of force complaints filed against a Deputy of the KCSO to [pctc.mandates@maryland.gov](mailto:pctc.mandates@maryland.gov)
  2. The form can be located on the Shared Drive-Forms Fill-in.

# CHAPTER 8

## USE OF FORCE

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## 8-001 INTRODUCTION

The protection of human life is the highest value of the KCSO. As sworn police officers of the State of Maryland, KCSO Deputies have the responsibility to protect life and property and apprehend criminal offenders. The apprehension of criminal offenders and the protection of property must at all times be subservient to the protection of life.

## 8-002 DEFINITIONS

For the purpose of this Chapter, the following terms have the definitions indicated:

- a. **Deputy** – The word “Deputy” used in this Chapter dealing with the Use of Force shall also apply to civilian employees of the Kent County Sheriff’s Office designated as Courthouse Security Officers (CSOs)
- b. **Deadly force** – force that is likely to cause death or serious physical injury.
- c. **Serious physical injury** - injury which creates a substantial risk of death, or which is likely to cause serious permanent disfigurement, loss, or extended impairment of the function of anybody member or organ.
- d. **Less lethal force** - force which is not deadly.
- e. **Resistance** - the force used against a Deputy by a subject whom the Deputy is attempting to control (for example, to arrest)
  - 1. **Passive Resistance**-Subject is not physically cooperating with Deputy’s attempts to restrain him/her, but he/she is not assaulting the Deputy or trying to escape (e.g., going limp).
  - 2. **Active Resistance**- Resistance exhibited by a suspect that is between Passive Resistance and Active Aggression (e.g., attempts to leave the scene, flee, hide from detection, or pull away from the officer’s grasp). Verbal statements, bracing, or tensing alone do not constitute Active Resistance.
  - 3. **Active Aggression**- Active Aggression is when a person attacks or attempts to attack a Deputy or another person. Strikes, kicks, or attempted strikes or kicks with hands, fists, the head, elbows, knees, or an instrument, constitute Active Aggression.
  - 4. **Aggravated Aggression** — Aggravated Aggression is when a person presents an Imminent Threat of death or Serious Physical Injury to the Deputy, or another person based on the Totality of the Circumstances. Aggravated Aggression represents the least encountered but most serious threat to a Deputy or other person. Even when confronted with Aggravated Aggression, the Deputy is required to make every reasonable effort to de-escalate and to continuously assess the Deputy’s Use of Force.
- f. **Muscling Techniques**-Involves any amount of hands-on or physical force used to overcome resistance to a lawful arrest or to protect others from injury.
- g. **Reasonable belief** - a belief based on facts or circumstances which would lead an ordinary and prudent person to act or think in a similar way under similar circumstances.



- h. **Excessive Force**- a degree of force whose application is inappropriate to the circumstances and is not reasonably believed to be necessary to affect an arrest or to defend any person from bodily harm. No single definition of excessive force can be offered; each situation must be evaluated according to its particular circumstances. Excessive use of any weapon or physical control technique may constitute excessive force.
- i. **Totality of Circumstances** — The Totality of Circumstances consists of all facts and circumstances surrounding any event. The facts and circumstances may include but are not limited to:
  - 1. Whether an offense has occurred.
  - 2. The nature of the offense.
  - 3. The seriousness of the offense.
  - 4. The size and strength of the person.
  - 5. The number of persons.
  - 6. The availability of weapons.
  - 7. Whether the person is exhibiting signs of mental illness or is experiencing a behavioral health crisis.
  - 8. Whether a person suffers from a medical or behavioral health disability, physical or hearing impairment, is impaired by alcohol or drug use, or may be non-compliant due to a language barrier.
  - 9. Other force options.
  - 10. Availability of non-force options, including tactical repositioning, going to cover, or other De-escalation Techniques.
  - 11. Environmental factors.
  - 12. Availability of back up and specialized units.
- j. **Reasonable, Necessary, and Proportional** — The review of every Use of Force shall be to determine whether it was reasonable, necessary, and proportional in light of the Totality of the Circumstances that were known, or should have been known, to the Deputy.
  - 1. **Reasonable** — A Deputy uses Reasonable Force when the Deputy uses no more force than required to perform a lawful purpose.
  - 2. **Necessary** — Force is necessary only when no reasonably effective alternative exists. When force is Necessary, Deputies shall use force in a manner that avoids unnecessary injury or risk of injury to Deputies and civilians.
  - 3. **Proportional** — Proportionality measures whether the force used by the Deputy is rationally related to the level of resistance or aggression confronting the Deputy.

## 8-100 DE-ESCALATION TECHNIQUES

- a. De-Escalation Techniques are actions taken by a Deputy that are designed to eliminate the need to use force in order to resolve any event or situation. De-Escalation Techniques include talking to a person using a tone of voice and language that is not aggressive or confrontational; creating

space or placing barriers between the Deputy and the person; waiting the person out when circumstances permit; permitting a person to move about when safe; permitting a person the opportunity to make statements or ask questions; slowing down the pace of an incident; tactical repositioning and requesting additional resources. The guiding principles for de-escalation are patience, flexibility, and the desire to resolve each situation peacefully.

- b. De-Escalation Techniques seek to minimize the likelihood of using force during an incident, increase the likelihood of voluntary compliance, and/or lessen the amount of force that may be needed.
- c. De-Escalation Techniques involve a range of tactics that can assist in slowing down or stabilizing an incident so that when safe and feasible under the Totality of Circumstances more time, options, and resources become available to safely resolve an incident.
- d. The employment of De-Escalation Techniques is especially important to maintain member and individual safety during encounters with children, youth, and persons experiencing a behavioral health disorder or in crisis.
- e. As part of their tactical planning, Deputies should begin to think through De-Escalation Techniques prior to arriving on the scene.
- f. Deputies shall use De-Escalation Techniques to reduce threats, gain the voluntary compliance of persons, and safely resolve a situation.
- g. Deputies shall perform their work in a manner that avoids unduly jeopardizing their own safety or the safety of others through poor tactical decisions including, but not limited to, immediately approaching a subject without proper evaluation of the situation, failing to leave sufficient space between the member and the subject, closing the reactionary gap, or escalating a situation.

**(CATEGORY C)**

## **8-200            SANCTITY OF LIFE PLEDGE**

Each KCSO Deputy shall sign an affirmative written Sanctity of Life Pledge to respect every human life and act with compassion toward others. Each KCSO Deputy shall value and preserve human life in all situations. This pledge is part of the Oath of Office each newly sworn Deputy shall understand, agree to and sign.

## **8-300            USE OF FORCE**

Discipline for use of excessive force and violations of firearm and less lethal weapons policies under the Statewide Police Disciplinary Matrix shall vary depending on the severity of the outcome and seriousness of the injuries inflicted.

## **8-400            GENERAL POLICIES**

In the KCSO, sworn and civilian CSO personnel are authorized to use force in the performance of their duties. The following policies apply to both sworn and non-sworn employees:

- a. A KCSO Deputy may not use force against a person unless under the totality of the circumstances, the force is necessary and proportional to:
  - 1. Prevent an imminent threat of physical injury to a person; or

2. Effectuate a legitimate law enforcement objective
- b. The use of force shall be necessary and proportional.
  1. The use of force is not necessary unless there is no reasonable alternative to using force that, under the totality of the circumstances would safely and effectively achieve the same legitimate ends.
  2. The KCSO Deputy shall employ non-force alternatives, such as de-escalation techniques before resorting to any use of force when practical.
  3. Even when the use of some force may be necessary, the degree and amount of force must be proportional. A Deputy shall use no more force than is reasonably required under the circumstances to prevent an imminent threat of physical injury to a person or to effectuate another legitimate law enforcement objective.

**(CATEGORY C, E or F)**

- c. A KCSO Deputy shall cease the use of force as soon as:
  1. The person on whom the use is used:
    - i. Is under the Deputy's control; or
    - ii. No longer poses an imminent threat of physical injury or death to the Deputy or to another person.
  2. The KCSO Deputy determines that force will no longer accomplish a legitimate law enforcement objective.
  3. Failure to cease the use of force as described above shall be deemed excessive force.

**(CATEGORY C, E or F)**

- d. Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, another person, or property damage. In these situations, only the minimal amount of force necessary to control the situation shall be used.

**(CATEGORY C, E or F)**

- e. All uses of force shall be documented in the Response to Resistance Report and investigated by the Chief Deputy. All Deputies who observe a use of force shall also submit a Response to Resistance Report.

**(CATEGORY E)**

- f. A supervisor shall respond to the scene of any incident during which a KCSO Deputy used physical force and caused serious physical injury and gather and review all known video recordings of a use of force incident.

**(CATEGORY C)**

- g. Kent County Sheriff's Office Deputies are prohibited from the use of spit hoods under any circumstances.

**(CATEGORY C, E or F)**

#### **8-401                    RENDERING MEDICAL AID**

In the event a detainee is injured during any police action or while in custody, the KCSO Deputy will ensure appropriate medical aid is rendered as quickly as reasonably possible. Depending on the severity of the incident, such aid may range from observation of the individual, to administering first aid, to summoning the Kent County Emergency Medical Services for a more thorough evaluation and treatment, if necessary.

**(CATEGORY D)(CALEA 4.1.5)**

#### **8-402                    DUTY TO INTERVENE**

A Deputy shall intervene to prevent or stop the use of excessive force by any other law enforcement personnel regardless of rank or seniority when it is safe and reasonable to do so. The incident shall be reported immediately to the shift supervisor. Any KCSO employee who becomes aware of a violation of KCSO policy, state, local or federal law by any other employee of the KCSO shall Immediately report the violation to the Chief Deputy.

**(CATEGORY C)**

#### **8-403                    CONTINUUM OF FORCE**

The KCSO recognizes a continuum of force to be applied by a Deputy gauged to the degree of resistance offered by a subject.

The steps in the continuum are:

- Deputy presence.
- Verbal control/ De-Escalation Techniques (persuasion, advice, warning);
- Empty hand control.
- O.C. spray.
- Electronic Control Device (Taser)
- Monadnock, auto-lock 22" expandable baton; 215-21
- Less lethal munitions (when available);
- Deadly force.

**(CALEA 4.1.1)**

Among the variables which may affect the level of force selected by the Deputy are:

- Relative size of the Deputy and subject
- Gender of the Deputy and subject.
- Relative age and physical conditioning.
- Reaction time.
- Danger to citizens and the Deputy.

- Internal Environment, (i.e., courthouse, schools, nursing/care homes, hospitals, restaurants and other locations where specific options on the continuum of force may affect others than whom the use of force application is directed.)
- External Environment and weather conditions.

Once a Deputy determines that he or she must use physical force, the level of force used will be dependent upon the Deputy's perception of resistance, the danger of that resistance, and whether that resistance is placing the Deputy or another in jeopardy of serious injury or death. It is important to note that each Deputy's perception of the danger of the level of resistance will be based upon his/her training, experience, knowledge of physical control techniques, and the totality of the circumstances which exist at the time. A Deputy shall only use force that is necessary and proportional to accomplish the lawful objective and shall apply de-escalation techniques when possible.

**(CATEGORY C,E or F)(CALEA 4.1.1)**

Incidents involving lawful non-violent and peaceful demonstrations will be monitored and safeguarded by law enforcement to protect the rights of demonstrators under the Constitution of the United States for free speech and lawful assembly. Under these circumstances, the Kent County Sheriff's Office will not utilize any level of force against peaceful demonstrations.

**(CATEGORY C,E, or F)**

#### **8-404 NECK RESTRAINT/CHOKE HOLD**

The KCSO recognizes the necessity for Deputies to defend themselves and others by virtually any means if deadly force is authorized. However, the KCSO does not authorize or train in the use of neck restraint, choke hold, or similar weaponless control techniques with a potential for serious or deadly injury as a means of subduing subjects.

A Neck Restraint/Choke Hold is defined as any hold or technique that deliberately applies pressure to the front or side(s) of the neck in a manner intended or likely to restrict breathing or blood flow.

**(CATEGORY D)(CALEA 4.1.6; 4.1.7)**

#### **8-405 POSITIONAL ASPHYXIA**

In order to affect the arrest of a combative person and to protect the safety of the public, the person being arrested, KCSO personnel and other law enforcement personnel, it may be necessary to position the person being arrested in a prone position in order to secure their hands and in some circumstances their feet. If this procedure becomes necessary, it should only be implemented for a very minimal amount of time; that time necessary to secure the detainee. Persons subjected to positioning in the prone position can experience positional asphyxia, a fatal condition that results in the mechanical interference with pulmonary ventilation.

Therefore, any detainee placed in the prone position will be removed from the prone position as soon as practical, depending on the situation. KCSO personnel will be cognizant of the detainee's condition and will immediately call for medical assistance if the detainee shows signs of distress or complains of difficulty breathing. KCSO personnel are prohibited from transporting a detainee in the prone position (see Chapter 9, Section 301)

**(CATEGORY D)**

#### **8-500 DEADLY FORCE PERMITTED**

Deadly force may consist of the use of firearms, or of items, articles, instruments, or equipment other than firearms which are designed, intended, and routinely used for other legitimate police purposes, such as

vehicles, portable radios, flashlights, etc. Deliberate use of any such equipment in a potentially deadly manner is prohibited, except in cases where the use of deadly force is specifically authorized under this policy.

Only agency personnel demonstrating proficiency in the use of agency-authorized weapons are authorized to carry such weapons. Before being authorized to carry a weapon, a Deputy will receive a copy of this Manual and be instructed in the KCSO's use of force policy. This instruction will be documented in the employee's personnel folder.

The degree of force used in a confrontation must be consistent with both the severity of the incident and the urgency of its disposition. A KCSO Deputy may employ deadly force in the performance of official duties only under the following circumstances:

- a. In self-defense or to defend another person who is being unlawfully attacked from death or serious injury.
- b. To prevent the escape of a felon when all of the following conditions exist:
  1. every other reasonable means of affecting the arrest has been exhausted.
  2. the perpetrator is a known felon, or the Deputy has a reasonable belief that the perpetrator committed a felony.
  3. the perpetrator used or threatened the use of deadly force in the commission of the felony.
  4. the Deputy has a reasonable belief that the felon poses an imminent danger of using deadly force against the Deputy or others if not immediately apprehended.
  5. every reasonable consideration has been given to prevent inadvertent injury to innocent bystanders; and
  6. where feasible, the Deputy has given notice of intent to use deadly force and the felon refuses to obey the order to halt.
- c. Deadly force may never be used on a mere suspicion that a crime, no matter how serious, was committed or that the person being pursued committed the crime. The Deputy should either have witnessed the crime or should have a reasonable belief that the suspect committed, is committing, or is about to commit an offense against which the use of deadly force is permissible.
- d. The authority for a Deputy to use deadly force during a fresh pursuit outside Maryland is the same as that within the State. Where a Deputy is in fresh pursuit of a dangerous felon outside Maryland and all conditions set forth in this section are present, the Deputy may use deadly force to affect the arrest or prevent the escape of the felon. The use of deadly force during fresh pursuit outside Maryland must be justified by the officer employing it to the authorities of the foreign jurisdiction. Justification will be based upon the Deputy's strict adherence to KCSO policy.

**(CATEGORY C, E or F) (CALEA 4.1.2)**

## **8-600 FIREARMS USE (OTHER THAN DEADLY FORCE) PERMITTED**

- a. A KCSO Deputy may discharge a firearm:
  1. to kill a dangerous animal that is jeopardizing the safety of the Deputy or the public.
  2. to kill an injured wild or domestic animal if the Deputy has the consent of the owner or has been requested to do so by a veterinarian. Where a reasonable attempt to locate the owner has

failed or a veterinarian is not readily available, the Deputy may use discretion in deciding whether to kill the animal to relieve its suffering.

3. to give an alarm or to call assistance when no other means is available.
4. in practice on the firing range.

**(CATEGORY C, or E)**

- b. The authority of a KCSO Deputy to carry or use a firearm while on duty outside Maryland is governed by the laws of the State where the Deputy is assigned. A Deputy who expects to carry a weapon outside Maryland on an extradition or other assignment is responsible for determining in advance the law of the States in which travel will take place.

**(CATEGORY C)**

## **8-700 FIREARMS USE PROHIBITED**

- a. A KCSO Deputy may not discharge a firearm:
  1. as a warning.
  2. in any felony case which does not meet the conditions set out in §8-200.
  3. in any attempt to apprehend a misdemeanor; or
  4. at or from a moving vehicle, except:
    - i. as a measure of self-defense or defense of another when the suspect is using potentially deadly force other than the vehicle and all other means of self-defense have been exhausted
    - ii. when a vehicle is driven in a manner deliberately intended to kill or severely injure a Deputy or citizen who is on foot.
- b. A KCSO Deputy must reasonably anticipate a situation justifying the use of a weapon before removing it from its holster or otherwise displaying it. The use or display of weapons in circumstances other than those described in this section is contrary to KCSO policy.
- c. No KCSO Deputy will display a weapon in a flagrant manner which is unsafe or would invite unfavorable comment from the public.
- d. An off-duty KCSO Deputy will not wear a firearm at any activity where the Deputy will be consuming alcoholic beverages.

**(CATEGORY C or E) (CALEA 4.1.3)**

## **8-800 LESS LETHAL WEAPONS**

An object or instrument may only be used in a situation where the degree of resistance exhibited by a law violator is of such magnitude that the arrest cannot otherwise be affected. Unless the situation meets the conditions for the use of deadly force described in §8-400, no object or instrument will be used to strike the head, groin, spine, neck, or collarbone of the violator

**(CATEGORY C, E or F)**

**8-801 OC SPRAY**

- a. O.C. spray is an auxiliary weapon intended for use only when a Deputy is attempting to subdue an attacker or a resisting suspect. It may be used under other circumstances which permit the lawful and necessary use of force when such action can best be accomplished through the use of O.C. spray. The use of O.C. spray may reduce or eliminate the necessity of other and more potentially injurious means of force.
- b. O.C. spray is intended as an alternative to the police baton and may not be used indiscriminately.
- c. The duration of the spray should not be more than the minimum required to effectively incapacitate the arrestee.
- d. When O.C. spray is used to facilitate an apprehension, the Deputy will provide the arrestee, as soon as possible after arrest, with the opportunity to flush the eyes with fresh water and wash the parts of the body exposed to the chemical.
- e. The effectiveness of O.C. spray may be severely limited on certain individuals (e.g., those under the influence of alcohol or drugs) and under certain conditions. Deputies should place guarded confidence in its use.
- f. O.C. spray will not be used on a person who has been secured and is properly in custody.
- g. As a general rule, a prisoner against whom O.C. spray has been used should not be transported until he or she has been treated by the Deputy and should not be transported face-down.

**(CATEGORY C, E or F)(CALEA 4.1.4)**

**8-802 ELECTRONIC CONTROL DEVICE (TASER®)**

- a. Authorized Users:
  - 1. Only Deputy Sheriffs and Courthouse Security Officers (CSOs) who have received the required training and certification by a certified instructor with the Taser are authorized to carry or deploy the weapon.
  - 2. Training will be documented via a CrimeStar Call for Service Report and a KCSO Taser Recertification Form. Taser Recertification Forms will be forwarded to and maintained by the KCSO Agency Firearms Instructor.
  - 3. Only Tasers, Taser cartridges and Taser holsters issues by the KCSO may be carried and used by certified KCSO personnel. No changes or modifications to the Taser, cartridge or holster are authorized.

**(CATEGORY C)**

- b. Reporting:
  - 1. All instances of Taser discharge (except during training and accidental discharges when not deployed against a subject) shall be reported on a KCSO Response to Resistance Report. If a Deputy or CSO deploys a Taser to stop an attacking animal, the Deputy or CSO will complete a KCSO CrimeStar Incident Report documenting the deployment. The report will be completed



and forwarded for review and approval by the Patrol Division Commander as per KCSO policy. The report will be forwarded to the KCSO Office Manager for filing and replenishment of spent cartridges.

2. Accidental discharges with a cartridge in place must be reported as soon as possible to the on-duty supervisor, but no later than the end of the shift in which the discharge occurs. A CrimeStar Incident Report will be completed and approved as per KCSO policy and will be forwarded to the KCSO Office Manager for replenishment of spent cartridges.

**(CATEGORY D)**

**c. Definitions:**

1. Taser® - An electronic control device (ECD) that is a less lethal device and propels wires to conduct energy that effects the sensory and motor functions of the central nervous system.
  2. Drive Stun – When the Taser is applied directly to the body as a pain compliance technique to complete a circuit from a missed probe connection on initial deployment.
  3. Probes – Slender metal tips connected to the Taser by insulated wires and fired from a disposable cartridge.
  4. Electro-Muscular Disruption (EMD) – Electrical signal which overrides the central and motor nervous systems in the body. The EMD effect causes uncontrollable muscle spasms which should incapacitate a subject regardless of their level of pain tolerance, mental focus, or state of intoxication.
  5. Data-port – The Taser is equipped with a built-in data-port which records the date and time of each firing of the device.
  6. Anti-Felon Identification (AFID) – Small round AFID tags are propelled out of the cartridge when the device is fired. These tags correspond to the serial numbers of the cartridge which held them.
- d. The Electronic Control Device (ECD) utilized by the KCSO is the Taser®. It deploys two (2) probes up to a distance of thirty-five (35) feet from replaceable air cartridges. These probes are connected to high voltage insulated wires transmitting powerful electrical pulses into the body of the target through up to two (2) inches of clothing.
1. This neuro-muscular Incapacitation technology uses a twenty-six (26) watt (five second burst of electrical signal) to temporarily override the central nervous system and directly control the skeletal muscles. This causes an uncontrollable contraction of the muscle tissue, allowing the Taser to physically debilitate a target regardless of pain tolerance or mental focus.
  2. The Taser is categorized as less-lethal force and may be used to control a dangerous or violent subject when lethal force does not appear to be justified; attempts to control the subject by other conventional tactics have been ineffective; or there is reasonable expectation it is unsafe for Deputies to approach within contact range of the subject.
- e. Recertification will occur annually by a certified Taser instructor. Those who fail to maintain the training requirements will not be authorized to use the weapon.

f. Storage

1. The Taser will be stored in the accompanying holster and when worn on the belt will be on the weak hand side except:
  - i. when being deployed in the field.
  - ii. during maintenance or cleaning.
  - iii. during inspection purposes by an instructor or other authorized person.
- g. Deputies and CSOs who are issued a Taser will be responsible for the daily inspection and care of the equipment. The Taser will be inspected monthly by the agency Taser instructor.
- h. Operational Guidelines:
  - i. A loud verbal warning **"TASER"** will be given by the Deputy or CSO prior to deploying the weapon. This warning will accomplish two (2) purposes:
    - Provide aggressive subjects a final warning their actions are dictating the use of the device.
    - Notification to Deputies, CSOs and bystanders on the scene that the device is about to be discharged.

The Taser cartridge produces a loud popping sound which could be mistaken for a gun shot. The loud verbal warning will notify other law enforcement officers who may be on the scene that the discharge about to be heard is most likely the Taser being deployed. The deploying Deputy or CSO will then direct the actions of any other assisting personnel on the scene in handcuffing the subject. The Taser will not deliver its charge to a second person unless that person places his/her hand or a body part in between the two probes. Assisting personnel are also warned to approach the subject with caution so as to not break the wires connecting the probes to the device. The Taser can deliver unlimited 5-second bursts of current once the probes make contact with the subject. Should an aggressive subject not comply with the commands of the deploying Deputy or CSO, subsequent bursts may be delivered. Deputies or CSOs should use the least number to affect compliance.

- The preferred target area when deploying the Taser should be center mass of the body, i.e., the solar plexus area and below, being careful to avoid the pelvic area from the front, and on the back below the neck to the legs where clothing tends to be tighter. The head, face, neck, groin, or other sensitive areas are to be avoided, if possible.
- Have a second cartridge or Taser ready to discharge in event the probes miss the subject or if the Taser malfunctions.
- The Taser may be used in a "drive- stun" manner with guidelines for use of the device being the same
- The probes should not be touched during deployment and Deputies or CSOs should avoid stepping on or tripping over the insulated wires.
- The deploying Deputy or CSO will be responsible to direct the actions of any other on-scene personnel concerning the restraint of the subject.
- The deploying Deputy or CSO will advise any canine officer that a Taser is being deployed to prevent any accidental contact between the canine and the Taser.

- After a Deputy or CSO has deployed the Taser, they must contact the KCSO Office Manager to receive a replacement cartridge.
- i. Treatment after deployment
  - 1. As soon as practical after deploying the Taser, the Deputy or CSO shall request Emergency Medical Services (EMS) respond to the scene and treat the subject. In the event the subject is transported to the hospital by EMS personnel, the Deputy shall remain with the subject at the hospital until the subject has been medically cleared.
  - 2. The electrical pulse or EMD effect does not cause any long-term health issues.
  - 3. Once the 5-second electrical pulse has ceased, the subject will not feel any additional disruption in their central nervous system.
  - 4. The Taser will not affect the functions of a pacemaker, and it will not cause the subject to experience any kind of additional twitching or uncontrolled spasms.
  - 5. Once the probes are removed, they will be treated as **"BIOHAZARD SHARPS"**.
- j. Ensure that digital photographs are taken of the probe penetration sites and any secondary injuries caused by falling to the ground or impacting objects. These digital photographs will be processed and maintained as photographs of evidentiary value as per existing KCSO policy.
- k. Deputies and CSOs should attempt to locate any expended AFIDs dispersed during firing. Expended cartridges, probes, and AFIDs shall be processed and maintained as evidence as per existing KCSO policy.
- l. The on-duty shift supervisor is responsible for ensuring that the Patrol Division Commander, the Services Division Commander, and the Chief Deputy are advised of the Taser deployment. The Chief Deputy or his designee shall be responsible to notify the Sheriff. The deploying Deputy or CSO must contact the KCSO Taser Instructor within three (3) working days of the deployment to have the device downloaded. The KCSO Taser Instructor will download all pertinent information from the Taser. The Taser may remain in service until the KCSO Office Manager is available to download the information.
- m. On-duty Shift Supervisor's Responsibility:
  - 1. Ensure all reporting requirements have been fulfilled prior to the end of deploying Deputy's or CSO's tour of duty.
  - 2. Ensure only certified Deputies or CSOs carry the Taser
  - 3. Ensure a Response to Resistance Report (KCSO Form#201) is completed prior to the end of the shift in which the Taser deployment occurs.
- n. Restricted Use:
  - 1. Consideration should be given prior to deployment in cases involving children or pregnant women and people with known heart conditions. Other methods of control should be utilized in such circumstances unless unreasonable or too dangerous.
  - 2. Consideration should be given before deployment on individuals who are in an elevated position or in such a position where a fall could likely cause serious secondary injury or death

3. The Taser has the ability to ignite flammable liquids. Use is prohibited against a subject who has come in contact with flammables or environments where flammables are obviously present. This includes any chemical defensive spray which is alcohol based.
  4. The device is to be utilized for averting potentially injurious or dangerous situations and never to be used punitively or for the purposes of coercion.
  5. The deployment of a Taser to stop an attacking animal may be justified as an alternative to the use of deadly force in instances to prevent substantial harm to the Deputy, CSO or another person.
- o. Aiming the Taser with the laser activated shall require a KCSO Response to Resistance Report.
  - p. Care and Maintenance
    1. The Taser, Taser cartridge and Taser holster will be maintained in a clean and operational
    2. condition at all times. Inoperative Tasers will be returned to the KCSO Office manager for repair or replacement.
    3. Taser batteries will be checked for operability prior to the operator's shift.
    4. Taser cartridges will be replaced prior to their expiration date.
    5. Extra Taser cartridges will not be carried in operator's pockets, due to the risk of static electricity causing unintentional discharges.

**(CATEGORY C, E or F)**

**8-803                      EXPANDABLE BATONS**

The Monadnock, auto-lock, 22", expandable baton is issued to KCSO Deputies as a primary impact weapon. KCSO Deputies shall be issued a belt holster designed for the issued Monadnock baton.

- a. A KCSO Deputy shall only carry the issued Monadnock baton in the issued belt holster as described in 8-500 (c);
- b. A KCSO Deputy shall only utilize the issued baton in accordance with the KCSO Continuum of Force Policy described in §8-101 and as prescribed in the training provided to KCSO Deputies by Monadnock certified instructors.
- c. When initiating strikes or blocks with the baton, a KCSO Deputy must be cognizant of the appropriate striking areas on the human body, (red, yellow, and green). The appropriate striking areas are an integral part of Monadnock training which will be stressed and practiced during initial training. Deputies must pass the Monadnock approved practical proficiency examination prior to being certified to utilize the baton.
- d. A KCSO Deputy shall submit a KCSO Response to Resistance Report and comply with all other applicable requirements of the KCSO Use of Force Policy whenever the baton is utilized as an impact weapon in such a manner that requires the submission

of a KCSO Response to Resistance Report as described in §8-600. The mere unholstering, expansion, or presentation of the baton shall not necessitate the submission of a KCSO Response to Resistance Report.

- e. Whenever a KCSO Deputy utilizes the baton as an impact weapon, the Deputy utilizing the baton will ensure that the appropriate measures are taken to determine if the use of the baton has caused injury to the subject or any other person. All injured persons shall be promptly provided with the appropriate medical assistance and documented on the KCSO Response to Resistance Report.
- f. After using the baton as an impact weapon, the KCSO Deputy shall inspect the baton for damage. If the KCSO Deputy suspects that the baton is damaged and may not function properly, the Deputy shall notify his/her supervisor and have the baton inspected by an agency certified Monadnock instructor. If the baton is unfit for further use, the Deputy shall be issued a replacement baton.

**(CATEGORY C. E or F)**

#### **8-804 LESS LETHAL IMPACT MUNITIONS (LLIM)**

Less Lethal Impact Munitions (LLIM) is a use of force option that holds the potential to successfully resolve situations involving hostile, violent and uncooperative subjects. The LLIM used by the KCSO is referred to as the "Sage Gun."

- a. Possible Employment Situations - LLIM may be used for the purpose of compelling individuals to cease their violent or potentially violent actions when the Deputy reasonably believes that they represent a viable option for resolving the situation at hand.
- b. The use of LLIM will be considered for but not limited to the following situations:
  - 1. Suicidal Subjects
  - 2. Subjects whose physical size and actions are such as to present a serious physical threat of Deputy injury if they come into direct physical contact
  - 3. Subjects armed with blunt force weapons
  - 4. Subjects disregarding lawful orders to disburse and inciting riots
  - 5. Subjects participating in acts of arson, and or looting during a civil disturbance.
- c. Employment Considerations - Use of LLIM on otherwise unarmed subjects is authorized after an evaluation of the tactical/patrol situation by the Deputy(s) on scene taking into consideration available circumstances, including but not limited to:
  - 1. The suspect's stated or exhibited intent to violently resist being taken into custody.
  - 2. The credibility of the threat as evaluated by the Deputy(s) present.
  - 3. Additional information immediately available to Deputy(s), such as knowledge of the subject's expertise in martial arts or other unarmed defensive tactics.
  - 4. Indications of drug use/alcohol intoxication.
  - 5. Availability of other force options and their potential effectiveness/ appropriateness.

6. The subject's actions dictate the need for an immediate response and the use of LLIM reasonably appear appropriate, especially if the only other option to deal with those actions may be the use of deadly force.
- d. LLIM will not be used punitively.
- e. Only KCSO purchased LLIM systems with factory-loaded rounds are authorized.
- f. LLIM Team - **Whenever practical**, a team of Deputies will be involved in the use of LLIM. The team will generally consist of:
  1. LLIM System Deputy: Selects munitions type and deploys system
  2. Lethal Cover Deputy: Necessary in the event that the subject reasonably appears to become an immediate threat to the lives of those present requiring the use of deadly force to stop that threat. ***Whenever possible this Deputy should equip himself or herself with a shotgun or rifle.***
  3. Arrest Team: Preferably, at least two (2) Deputies equipped to restrain the subject
  4. Supervisor: Whenever practical, a supervisor should be present to coordinate and direct involved personnel.
  5. LLIM System Deputy and On-Scene Supervisor: Are responsible for announcing and assuring that all involved personnel know that LLIM will be utilized at the next available opportunity.
  6. LLIM System Deputy: If possible, shall announce to the subject prior to engaging A Less Lethal".
- g. Medical Screening/Treatment
  1. Medical screening/treatment is mandatory for any subject who has been impacted by LLIM.

The subject will be transported to the hospital and medically cleared by a physician.
  2. Jail personnel will be notified whenever a subject who has been apprehended with the use of LLIM is booked into the KCDC. The Deputy will ask KCDC personnel to monitor the suspect for a period of at least 3 hours.

(CATEGORY C, E or F)

## 8-805 PERSONALLY OWNED KNIVES

The KCSO authorizes Deputies to carry personally owned knives or similar cutting instruments. These devices may be used only as tools and not as weapons. The exception is a situation in which the use of deadly force is authorized by this policy and the tool is the only available means for the Deputy to protect himself or others.

(CATEGORY C, E or F)

**8-900****REPORTING USE OF FORCE INCIDENTS AND WEAPONS DISCHARGE**

- a. A Deputy who discharges a firearm to kill an animal need only submit an incident report to his or her supervisor. A copy will be forwarded to the Chief Deputy.

**CATEGORY D)**

- b. Escorting, touching, handcuffing a person with minimal or no resistance and unholstering a weapon without pointing it at a person does not constitute a use of force. A Response to Resistance Report is not required under these circumstances.
- c. Except as stated below in section e-4, pointing a firearm or taser at a person by any member of KCSO sworn personnel when done solely for the purpose of securing an area does not constitute a use of force. The incident shall be documented in a Call For Service.
- d. Except as stated below in section e-4, pointing a firearm or taser at a person by a member of the Tactical Entry Team when done solely for the purpose of securing an area does not constitute a use of force. The incident shall be documented in the After-Action Report.
- e. An employee who is involved in or observed any of the following types of incidents will notify his or her immediate supervisor as soon as possible and shall be responsible to submit a Response to Resistance Report to their immediate supervisor:
  - 1. discharging a firearm (except in training or to kill an injured animal);
  - 2. taking an action that results in, or is alleged to have resulted in, injury or death of another person.
  - 3. applying force through the use of deadly or less-than-lethal weapons.
  - 4. pointing of a firearm or less-than-lethal weapon in a manner intended to induce compliance from a resistant or threatening subject.
  - 5. Techniques that cause temporary pain or disorientation as a means of gaining compliance from a resistant or threatening subject to include empty hand controls such as muscling techniques, joint locks, pressure points, hand strikes, and leg/foot strikes.
- f. A police involved incident in which deadly force is used or results in serious injury to any other person is also subject to the reporting requirements of Chapter 8-200.1, Procedures for the Response and Investigation of any Police Involved incident Resulting in Death or Serious Injury.

The supervisor will notify the Commander, who will notify the Sheriff and the Chief Deputy.

- a. During the service of a search warrant by the Tactical Entry Team, any use of force will be documented by the Team Leader in the After-Action Report.
- b. An employee who is involved in such an incident will not discuss it with anyone other than the Deputy's Commander, the investigator(s) assigned to conduct any criminal or administrative investigation of the incident, or the employee's selected counsel, until authorized to do so by the Commander. Press relations will be handled by the Chief Deputy or the Sheriff.
- c. The KCSO will ensure that an employee involved in a deadly force or weapons discharge incident will be afforded their rights under the law. Particular attention will be paid to ensuring that involved personnel are permitted legal representation, should they desire it.

- d. The employee will submit to their immediate supervisor, the KCSO Response to Resistance Report by the end of the tour of duty during which the incident occurred. The report will contain all of the specific facts and circumstances relating to the incident, to include:
  - 1. a summary of the incident.
  - 2. race, gender, and age of subject to which force was applied.
  - 3. date, time, location, and circumstances requiring force.
  - 4. documentation of any injuries (officer and civilian), medical treatment provided.
- e. At the request of the employee's Commander or supervisor, the employee may be required to submit a detailed report of the incident within 10 days.
- f. If an employee is injured, incapacitated, or otherwise unable to prepare the report, the Commander will prepare the report based upon facts obtained verbally from the employee and/or witnesses.
- g. When the employee is again capable, he or she will submit the required detailed report or sign a transcript of verbal information given.

**(CATEGORY E) (CALEA 4.2.1)**

**8-1000 ADMINISTRATIVE REVIEW**

- a. The employee's Commander will make an initial review of the employee's Response to Resistance Report, use of deadly force or firearms discharge incident.
- b. After review of the report, the Commander will determine whether the incident did or did not conform with the use of force requirements of this Chapter. The Commander will endorse the report and forward it to the Chief Deputy along with his or her recommendation for action, if any.
- c. The Chief Deputy will determine whether additional investigation of the incident is required and will oversee such investigation, if any.
- d. The Chief Deputy will determine, ultimately, whether the employee's actions in the incident were consistent with the policies articulated in this Chapter and will indicate that conclusion on the Response to Resistance Report.
- e. Annually, the Chief Deputy will conduct an analysis of all use of force incidents and make a report, based on his or her findings, to the Sheriff. The report may include recommendations for changes in KCSO policies, procedures, rules, or regulations or for additional training regarding the use of force, as appropriate. The analysis will include:
  - 1. date and time of incidents
  - 2. types of encounters resulting in use of force
  - 3. trends or patterns related to race, age and gender of subjects affected
  - 4. trends or patterns resulting in injury to any person to employees; and
  - 5. impact of findings on policies, practices, equipment, and training.



- f. The results of administrative reviews will be maintained with other internal affairs reports. In all weapon discharge incidents, a copy of the KCSO Response to Resistance Report will be provided to the KCSO Firearms Instructor.
- g. Use of force data will be formatted in accordance with the use of force data tables in the CALEA Information Management and Reporting System to include:
  - 1. discharge of firearms along with non-fatal and fatal injuries.
  - 2. discharge of Electronic Conductive Weapons.
  - 3. baton, chemical/O.C, and physical use of force.
  - 4. canine use of force.
  - 5. injuries and deaths to officers.
  - 6. total use of force arrests and total agency custodial arrests; and
  - 7. total use of force complaints.
- h. Annually, the Chief Deputy will conduct an analysis of all contacts resulting in assaults on KCSO sworn personnel to determine trends or patterns, with recommendations to the Sheriff on enhancements to officer safety, policy revisions or addressing training issues.

**(CATEGORY C)(CALEA 4.2.4; 2.2.5)**

#### **8-1100      PROCEDURES FOR THE RESPONSE AND INVESTIGATION OF ANY POLICE INVOLVED INCIDENT RESULTING IN DEATH OR SERIOUS INJURY**

The Office of the Attorney General's Independent Investigations Division (IID) and the Maryland State Police (MSP) will lead the investigation of all alleged or potential deputy involved deaths of civilians as mandated by Maryland Annotated Code, State Government Article, §6-602. The MSP will make the final determination with regards to whether an incident is to be investigated by MSP or deferred to the KCSO for their own internal investigation.

An employee whose actions result in the death or serious physical injury of another person will be removed from operational assignments with pay (administrative leave) until the incident can be investigated, unless the Chief Deputy or the Sheriff determines that an emergency suspension under Chapter 4 of this manual is more appropriate. In addition to use of force incidents, this provision applies to an employee involved in a motor vehicle accident which results in death or serious physical injury to another. The employee's possible return to duty will be determined by the outcome of the MSP IID investigation.

**(CALEA 4.2.3, 4.2.4, 4.3.4, 46.1.12)**

#### **8-1101      DEFINITIONS**

- a. *Deputy-Involved Death* means a death or potential death of an individual resulting from an action or an omission of a deputy while the deputy is on duty or while the deputy is off duty but performing activities that are within the scope of his or her law enforcement duties.
- b. Police involved incidents resulting in death or serious injury occurring while on or off duty shall include, but are not limited to the following:
  - a. Police involved shootings

- b. Use of Force incidents that result in death or serious injury,
- c. Vehicle or foot pursuits by a deputy that results in death or serious injury,
- d. Death or serious injury occurring while an individual is in police custody,
- e. Deputy involved vehicle crash involving death or serious injury, and
- f. Suicides where Deputies are on scene

#### **8-1102 Notification to Maryland State Police**

- a. The Maryland State Police, (MSP) shall be notified as soon as possible following an incident involving death or serious injury. Ideally this notification shall be completed by the CID Commander or his on-call designee. However, there may be circumstances where this may be improbable. If the CID is not immediately available, the notification shall be made by the on-scene shift supervisor.
- b. Notification of the incident shall be reported to the Maryland State Police Headquarters Duty Officer at 410-653-4474.
- c. The MSP will provide a preliminary determination of whether the incident qualifies as an Officer-Involved Death.
- d. During the initial call to MSP the following information is to be provided:
  - 1. Date and time of the incident
  - 2. Location of the incident
  - 3. Any other crime scenes
  - 4. Any witnesses
  - 5. The type of incident that led deputies to the scene
  - 6. The number of involved and witness deputies
  - 7. Number deceased or injured
  - 8. Whether media is on scene
- e. The KCSO will maintain control over the crime scene until the arrival of MSP.
- f. The KCSO will maintain scene security, including traffic control, until the on-scene investigation is complete, and the scene is released. The KCSO will provide security for any individuals in custody until either treated and booked, transported to the KCDC, or transferred to the Office of the Chief Medical Examiner.
- g. If during the initial contact with MSP it is determined that the incident does not qualify as an Officer-Involved Death, the Sheriff or his/her designee will assign the appropriate KCSO personnel or request the assistance from an outside agency to conduct an internal and criminal investigation.

**(CATEGORY C)**

In all investigations deemed to be a Deputy involved Death as defined by the Maryland Annotated Code, State Government Article §6-602, and MSP determines the case shall be an IID investigation the following protocols will apply:

**a. Evidence Collection Storage and Analysis Protocols-Independent Investigations Division**

1. Personnel from MSP Forensic Sciences Division (MSP-FSD) and Criminal Enforcement Division will oversee the scene of potential IID investigations and will make every effort to arrive at the scenes of IID investigations within one to two hours of notification.
2. Cases where there is no imminent threat to evidence:
  - i. The evidence shall be secured and collected by MSP-FSD personnel.
  - ii. The KCSO will not collect the evidence. However, the KCSO shall locate, identify, and secure all crime scenes and evidence until MSP-FSD personnel arrive.
3. Cases where there is an imminent threat to evidence
  - i. An imminent threat to evidence is defined as a situation in which evidence will be lost, damaged, or contaminated if personnel on the scene do not take action. Examples include but are not limited to the following:
    - Weather (rain, wind, flood, heat)
    - Potential interference (civilian, medical personnel, animals)
  - ii. If it is determined that evidence could be destroyed, the Sheriff or his/her designee shall inform MSP-FSD and instruct staff to document, photograph, and collect evidence. The name(s) of personnel collecting the evidence and the reason for the collection shall be documented and provided to the MSP-FSD as soon as possible. See Chapter 15 for information on handling of evidence and seized property.
  - iii. Evidence that is not subject to an imminent threat shall be left for the MSP-FSD crime scene personnel to process.
4. Collection of other Evidence at Scene
  - i. Video Evidence
    - The CID Commander or designee shall identify all personnel who are equipped with a Body Worn Camera (BWC) and Mobile Video Recording (MVR) that potentially captured any aspects of the encounter. All BWC and MVR footage shall be secured and turned over to MSP-FSD personnel.
    - CID Commander or designee shall identify all video surveillance evidence prior to the arrival of MSP-FSD personnel.
  - ii. Involved and Witness Deputies
    - The CID Commander or designee shall identify and separate all involved and witness deputies.

- If there is an imminent need to remove the involved or witness deputy from the scene, the deputy shall be transported by another non-involved KCSO deputy with his/her BWC recording.

### iii. Civilian Witnesses

- The CID Commander or designee shall identify, separate, and maintain all possible civilian witnesses and request they remain present until MSP personnel arrive to conduct interviews.
- In cases where the civilian witness needs to be transported from the scene the CID Commander or designee shall contact MSP prior to transport for further guidance.
- If the witness is unwilling to wait on scene for MSP, the CID Commander or designee shall conduct an interview, collect any video or other evidence they may have and to obtain the contact information for the witness to include his/her name, date of birth, address, phone number and vehicle registration information.
- Any on-scene interaction with the civilian witnesses shall be recorded using the BWC and documented in Crimestar.

## 5. Death Notification

- If the incident involves death, the MSP shall make the next-of-kin notification to the family of the involved deceased. At the discretion of the Sheriff and MSP, KCSO may accompany MSP with the next-of-kin notification.
- If MSP is unable to make the next-of-kin notification, the KCSO will make the notification. The KCSO will provide the family with the MSP contact information and will provide the MSP with the family contact information.
- Following the next-of-kin notification and throughout the investigation, the MSP will be the primary point of contact for the decedent's family.

## 6. Submission of Evidence

- All evidence collected as of an IID investigation shall be submitted to the MSP-FSD regardless of who collects the evidence. IID personnel will make the final decision on what evidence is considered part of their investigation.
- If the KCSO determines that it needs possession of evidence or needs evidence to be analysis for a criminal investigation that was submitted to the MSP-FSD, it may request the transfer of evidence.

## 7. Media Response procedures for the IID

- Communication with the public and media in the wake of a fatal or potentially fatal incident must balance the public's desire for answers, the need for accuracy and the need to convey the independence of the investigation. At the discretion of the Sheriff, the policy of the KCSO is to defer all media questions to the IID investigator and the MSP-FSD.
- If the Sheriff determines a public statement or release is appropriate certain limited information may be given. To the extent possible, the KCSO will consult with IID prior to the release of this information. The KCSO may generally include the following information in its public statement:

- The date, time, and location of the incident
  - The type of call for service that led Deputies to the scene.
  - Information concerning injuries sustained by any surviving civilians and/or an officer, and whether any individuals were transported to the hospital.
  - How many officers discharged their firearms.
  - Whether a weapon was recovered or located on-scene.
  - Basic information regarding the age, race, duty assignment, tenure, and current administrative status of the officer(s).
  - Each police department will include in their remarks a statement confirming that the investigation into the officers' conduct will be conducted by the Maryland Attorney General's Office Independent Investigative Division, with assistance provided by his/her department as requested.
8. Upon completion of the investigation the IID will release the report, with appropriate redactions for confidentiality, within 30days of a final judgment of all defendants in a prosecuted case, or within 30days of a determination by the SAO or other relevant prosecutorial entity that they are declining to prosecute.

**(CATEGORY C)**

#### **8-1104 DEPUTY INVOLVED DEATH OR SERIOUS INJURY-NON IID INVESTIGATION**

If MSP determines that the death or serious injury will not be investigated by IID or the MSP-FSD, the KCSO shall adhere to the following procedures:

##### **a. Involved Deputy's Responsibilities:**

1. Any KCSO Deputy involved in an incident whose action(s) result in, or is alleged to have resulted in, death or serious injury shall immediately notify the on-duty Patrol Supervisor. If the Patrol Supervisor is involved, he/she shall notify the Patrol Division Commander.
2. Any sworn KCSO Deputy who witnesses or has knowledge of a sworn Deputy being involved in an incident whose action(s) result in, or is alleged to have resulted in, death or serious injury shall immediately notify the on-duty Patrol Supervisor. If the Patrol Supervisor is involved the KCSO Deputy shall notify the Patrol Division Commander.
3. KCSO personnel involved in any action(s) that results in, or is alleged to have resulted in, death or serious injury will, if possible:
  - i. request assistance as soon as it is safe to do so,
  - ii. make the scene safe. It is important to remember that additional people may respond to the location, or there may be additional suspects or persons who are antagonistic toward law enforcement, especially immediately following an incident involving death or serious injury.
  - iii. request medical personnel and render first aid to any injured Deputy or others,

- iv. secure suspects, injured and others at the scene,
  - v. protect and secure the scene from any contamination of evidence until additional personnel arrive
  - vi. identify and/or detain witnesses present at the scene,
- 4. Provide the responding Deputy or Deputies or Patrol Supervisor with critical public safety information such as:
  - i. type of force used,
  - ii. location of injured persons/description of possible injuries,
  - iii. location of offenders or suspects,
  - iv. description and direction of travel of any suspects who fled, and time elapsed since the suspect(s) was last seen,
  - v. description and location of any known evidence/weapons,
  - vi. description and location of any known victim(s) or witness(s),
  - vii. any other information relevant to law enforcement/public safety and/or to preserve evidence,
  - viii. approximate number and direction of rounds fired by Deputy(s) and suspect(s); if applicable.
- 5. KCSO personnel involved should not discuss the incident, except to provide a brief account of what occurred in the interest of public safety or write any statements or complete any administrative reports until after a discussion with the personnel conducting the criminal investigation or the involved Deputy's legal counsel.
- 6. If the KCSO personnel is involved in a shooting incident and is incapable of handling a firearm due to injury, shock, or emotional stress, they should not have access to a weapon. Only in extreme circumstances should the Deputy be disarmed on the scene. If the weapon is holstered, or secured properly, it is safe and accounted for. When appropriate, duty weapons will be turned over to the assigned outside law enforcement investigator as part of the investigation. A replacement weapon will be issued prior to the end of tour of duty, where appropriate. Weapons not in the Deputy's possession will remain where they are located so they can be processed and photographed. If the scene is secure and safe, there is no need to make any weapon safe. LEAVE IT WHERE IT IS!
- 7. KCSO personnel involved in any police involved incident resulting in death or serious injury, shall be afforded their rights as provided by law. Attention will be paid to ensuring that involved personnel are allowed legal representation should it be desired.
- 8. Should the incident take place outside the jurisdictional boundaries of Kent County, the first responding KCSO Deputy or Patrol Supervisor will immediately take charge and control of the involved Deputy and remain with him or her at all times. The involved Deputy and the responding/supporting KCSO personnel should take into consideration the direction and assistance of the local agencies' personnel. However, when the directions or orders of another

agency are contrary to the general orders or operating procedures of the KCSO, the Deputy involved or responding/supporting Deputies of the KCSO shall not be required to follow any directive of another police agency or take commands of any law enforcement officer of another agency without the express authorization of the Sheriff of Kent County or his/her designee.

9. KCSO personnel involved in highly stressful or deadly incidents should generally, be allowed at least 24 hours or at least one full sleep cycle before a formal interview.
10. KCSO personnel involved in an incident resulting in death or serious injury will be required to meet with a KCSO designated psychologist as soon as practical after the incident.
11. KCSO personnel involved in an incident will be required to submit to a drug screen, if warranted.

**b. Patrol Supervisor's Responsibilities:**

1. Assure that KCSO personnel and others are safe, and the scene is secure. Set up an inner and outer perimeter, as needed
2. Request any additional personnel and/or medical assistance. Keep in mind that in a highly stressful incident, some injuries might go undetected at first, and that those involved may experience a spike in blood pressure or other hard to detect symptoms.
3. Assign an uninvolved Deputy to each involved Deputy to ensure his or her well-being and to protect evidence. These personnel should offer support and remain constantly with the involved Deputy. The involved Deputy will not be prevented from using a restroom, having food and water, or wearing appropriate clothing for the conditions. Care must be given to protecting evidence that may be on the person of the involved Deputy.
4. The involved Deputy should not be allowed to drive himself/herself to the hospital, headquarters, or home. The Patrol Supervisor shall ensure that the appropriate transportation is provided.
5. Assign additional personnel to the suspect(s), identify witnesses, and detain them if necessary
6. Prior to arrival at the scene notify the following:
  - i. CID Commander,
  - ii. Sheriff,
  - iii. Chief Deputy,
  - iv. Patrol Division Commander
7. Ascertain a brief account of what occurred from the Deputy involved. Public safety questions will include:
  - i. Location of injured persons/description of possible injuries,
  - ii. description of outstanding suspect(s) and their direction of travel, time elapsed since the suspect(s) was last seen and any suspect weapon(s),
  - iii. description and location of any known victim(s) or witness(s),
  - iv. description and location of any known evidence,

- v. any other information relevant to law enforcement/public safety and/or to preserve evidence,

**NOTE: KCSO personnel should be cognizant of the perception of any statements made and/or actions taken at the scene of a Deputy involved in an incident resulting in death or serious injury. The need to protect the integrity of the investigation, while respecting the rights and feelings of victims, the public and law enforcement personnel is paramount.**

8. The Patrol Supervisor will not conduct any formal administrative interviews of the Deputy involved. An overview of what occurred will allow the Patrol Supervisor to brief others, i.e., criminal investigators and command personnel arriving at the scene and ensure appropriate crime scene processing.
9. Arrange for a prompt escort to a medical facility or headquarters for the Deputy involved. If more than one Deputy is involved, they will be separated, but not isolated. The escort Deputy should not be involved in the incident, and he/she will not question the involved Deputy. He/she will remain with the involved Deputy to provide support as needed until relieved by the CID Commander or his/her designee or the Sheriff or his/her designee.
10. Notify promptly and personally, or permit the involved Deputy to contact, his or her family prior to any media release or coverage.
11. Allow the Deputy to contact legal counsel.
12. The KCSO Chaplain will be made available, if requested, to any involved Deputy or their family.
13. The on-duty Patrol Supervisor will complete the initial offense report unless directly involved in the incident. If directly involved, the Patrol Division Commander or designee will complete the initial offense report.
14. Advise the involved Deputy that he/she may experience the symptoms of post traumatic trauma and that the KCSO will make arrangements for him/her to meet with appropriate professional counseling personnel. The Patrol Supervisor may also encourage the Deputy to seek consultation with the Employee Assistance Program or another professional counseling professional of the Deputy's choosing.

**c. Criminal Investigation Responsibilities:**

1. After being notified, the CID Commander or his/her designee and if necessary, the Victim Witness Service Provider (VWSP). This need will be determined by the CID Commander or his /her designee with consultation of the Sheriff or his/her designee.
2. The CID Commander or his/her designee will take command of the scene until relieved by the outside law enforcement agency assigned to handle the investigation after consultation with the Sheriff or his/her designee.
3. The CID Commander or his/her designee will brief the Sheriff or his/her designee regarding the incident.
4. The CID commander or his/her designee will coordinate with the assigned lead law enforcement agency, if appropriate. The Sheriff or his/her designee will assign the appropriate KCSO personnel to conduct an internal investigation in conjunction with



requesting assistance from an appropriate outside agency to conduct any criminal investigation, and direct KCSO personnel for the purposes of assisting in the investigation as requested by the assigned outside law enforcement agency.

5. The CID Commander or his/her designee shall request that "KENT" preserve and provide the assigned outside law enforcement investigator with all involved/related CD recordings of telephone and radio transmissions for at least thirty (30) minutes prior to the incident and until all units have cleared the scene. These recordings will be provided to the lead outside law enforcement investigator.
6. The CID Commander or his/her designee will ensure that the involved Deputy's in-car audio video and body camera recordings are preserved as evidence. These recordings will be provided to the lead outside law enforcement investigator.
7. After consultation with the lead outside law enforcement investigator, the CID Commander or his/her designee will ensure that a death/serious injury notification is made to the next of kin in a timely manner. The CID Commander or his/her designee may contact the VWSP or a KCSO Chaplain for assistance, if appropriate.
8. The assigned outside law enforcement investigator will be responsible for ensuring all aspects of a preliminary and follow-up investigation are handled, to include the processing of the crime scene, interviewing of agency and non-agency witnesses, and placing of criminal charges, if appropriate.
9. If the incident involves the discharge of the deputy's firearm, the lead outside law enforcement investigator or his/her designee will take custody of the firearm(s) from the involved Deputy(s), as well as ammunition in his/her or their possession when appropriate. A replacement weapon will be issued as soon as is practical to the involved Deputy(s), if appropriate to do so. At no time will a Deputy's firearm be taken in the presence of a suspect, news media or the public. The firearm(s) will be unloaded and rendered safe by or at the direction of the investigator.
10. The assigned outside law enforcement Investigator will afford the involved Deputy all their constitutional rights and will coordinate interviews in a timely manner.
11. The assigned outside law enforcement Investigator and CID Commander will review all written statements/reports by KCSO personnel and witnesses.
12. The assigned outside law enforcement Investigator will initiate criminal charges, if warranted, after consultation with the CID Commander, the Sheriff and the State's Attorney

**d. KCSO Command Responsibilities:**

1. KCSO command personnel will respond to the scene and if necessary, establish a Command Post
2. KCSO command personnel will be briefed on the incident by KCSO personnel on scene
3. The ranking KCSO Commander will ensure all notifications have been made to the following:
  - Sheriff.
  - Chief Deputy.

- Patrol Commander.
- CID Commander.
- VWSP.
- KCSO Chaplain.
- State's Attorney
- KCOES
- Next of kin
- Involved Deputy's family.
- Media after consultation with the Sheriff or his/her designee and the lead outside law enforcement investigator.

**e. The Patrol Division Commander will:**

1. review the incident response and initial staging
2. check the status of KCSO personnel involved and ensure their needs are addressed.
3. ensure the scene is secure until relieved of this responsibility by the lead outside law enforcement investigator.
4. provide additional resources as needed or requested by the lead outside law enforcement investigator.
5. ensure all responding Deputies complete required KCSO reports at the conclusion of the incident. These reports will be made available to the lead outside law enforcement investigator.
6. if the involved Deputy is injured and is transported to the hospital, ensure that the spouse or closest relative has transportation to the hospital.

**f. The Chief Deputy will:**

1. coordinate the KCSO internal investigation.
2. coordinate any administrative hearings or actions.
3. provide logistical support to KCSO personnel involved in the investigation.
4. recommend the duty status of KCSO personnel involved to the Sheriff.
5. shall mandatorily refer a Deputy for mental health consultation and counseling services, if deemed appropriate, when he/she has been involved in an incident resulting in:
  - i. A serious injury to the Deputy
  - ii. A Deputy involved shooting, or
  - iii. Any use of force resulting in a fatality or serious injury

- iv. This service is to be provided through the Employee Assistance Program at no cost to the Deputy.
  - 6. be the KCSO's point of contact with the involved KCSO personnel for issues such as returned to duty status, any required medical or mental health appointments and upcoming releases of information or press conferences (this is important, so involved personnel can prepare themselves and their families).
  - 7. be the involved Deputy's point of contact for routine questions not involving specifics of the investigation.
- g. **The Sheriff will:**
- 1. review and approve all media releases and answer all inquiries by the media after consultation with the lead outside law enforcement investigator.
  - 2. determine the work status of the involved Deputy pending the completion of the criminal and internal investigation.
  - 3. review the medical and psychological status of the involved KCSO personnel to determine fitness for future duty
  - 4. be apprised of the completed criminal investigation by the lead law enforcement and will consult with the State's Attorney and the assigned outside law enforcement investigator regarding criminal charges, if warranted
  - 5. assign the appropriate KCSO personnel to conduct an internal investigation
  - 6. review the internal investigation with the KCSO investigator assigned regarding administrative charges, if appropriate.

**(CATEGORY C)**

## **8-1105      TRAINING**

- a. All KCSO sworn personnel ranks Corporal and above will receive annual process training on managing police involved incidents resulting in death or serious injury; and
- b. All KCSO sworn personnel will receive annual awareness training for police involved incidents resulting in death or serious injury.

**(CATEGORY A(CALEA 11.3.4))**

## **8-1200      PUBLIC SAFETY-POLICE OFFICER DATA COLLECTION AND REPORTING**

Annually, the Accreditation Manager shall report all Use of Force incidents resulting in a monetary settlement or judgement against the KCSO during the previous year.

## **8-1201      PROCEDURES**

- a. By the 1<sup>st</sup> day of March on each calendar year the Accreditation Manager shall submit a report to the Governor's Office on Crime Prevention, Youth, and Victim Services for any Use of Force incident that resulted in a monetary settlement or Judgement against the KCSO.

- b. This report shall include the following information:
  - 1. The age, gender, Ethnicity, and race of each individual involved in the incident.
  - 2. The Age, Gender, Ethnicity, and race of the police officer involved in the incident.
  - 3. A brief description of the circumstances surrounding the incident.
  - 4. The date, time, and location of the incident.
  - 5. The date the civil action was filed.
  - 6. The date the civil action was resolved.
  - 7. The amount of the settlement or judgement awarded to the Plaintiff, if appropriate.

## **8-1300 WEAPONS QUALIFICATION AND TRAINING**

- a. The firearms Instructor will design and administer a training program and a qualification test for each weapon issued or approved by the KCSO. The program and test will be updated as necessary and re-approved in accordance with the Maryland Police and Correctional Training Commissions' (MPCTC) requirements.
- b. The tests and training programs will conform to the standards of the MPCTC and will be approved by the Chief Deputy and the Sheriff. They will include achieving minimum qualifying scores on a prescribed course; training on when a Deputy may or may not draw a firearm or point a firearm at a person and enforcement options that are less likely to cause death or serious physical injury, including scenario-based training, de-escalation tactics and techniques, and reasonable alternatives to decrease physical injury; attaining and demonstrating knowledge of the laws concerning the use of authorized weapons, knowledge of this use of force policy, and recognized safe-handling procedures. The use of force curriculum will include the implications of all uses of force, whether by weapon or by physical force.

As part of qualification, each Deputy will certify that he or she has read and understands this Chapter of the KCSO Manual and has completed all training requirements outlined in subsection (b) of this section. Annually, upon completion of this training, each Deputy shall sign the KCSO Use of Force and Firearms Training Acknowledgement, KCSO Form #126. The certification will be maintained in the employee's official personnel file in the Sheriff's office.

- c. A Deputy must demonstrate and maintain proficiency in the use of a KCSO-authorized weapon before being authorized to use it.
- d. A Deputy will, at a minimum, be trained and qualify annually with all firearms approved and assigned to him or her.
  - 1. In the event a Deputy fails qualification with a weapon, the Deputy will not be permitted to carry that weapon in the line of duty until the Deputy has re-qualified. This may require the employee's suspension from active duty in accordance with the procedures outlined in Chapter 4 of this Manual. The KCSO Firearms Instructor will work with any employee who fails qualification to assist the employee in meeting proficiency requirements.

2. All qualifications will be under the supervision of the firearms Instructor and will be documented in the Deputy's Personnel File.
3. In-service training for less-than-lethal weapons and weaponless control techniques will be conducted at least annually.
- e. KCSO Deputies are responsible for the security of any weapons and ammunition assigned to them.
- f. The KCSO does not utilize explosives for investigative or training purposes.

**(CATEGORY C)**

**8-1400            LAW ENFORCEMENT OFFICERS SAFETY ACT OF 2004**

**8-1401            CURRENT EMPLOYEES**

The Law Enforcement Officers Safety Act of 2004 (LEOSA, 18 U.S.C. 926B and 926C) permits qualified active law enforcement officers and honorably retired law enforcement officers to carry their firearms concealed nationwide. LEOSA overrides state and local laws, but not federal laws. Thus, LEOSA "qualified" individuals must obey Federal laws and agency policies that restrict the carrying of concealed firearms in certain Federal buildings and on certain Federal lands. The Act has several limitations:

- a. The law enforcement officer, Deputy, is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or incarceration of any person for, any violation of law and has statutory powers of arrest.
- b. The law enforcement officer, Deputy, must be authorized by the agency to carry a firearm.
- c. The law enforcement officer, Deputy, is not the subject of any disciplinary action by the agency.
- d. The law enforcement officer, Deputy, must meet the standards, if any, established by the agency which requires the employee to regularly qualify in the use of a firearm.
- e. The law enforcement officer, Deputy, may not be under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
- f. The law enforcement officer, Deputy, is not prohibited by State or Federal law from receiving a firearm.
- g. The law enforcement officer, Deputy, must be in possession of his/her agency, KCSO photo identification card.

**(CATEGORY C)**

**8-1402            RETIRED EMPLOYEES**

- a. The retired law enforcement officer, Deputy, must have retired in good standing from service with a public agency, other than for reasons of mental instability.
- b. The retired law enforcement officer, Deputy, before retirement was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest.
- c. The retired law enforcement officer, Deputy, before retirement, was regularly employed as a law enforcement officer for an aggregate of 10 years or more, or retired from service with such agency, after completing any applicable probationary period of service, due to a service-connected disability, as determined by such agency.

- d. The retired law enforcement officer, Deputy, has a non-forfeitable right to benefits under the retirement plan of the agency.
- e. The retired law enforcement officer, Deputy, during the most recent 12-month period, has met, at the expense of the individual, the State's standards of training and qualification for active law enforcement officers to carry firearms.
- f. The retired law enforcement officer, Deputy, must possess either:
  - 1. a photographic identification issued by the agency from which the individual retired which indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm, or.
  - 2. a photographic identification issued by the agency from which the individual retired from service as a law enforcement officer and a certificate issued by the State in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested, or otherwise found by the State to meet the standards established by the State for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.
  - 3. may not be under the influence of alcohol another intoxicating or hallucinatory drug or substance.
  - 4. The retired law enforcement officer, Deputy, is not prohibited by State or Federal law from receiving a firearm.

#### **8-1403 KCSO REQUIREMENTS FOR RETIREE L.E.O.S.A. CERTIFICATION**

- a. Retired/separated KCSO Deputies must meet all requirements of L.E.O.S.A. in order to be issued a L.E.O.S.A. certification through the Kent County Sheriff's Office. To attain and maintain L.E.O.S.A. certification the KCSO requirements are as follows:
  - 1. Complete the KCSO Application to Carry a Concealed Firearm.
  - 2. Contact the KCSO Agency Firearms Instructor to schedule annual training and firearms qualification. Annual training and firearms qualification shall consist of the following:
    - i. Attend a MPCTC approved KCSO L.E.O.S.A. Classroom Training session and pass the related examination with a score of 70% or better.
    - ii. Attend a MPCTC approved KCSO L.E.O.S.A. primary firearms qualification course for daytime and reduced light. Applicants must attain a score of 70% or better for each qualification course.
- b. Retired/separated Deputies are required to comply with all KCSO range rules and regulation
- c. Retired/separated Deputies will be required to furnish fifty (50) rounds for each firearm qualification course. Applicants may use KCSO ammunition and reimburse the KCSO for same if the ammunition they are qualifying with is in KCSO stock.
- d. Retired/separated Deputies successfully complying with the KCSO L.E.O.S.A. certification requirements will be issued a KCSO L.E.O.S.A. Certification Card. The certification card will

expire one (1) year from the date of qualification. It shall be the responsibility of the retired/separated Deputy to reapply for L.E.O.S.A. certification annually.

The KCSO Agency Firearms Instructor shall be responsible for developing and maintaining file of KCSO L.E.O.S.A. certified retired/separated Deputies, which shall include the following:

- i. KCSO Application to Carry a Concealed Firearm,
- ii. qualification dates,
- iii. classroom training examination scores,
- iv. qualification courses of fire,
- v. qualification scores, and
- vi. the type and serial number of the firearm(s) used in qualifying.

## CHAPTER 9 ARREST AND TRANSPORTATION OF DETAINEES

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## **9-001        ARREST AND TRANSPORTATION OF DETAINEES**

### **9-002        ARREST**

The law of arrest in Maryland is found in common law and statute. Arrest is the taking into custody of a person. In order to constitute an arrest, there must be either a touching of the body (which may be of the lightest kind), or there must be notification of the purpose to arrest and submission thereto.

Maryland law makes a basic distinction between a felony and a misdemeanor. Generally, the law allows a Deputy to make an arrest without a warrant for a felony but restricts the right for a misdemeanor.

All arrests call for probable cause to exist. Probable cause to arrest exists where the facts and surrounding circumstances justify a reasonable belief that a crime has been committed and that the person to be arrested has committed it.

All Deputies who have been certified by the Maryland Police and Correctional Training Commission are authorized by law to make full custody arrests. That authority derives from the Criminal Procedure Article of the Annotated Code of Maryland.

The laws of arrest are very complex, and it is not possible to cite every circumstance under which a Deputy must act and to provide specific guidance. Of necessity, this information must be an overview of the law with explanations of key elements. Deputies will receive regular guidance in this area through written communications, briefings, and in-service training.

Specific information concerning traffic arrests will be found in Chapter 12, Traffic Enforcement. Information concerning an important related topic, interrogation of persons in custody, can be found in Chapter 14, Criminal Investigation.

**(CALEA 1.2.1)**

### **9-003        USE OF DISCRETION**

In general, it is not the role of law enforcement to decide whether a person who breaks the law should be prosecuted. That decision lies with the State's Attorney. However, many instances of public contact will occur where an arrest may be made but should not be affected due to mitigating circumstances.

It is the policy of the KCSO that any decision by a law enforcement officer not to arrest should be made only after careful consideration of the following:

- an arrest would cause greater risk of harm to the public than not making an arrest;
- an arrest would cause harm to an offender who poses no threat of danger to the public; and
- the seriousness of the crime committed.

A decision not to arrest when there are grounds for an arrest may, at times, be a good law enforcement practice. Public empathy can be enhanced by the careful use of discretion and potential ill will can be avoided.

Should a Deputy have any questions concerning a particular situation, he or she should confer with a supervisor for specific guidance.

**(CALEA 1.2.7)**

## **9-004            ALTERNATIVES TO ARREST**

As noted above, there are situations in which Deputies may exercise discretion in applying alternatives to arrest. Warnings, referrals, informal resolutions, and citations are approved alternatives to arrest. Alternatives to arrest must respect the rights of the parties involved and must accomplish a police purpose.

- a. *Informal resolutions.* Often, the interests of the parties involved can be satisfied better by a mediated settlement on the scene rather than a formal prosecution in court. Resolutions of this nature should be by agreement with the affected parties and should not be employed as an excuse for not affecting an arrest. As a rule, informal resolutions should be documented by a written Incident or Criminal Report to record the Deputy's reasons for using this alternative to arrest.
- b. *Referrals.* Referrals may be made to other KCSO components or to other police or governmental agencies. They may also be made to social service agencies or to organizations better suited to address and to resolve the problem(s).
- c. *Warning.* Officers may exercise discretion in minor traffic and ordinance violations by delivering oral or written warnings. Compliance is the goal of minor enforcement actions.
- d. *Citations.* These are formal enforcement procedures that are alternatives to arrest since they do not involve physical custody.

**(CALEA 1.2.6)**

## **9-100            PRINCIPLES OF ARREST**

### **9-101            ARREST WARRANTS**

An arrest warrant is a written order by a judicial officer commanding the police to arrest the person named in the warrant.

An arrest warrant must be signed by the judicial officer issuing it, set forth the time and place of making it, and the charge or offense. Arrest and search warrants may be executed by sworn law enforcement officers only.

When a warrant is placed in the hands of a Deputy he or she is not bound to inquire into the particulars of the complaint. If the warrant is in due form and issued by a person having a right to issue it, the duty of the Deputy is to execute it without further inquiry, and the warrant will protect him or her.

The Supreme Court has recognized the Police Team concept. If any law enforcement officer holds a warrant, it is deemed held by all officers involved in a group action. Whenever an arrest is made based on this concept, the Deputy making the arrest must verify the information as soon as practical.

### **9.102            ARREST ON WARRANT PROCEDURES**

In order to protect the rights of individuals, as well as protecting the KCSO and KCSO sworn personnel from civil liability, KCSO Deputies shall comply with the following procedures upon attempting to serve any warrant:

- a. *Validity/Confirmation of an Active Warrant*
  1. A KCSO Deputy should possess the warrant or copy of the warrant prior to the service of the warrant if the warrant is assigned to the KCSO for service.

2. Not all warrants assigned to the KCSO for service are entered into METERS/NCIC, therefore KCSO Deputies attempting to serve a warrant when said warrant or copy of same is not in their possession, the Deputy should query CrimeStar and have the KCSO warrant file manually searched to ensure that there is an active warrant for the suspect individual.
- b. If the warrant is issued from another jurisdiction, the KCSO Deputy attempting to serve the warrant shall confirm the validity of the warrant as soon as practicable after the suspect individual is detained. This shall be accomplished by the Deputy requesting KCSO Administrative Office personnel, or upon their unavailability, Kent County Office of Emergency Services (KCOES), Emergency Communications Specialist (ECS) personnel to send a "Hit Confirmation Request" to the jurisdiction possessing the warrant for the suspected "wanted" individual. If the warrant is valid/confirmed, the agency possessing the warrant will send a "Hit Confirmation Response" advising same. If the warrant cannot be "confirmed", the individual detained shall immediately be released.
- c. Persons arrested on valid/confirmed warrants shall be processed in accordance with all KCSO procedures relating to the processing of arrestees.
- d. KCSO Deputies shall run a "wanted check" (10-29) on all persons they arrest to identify and process other outstanding warrants for the individual in custody. A notation regarding the (10-29) "wanted check" shall be documented in the disposition section of the CrimeStar Call for Service assigned to the warrant service.
- e. Clearance of an Active Warrant through METERS/NCIC

It is imperative that all served warrants be removed from METERS/NCIC immediately upon service. The KCSO and the serving Deputy are subject to civil liability for the false arrest of person who is rearrested on a warrant that has not been removed from METERS/NCIC

- f. If the individual is arrested on a warrant that has been entered in METERS/NCIC by the KCSO and the arrest occurs during the hours when KCSO Administrative Office personnel or the CID Commander are working, it shall be their responsibility to remove a served warrant from METERS/NCIC. The arresting Deputy will confirm that the warrant has been removed from METERS/NCIC prior to the end of his/her shift in which the arrest was made and will document same on the CrimeStar Call for Service that corresponds to the warrant service.
- g. During all hours other than those described in #1 above, the Deputy serving the warrant will immediately request that the on-duty, KCOES, ECS remove the warrant from METERS/NCIC. KCSO Deputies will comply with the following procedures:
  1. The arresting Deputy will retrieve the corresponding METERS/NCIC file for the warrant from METERS/NCIC file cabinet.
  2. The arresting Deputy will provide the ECS with the appropriate METERS file and a copy of the served warrant that requires removal through METERS/NCIC.
- h. The arresting Deputy shall confirm that the ESC has removed the warrant from METERS/NCIC prior to the end of his/her shift in which the arrest was made and will document same on the CrimeStar Call for Service that corresponds to the warrant service.
- i. Warrants filed at the KCSO and entered into METERS/NCIC by the KCSO and served by allied law enforcement agencies will be removed from METERS/NCIC utilizing procedures documented in

#1, #2, and #3 above. It shall be the responsibility of the KCSO Administrative Office personnel or sworn personnel receiving confirmation that the warrant has been served by an allied law enforcement agency is removed from METERS/NCIC. Additionally, it shall be the responsibility of KCSO Administrative Office or sworn personnel to comply with the warrant removal procedures listed herein.

- j. In the event that the warrant cannot be removed by complying with the procedures listed above, the arresting Deputy shall immediately notify the KCSO CID Commander who shall be responsible to ensure that the warrant is removed from METERS/NCIC in an expeditious manner.
- k. KCSO personnel serving warrants from other jurisdictions shall as soon as practicable after the individual is in custody, request that a "Locate" be sent by KCSO Administrative Office personnel, the CID Commander or upon their unavailability, by on-duty ECS personnel. Additionally, prior to the end of his/her current shift, the arresting Deputy shall fax the return of service to the agency possessing the original warrant.

**(CATEGORY B)**

**9-103                      WARRANTLESS ARRESTS**

- a. A Deputy may arrest without a warrant any person who commits, or attempts to commit, any felony or misdemeanor in the presence of, or within the view of, the Deputy.
- b. A Deputy who has probable cause to believe that a felony or misdemeanor is being committed in the Deputy's presence or within the Deputy's view, may arrest without a warrant any person whom the Deputy may reasonably believe to have committed such offense.
- c. A Deputy may arrest a person without a warrant if the Deputy has probable cause to believe that a felony has been committed or attempted and that such person has committed or attempted to commit a felony whether or not in the Deputy's presence or view.
- d. A Deputy may arrest a person without a warrant if the Deputy has probable cause to believe that the person battered that person's spouse or other individual with whom the person resides, there is evidence of physical injury, a report to the police was made within 48 hours of the alleged incident and the three circumstances listed below for a misdemeanor arrest are met.
- e. A Deputy may arrest a person without a warrant, for a misdemeanor, if the Deputy has probable cause to believe that one of the listed offenses in §2-203 of the Criminal Procedure Article of the Annotated Code of Maryland has been committed; that the person has committed the offense; and that unless the person is immediately arrested:
  - 1. the person may not be apprehended.
  - 2. the person may cause injury to the person or damage to the property of one or more other persons; or
  - 3. the person may tamper with, dispose of, or destroy evidence.
- f. The listed offenses in §2-203 of the Criminal Procedure Article are:
  - 1. manslaughter by vehicle or vessel under § 2-209 of the Criminal Law Article;
  - 2. malicious burning under § 6-104 or § 6-105 of the Criminal Law Article or an attempt to commit the crime;

3. malicious mischief under § 6-301 of the Criminal Law Article or an attempt to commit the crime;
4. a theft crime where the value of the property or services stolen is less than \$1,000 under § 7-104 or § 7-105 of the Criminal Law Article or an attempt to commit the crime;
5. the crime of giving or causing to be given a false alarm of fire under § 9-604 of the Criminal Law Article;
6. indecent exposure under § 11-107 of the Criminal Law Article;
7. a crime that relates to controlled dangerous substances under Title 5 of the Criminal Law Article or an attempt to commit the crime;
8. the wearing, carrying, or transporting of a handgun under § 4-203 or § 4-204 of the Criminal Law Article;
9. carrying or wearing a concealed weapon under § 4-101 of the Criminal Law Article;
10. prostitution and related crimes under Title 11, Subtitle 3 of the Criminal Law Article; and
11. violation of a condition of pretrial or posttrial release under § 5-213.1 of this article.

**(CATEGORY B)**

#### **9-104 ARREST OF FUGITIVE FROM ANOTHER JURISDICTION**

The Commander of the Patrol Division or his or her designee will oversee all proceedings involving fugitives.

A Deputy having prior knowledge of an individual in this jurisdiction being a fugitive will make every attempt to obtain a true test copy of the warrant prior to an arrest being made.

Whenever a Deputy has contact with a person (adult or juvenile) for whom an extraditable warrant or writ from an agency outside the State of Maryland exists, the person, after verification, will be taken into custody as a fugitive from justice. If the suspect is arrested for committing an offense in Kent County, the Deputy will complete the standard arrest procedures.

If a sworn officer from another jurisdiction outside the State of Maryland presents a warrant, other charging document, or METERS message for a person alleged to be in Kent County and they want to attempt service, Deputies of this Agency will assist. If there is any question regarding the warrant, it should be verified through METERS / NCIC. If an arrest is affected, the person will be turned over to this Agency where he or she will be charged as a fugitive and taken before a judicial Officer.

When persons are taken into custody by a KCSO Deputy on a detainer or warrant from a federal agency, the detaining Deputy shall obtain a copy of the detainer or commitment from the federal agency requesting the detention and shall promptly present the detainee along with the detainer or commitment to KCDC.

It is against both Agency policy and the law to turn over a detainee to a demanding jurisdiction outside the State of Maryland without first completing the appropriate legal process.

**(CATEGORY B)**

## **9-105 ARREST OF ILLEGAL ALIENS**

When a person is booked on any criminal charge and is also suspected of being an illegal alien, the arresting Deputy may:

- a. Contact the Immigration and Naturalization Service to attempt ascertain the individual's immigration status.
- b. If the information is available from Immigration and Naturalization Service, it will be included in the narrative at the bottom of the KCSO Arrest Report Form.

A Deputy will not initiate an arrest merely to determine a suspect's alien status. Illegal aliens are foreign nationals and are subject to the following section.

**(CATEGORY B)**

## **9-106 ARREST OF FOREIGN NATIONALS**

A foreign national is any person who is not a citizen of the United States, including a person who is in the United States illegally. A Deputy who arrests a foreign national will adhere to the following procedures:

- a. Determine the foreign national's country; and
- b. Determine if the foreign national's country is on the list of mandatory notification countries (A Consular Notification Book is maintained at KCSO Headquarters, or at [www.travel.state.gov/consularnotification](http://www.travel.state.gov/consularnotification)); if it is, the Deputy will:
  1. notify that country's nearest consular officials, without delay; and
  2. tell the foreign national that the notification is being made.
- c. If the foreign national's country is not on the mandatory notification countries list, the Deputy will:
  1. offer, without delay, to notify the foreign national's consular officials; and
  2. if requested to do so, notify the nearest consular officials.
- d. The Deputy will note in Criminal/Incident Report the time that any notification was made.

**(CATEGORY B)**

## **9-107 EXEMPTIONS FROM ARREST**

- a. Foreign diplomats are immune from arrest or detention, prosecution, entering of residences, or subpoena. Note, however, that reasonable constraints may be applied in emergency circumstances involving self-defense, public safety, or prevention of serious criminal acts.
- b. Diplomatic immunity extends to diplomatic agents, members of their administrative and technical staff, and to recognized family members. It does not extend to all staff, however.
- c. The Shift Supervisor or "Kent" can resolve a question concerning an individual's entitlement to diplomatic immunity, 24 hours a day, by contacting the U.S. Department of State (202-647-4415).
- d. Except in the case of a felony or breach of the peace, a United States Senator or Representative is exempt from arrest during attendance at the session of the respective house and in going to and returning from the same .

**(CATEGORY B)**

## 9-108 INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION (ICAOS)

When KCSO personnel are assigned to respond and transport an Interstate Compact for Adult Offender Supervision (ICAOS) offender from another state, KCSO personnel will comply with KCSO policies regarding the transportation of detainees found in Chapter 9 of the KCSO Administrative and Operations Manual. Additionally, both Federal law and Maryland law regarding ICAOS will be complied with (see D below).

The following information is provided to KCSO personnel to clarify the laws, policies and procedures delineated in ICAOS.

a. Retaking an offender by the sending state:

A sending state always retains the right to request the return of the offender from the receiving state. However, a sending state is obligated to request a warrant for the return of an offender from a receiving state when:

1. The receiving state reports a third significant violation by the offender.
2. The offender is convicted of a new felony offense or violent crime; or
3. The offender absconds from supervision.

b. An offender signs a Waiver of Extradition as part of the offender's initial application for supervision transfer and that warrant remains on file with both the sending and receiving states.

c. ICAOS rules provide the sending state thirty (30) calendar days to retake the offender into the sending state's custody on the sending state's warrant, provided the offender is being held solely on the sending state's warrant.

d. The ICAOS offender is to remain in detention pending retaking by the sending state and **MAY NOT BE PRESENTED BEFORE A JUDGE OR COMMISSIONER FOR BAIL, BOND, OR ANY OTHER FORM OF RELEASE** (Federal rule 5.111). Since ICAOS has the force and effect of Federal law, Rule 5.111 supersedes Maryland Annotated Code, Criminal Procedures Article, Title 9 "Extradition".

e. KCSO personnel will complete a KCSO Call for Service Report and a KCSO Arrest Report and submit same along with any forms/documents received from the sending and/or receiving states regarding the ICAOS.

f. It shall be the responsibility of the detention center where the offender is incarcerated to notify the Maryland Division of Parole and Probation (DPP) that the offender is in custody, so that DPP can schedule a Probable Cause Hearing and arrange for the sending state to retake the offender.

**(CATEGORY B)**

## 9-200 ARREST PROCEDURES

### 9-201 USE OF FORCE IN ARRESTS

It is the policy of the KCSO to use the minimum amount of force necessary to affect an arrest and overcome any resistance offered. The use of force must always be consistent with the policy described in Chapter 8.



When making an arrest of a person in a building, a Deputy will knock on the door, identify himself or herself as a Deputy there to make an arrest, and demand that the person inside open the door.

When a person to be arrested is only suspected to be at a location, and that location is not the detainee's own property, a search warrant should be obtained to conduct a search for the individual to be arrested.

The forcing of an outer door is generally so violent and dangerous that it will not be used except in exigent circumstances when an immediate arrest is necessary, such as:

- in the case of fresh pursuit; or
- the Deputy has reason to believe that making the announcement may allow a suspect to escape, constitute a source of danger to other persons in the building or to the Deputy personally, or may help the suspect destroy evidence.

**(CATEGORY C)**

## **9-202 USE OF RESTRAINING DEVICES - GENERALLY**

A detainee who is taken into custody will be handcuffed prior to transportation. Handcuffs will be double locked. Deputies will always consider their own safety in determining whether to handcuff subjects in front or behind the back. If a dangerous detainee's hands must be secured in front, they will be secured by a waist chain, violent prisoner restraint device or using the subject's belt, with the buckle behind the back.

When transporting a detainee who has a physical disability or illness or is obviously no physical threat (for example, young children, elderly persons, paraplegics, etc.), a Deputy may use discretion in applying handcuffs.

Leg irons, flex-cuffs or other devices may be used to secure disorderly or violent detainees to prevent injury to a person or damage to property.

During Field Training, all entry level KCSO personnel will be trained in the proper use of all authorized detainee restraints devices. Only authorized detainee restraint devices will be utilized and applied in the manner in which they were intended for the safe and effective restraint of the detainee.

**(CATEGORY B)(CALEA 70.2.1)**

## **9-203 SEARCH INCIDENT TO ARREST**

Every person who is arrested will be searched to prevent the destruction of evidence, to preserve the safety of the arresting Deputy, and to prevent possible harm to the detainee or others. These subjects are more thoroughly discussed in Chapter 10, Search and Seizure.

- a. A Deputy will perform a thorough and systematic search of a person placed under arrest at the earliest possible time; absent exigent circumstances, the search will be conducted before transporting the detainee.
- b. The following property will be taken from the detainee:
  1. property carried unlawfully.
  2. property lawfully carried, but dangerous to life or which could facilitate escape; and
  3. evidence.

- c. A Deputy taking custody of a detainee will, prior to transport, detention, interview, or interrogation, search the detainee regardless of previous searches.
- d. A Deputy bringing a detainee into KCSO Headquarters will search the detainee, regardless of previous searches.
- e. The following rules will apply to searches of detainees of the opposite gender:
  - 1. The arresting Deputy will exercise the same diligence in searching all detainees for concealed weapons or other dangerous instruments.
  - 2. Once a detainee is in custody and properly restrained, searches will be conducted by persons of the same gender.
- f. Strip searches and body cavity searches are discussed in Chapter 10, Search and Seizure.

**(CATEGORY C)(CALEA 70.1.1)**

## **9-300           TRANSPORTATION OF DETAINEES**

As a general rule, the transportation of persons already in custody in the Kent County Detention Center (KCDC) is the responsibility of the KCDC. The KCSO's principal transport responsibilities involve transporting a detainee to KCSO headquarters for booking, transporting the detainee to appear before the District Court Commissioner, transporting a detainee who has been committed by the Commissioner to the KCDC, and transporting detainee in extraditions. **(CALEA 70.3.3)**

For the purpose of this section, "properly restrained" means the detainee is controlled through the use of appropriate devices in such a fashion that 1) the possibility of injury to the transporting Deputy, the detainee, or others and 2) the possibility of damage to KCSO property, including vehicles, is minimized.

## **9-301           PRISONER TRANSPORTATION BETWEEN DETENTION FACILITIES**

- a. Every prisoner being transported between detention facilities shall be positively identified by the Deputy prior to transport. This includes prisoners being transported intrastate and interstate (extraditions). The transporting Deputy will examine the prisoner's booking records and associated court documents in the detention facility and will confirm the prisoner as the person named in the records.
- b. Acceptable method used to positively identify a prisoner will include:
  - 1. Photographic Identification;
    - i. driver's license;
    - ii. military identification;
    - iii. prior booking photograph;
    - iv. other recognized government photo identification.
  - 2. Personal knowledge of a prisoner's identity by law enforcement or correction officials
- c. Documents which may be transported with the prisoner between detention facilities include:
  - 1. commitment papers;

2. governor's warrant and /or extradition waiver;
  3. property records;
  4. medical records.
- d. The transporting Deputy will inquire and obtain any related reports and documents prior to the transport regarding the prisoner's escape risk or suicide potential.

**(CATEGORY B)(CALEA 70.5.1)**

## **9-302                   TRANSPORTATION BY PATROL CAR**

- a. A Deputy will employ the proper restraints and must exercise good judgment in the transportation of detainees, keeping in mind the dual goals of maintaining the Deputy's own safety and delivering the detainee safely.
- b. When transporting in a vehicle equipped with a detainee barrier, the detainee will be properly restrained, situated in the rear seat, and wearing the seat belt and shoulder harness. Before placing the detainee in the rear seat, the Deputy will verify that the locks have been set so that they cannot be opened from inside the vehicle. No more than two detainees may be transported in the rear behind the detainee barrier. If more than one detainee is transported, both detainees must be handcuffed behind the back.
- c. When transporting in a vehicle without a detainee barrier, the detainee will be properly restrained, situated in the right front seat, and wearing the seat belt and shoulder harness. If more than one detainee is transported, an additional Deputy will sit behind the driver to increase security.
- d. As a general rule, a detainee against whom O.C. spray has been used should not be transported until he or she has been treated by the Deputy and should not be transported face-down.
- e. In the case of a detainee transported by a Deputy of the opposite gender or the transportation of a juvenile, the odometer reading, location and destination will be reported to "Kent". Upon arrival at the destination, the same information will be transmitted.
- f. Under normal circumstances, a Deputy will not interrupt a detainee transport. The only exception is if the Deputy encounters a situation in which his or her immediate intervention will prevent the death or serious injury to a person. A Deputy encountering any other kind of incident will alert "KENT" of the need for assistance.
- g. During extended transports outside Kent County, Deputies will exercise extreme caution when stopping for fuel or meals or allowing detainees reasonable opportunity to use toilet facilities. Deputies will not announce the intention or location of a rest stop to the detainee or others. Deputies traveling the same route with any frequency will alternate rest stops and avoid establishing any pattern.
- h. During transport by the KCSO, detainees will not be permitted to communicate with other persons.
- i. KCSO personnel will not transport any detainee in a prone position. Transporting a detainee in a prone position can result in the fatal medical condition identified as positional asphyxia, which due to the positioning of the body results in the mechanical interference with pulmonary ventilation.

**(CATEGORY B)(CALEA 70.1.3, 70.1.4, 70.1.5, 70.2.1, 70.4.2)**

## **9-303                   TRANSPORTATION OF DETAINEES - COMMERCIAL AIRLINES**

The requirements for a law enforcement officer to fly armed aboard commercial aircraft are outlined in 49 CFR §1544.219.

### **9-303.1               REQUIREMENTS FOR AUTHORIZED LAW ENFORCEMENT OFFICERS (LEO)**

- a. Be a Federal law enforcement officer or a full time municipal, county or state law enforcement officer who is a direct employee of a government agency.
- b. Be sworn and commissioned to enforce criminal statutes or immigration statutes.
- c. Be authorized by the employing agency to have a weapon in connection with assigned duties.
- d. Completed the training program "Law Enforcement Officers Flying Armed"

**(CATEGORY B)**

### **9.303.2               PROCEDURES FOR STATE AND LOCAL LEOs TO FLY ARMED**

- a. Have the operational need to fly armed.
- b. The LEO's employing agency transmits a properly formatted message via NLETS to ORI VAFAM0199. Specific Instructions are provided on the NLETS website or at [LEOFA@DHS.gov](mailto:LEOFA@DHS.gov)
- c. An NLETS receipt, with unique Alphanumeric Identifier, is transmitted from the Transportation Security Operations Center (TSOC) to the LEO's employing agency.
- d. At the Armed LEO Screening Checkpoint, the LEO provides the Unique Alphanumeric Identifier from the NLETS message and displays his/her badge, credentials, boarding pass, a second form of government identification, and required airline paperwork, commonly referred to as Person carrying Firearms (PCPA) forms
- e. The LEO will complete the LEO Logbook and proceed to his/her gate.
- f. At the boarding gate the LEO will provide the airlines armed traveler paperwork and inform the gate agent of his/her presence and status.
- g. The LEO meets with the Pilot in Command, Federal Air Marshalls, Federal Flight Deck Officers, and/or other LEOs onboard the flight as directed.

**(CATEGORY B)**

### **9-303.3               PREPARATION FOR FLIGHT**

The Deputy will adhere to the following procedures when making a flight with a detainee:

- a. No alcoholic beverage may have been consumed within 8 hours of flying, per FAA regulations;
- b. The Deputy will contact airline security officials at least 1 hour prior to departure;
- c. The Deputy will search the detainee thoroughly prior to boarding the aircraft;
- d. The Deputy and the detainee will enter the plane prior to other passengers; and will deplane after other passengers.

**NOTE: Gas propellants are prohibited - Deputies will not carry O.C. spray aboard the aircraft.**  
**(CATEGORY B)**

#### **9-303.4            DETAINEE SECURITY**

A detainee will not be seated next to or across from any regular emergency exit, or in a lounge area. Detainees will be seated in the rear portion of the aircraft, preferably against the rear bulkhead. The Deputy will sit between the detainee and any aisle.

The detainee may be restrained at the Deputy's discretion. The detainee will be physically escorted at all times while aboard the aircraft.

The detainee will not be permitted to use metal utensils to eat. Alcoholic beverages will not be consumed by either the Deputy or detainee.

During transport by the KCSO, detainees will not be permitted to communicate with other persons.  
**(CATEGORY B)**

#### **9-303.5            TRANSPORTING DANGEROUS DETAINEES**

When transporting a dangerous detainee, at least two (2) Deputies will be required, and no more than one dangerous detainee will be transported on any single flight. The Deputy(s) will make a judgment concerning whether a detainee is dangerous by considering the charge(s), demeanor, past actions, and propensity for violence of the detainee.

**(CATEGORY B)(CALEA 70.3.3)**

#### **9-303.6            AIRLINE HIJACKING**

A Deputy will take no action regarding any airline hijack or attempt, except:

- a. when irreversible catastrophe is imminent; or
- b. when assistance is requested by a member of the airline crew.

**(CATEGORY B)**

#### **9-303.7            ARRIVAL AT THE DESTINATION**

Upon arrival at the destination to which a detainee is being transported or from which a detainee will be transported, the Deputy will observe the following precautions:

- a. the Deputy will observe local rules for securing weapons;
- b. the Deputy will not remove restraining devices until the detainee has been placed into the custody of the receiving agency; or, will apply restraining devices as soon as the detainee is placed into his or her custody.
- c. the Deputy will deliver to or receive from the receiving agency documentation for the incarceration, as appropriate.
- d. the Deputy will advise or inquire of the other agency's personnel whether there are any potential medical or security hazards. The Deputy will take whatever additional measures may be required given the security or medical status of the detainee.

- e. the Deputy will complete all documentation to confirm the transfer of custody.

**(CATEGORY B)(CALEA 70.1.6a-e, 70.1.8)**

## **9-304 SPECIAL TRANSPORT SITUATIONS**

Typically, the transportation of persons already in custody within Kent County is the responsibility of the Kent County Detention Center. The KCSO does not frequently encounter situations in which injured, ill, or mentally or physically disabled persons must be transported.

Deputies will be guided by the following procedures:

- a. if a person has been injured in the process of being taken into custody, or if an injured person is taken into custody, or if a detainee claims an illness and is seeking medical treatment, the arresting Deputy will promptly notify "KENT" to dispatch an ambulance to the detainee's location. The arresting Deputy shall also notify the Patrol Supervisor.
- b. If the detainee refuses treatment, the arresting Deputy shall document same in their report of the incident or circumstance surrounding the custody of the detainee. Due to possible civil liability, KCSO personnel shall not sign any medical documentation on behalf of an injured or ill detainee who refuses medical treatment.
- c. Detainees shall be transported to the hospital for medical care by ambulance (with the arresting Deputy accompanying the detainee in the ambulance) rather than in the patrol car.
- d. If the detainee can be treated on an out-patient basis, a Deputy will remain with the detainee until he or she can be released from medical care and taken to KCSO Headquarters for booking. The detainee will remain in restraints, if that is possible and if it is not, the Deputy will exercise extra vigilance while the detainee is unrestrained. Only in the most extreme circumstances will the detainee be permitted out of the Deputy's sight.
- e. If the detainee must be treated as an in-patient, the Deputy will contact the Patrol Supervisor so that arrangement may be made to maintain custody. The Patrol Division Commander and or the Chief Deputy shall also be notified.
- f. During booking, the Deputy should always be aware of the physical condition of the detainee and alert to any changes which could suggest a need for medical attention.
- g. In the event a Deputy must transport a detainee who is physically or mentally handicapped, the Deputy will identify in advance of the transport, if possible, the special needs to be accommodated. The Deputy will consult with his or her supervisor for advice on handling the transport.

**(CATEGORY B)(CALEA 70.3.1, 70.3.2, 70.3.3)**

## **9-400 DETAINEE ESCAPE**

In the event of a detainee escape within Kent County, the Deputy will immediately alert "Kent" and then take appropriate measures to re-apprehend the detainee.

If an escape occurs in another jurisdiction within Maryland, the Deputy will

- a. immediately notify local authorities by cellular telephone via 9-1-1;

- b. immediately notify the Chief Deputy via cellular telephone; and
- c. take appropriate measures to re-apprehend the detainee.

If an escape occurs in another State, the Deputy will:

- a. immediately notify local authorities by cellular telephone via 9-1-1;
- b. immediately notify the Chief Deputy via cellular telephone; and
- c. provide appropriate assistance to local authorities in re-apprehending the detainee.

Regardless of where the escape occurs, upon return to KCSO headquarters, the Deputy will submit a Criminal/Incident Report fully describing the conditions which led to the escape, the manner of the escape, the actions taken to re-apprehend the detainee, the success of those efforts, and criminal charges filed, as appropriate.

**(CATEGORY C)(CALEA 70.1.7)**

## **9-500 CRIMINAL ARREST PROCESSING**

Generally, the Deputy making an arrest is responsible for processing the detainee.

The KCSO uses two automated systems for arrest processing: the CrimeStar Law Enforcement Management Records System and the LiveScan automated fingerprinting system.

KCSO Deputies shall complete the KCSO Detainee Logs for adult detainees or juvenile detainees that are temporarily detained at the KCSO.

**(CATEGORY A)(CALEA 71.3.1, 71.3.2, 71.4.1)**

## **9-501 CRIMESTAR ARREST/ BOOKING REPORT**

The initial step in booking is to open a CrimeStar Arrest/Booking Report. The Deputy will complete all information on the following screens:

- a. Person (including the "ID" button information)
- b. Date and Location
- c. Charges
- d. Release

Information on the Vehicle and Employment Screens will be completed when, in the Deputy's view, those data are significant to the arrest.

CrimeStar will automatically assign an arrest number on the "Charges" screen.

On the Date and Location page, the Deputy will enter, under "Booking Date and Time," the date and time the detainee was brought into the KCSO. On the Release page, under "Released on," the Deputy will enter the date and time that the detainee is taken from the KCSO for further processing. The Deputy will note under "Comments," on the Release page, if any meals were provided during the detention.

**(CATEGORY A)(CALEA 71.3.1a)**

LiveScan is an automated system that prompts the user to create and transmit high-quality fingerprints. The LiveScan system is used for all persons required to be fingerprinted for criminal, civil and traffic offenses.

All authorized personnel will receive initial training on the use of LiveScan and refresher training as system modifications. Only individuals trained in the use of LiveScan may operate the equipment.

Following is a brief summary of the steps in LiveScan use. Detailed instruction is provided in training and is also available in the LiveScan *User Guide*. A copy of the *User Guide* is kept in the LiveScan room and another is maintained by the Office Manager.

- a. The Deputy activates the LiveScan device by moving the mouse and enters his or her Username and Password. The Deputy will use only his or her own Username and Password to access the system.
- b. The KCSO uses the "Criminal," type of transaction (TOT).
- c. Clicking on the "New" button on the main menu will initiate the scanning process. The system leads the operator through the entire process.
- d. KCSO Deputies will complete only the "Profile" and "Arrest" Demographic Data Entry sub-windows.
- e. Where the detainee has been arrested on a district court document, the Deputy will enter the District Court tracking number in the Transaction number field.
- f. Before beginning to capture fingerprints, the Deputy will use the special cleaning cloth to clean the flat glass and rolled glass platens.
- g. If the detainee's hands are too dry, the print image will be too light in the display. The Deputy can have the detainee moisturize his/her hands using baby wipes which are maintained in the LiveScan room.
- h. The final steps in the guided LiveScan process transmit the fingerprint images and cause a facsimile fingerprint card to be produced on the printer.
- i. If a detainee is arrested for more than one warrant, he or she must be fingerprinted separately for each warrant.
- j. When the Deputy is finished with the LiveScan, he or she will:
  1. Log off the system
  2. Slide the keyboard into its storage position
  3. Clean both platens with the cloth provided
  4. Pull out the metal platen cover.

**(CATEGORY A)**



### 9-502.1 COURT-ORDERED FINGERPRINTING

When a defendant who was not fingerprinted at the time of arrest for the offense charged is found guilty of or the court accepts a plea of guilty or *nolo contendere* to an offense which is reportable as a criminal history information and receives a sentence of commitment, a suspended sentence, a period of probation, or a fine, the judge will order the defendant be fingerprinted by the appropriate available law enforcement agency. If the processing cannot be done immediately, the judge may order the defendant to report to a designated policy agency within 3 days of sentencing to be processed.

A Deputy fingerprinting an individual under these circumstances will follow established procedures, except that the words "COURT ORDERED" will be entered in the OCA block.

### 9-503 DNA SAMPLE COLLECTION

The Maryland Annotated Code, Public Safety Article, Title 2 Section 501, requires that beginning January 1, 2009; all law enforcement agencies within the State of Maryland collect DNA samples 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.

The expansion of the Maryland Statewide DNA Database is expected to save investigation, prosecution, and incarceration resources, solve, and prevent crimes, and exonerate the wrongly accused. The KCSO has established procedures to comply with established law concerning the collection of DNA samples from persons arrested for a "qualifying crime" in Kent County.

It is the policy of the Kent County Sheriff's Office to collect a DNA sample from all persons arrested for any of the "qualifying crimes" outlined in this General Order and forward all samples to the Maryland State Police Forensic Sciences Division.

(CATEGORY A)

#### 9-503.1 DEFINITIONS

- a. "DNA" - Deoxyribonucleic acid
- b. "Charged" - an individual against whom a written accusation has been completed alleging that a defendant has committed a qualifying crime. This includes a warrant, criminal information, an indictment and a statement of charges.

**Note: The individual must be physically arrested, thus the service of a criminal summons for the purposes of this section does not require that a DNA sample be collected.**

- c. "Buccal Swab Kit" - a sealed and sterile kit (MSP Forensic Science Division DNA Database Sample Collection Kit) containing a medical swab used for the collection of DNA samples from inside the mouth.
- d. "Certified Member" - a member of the Kent County Sheriff's Office that has been trained in the collection of DNA by Buccal Swab method.
- e. "Qualifying Crime" - offenses listed in the Maryland Code, § 14-101 that require collection of a DNA sample.

## **9-503.2 QUALIFYING CRIMES FOR DNA COLLECTION**

Maryland Code, Criminal Law, § 14-101

- a. abduction;
- b. arson in the first degree;
- c. kidnapping;
- d. manslaughter, except involuntary manslaughter;
- e. mayhem;
- f. maiming, as previously proscribed under former Article 27, §§ 385 and 386 of the Code;
- g. murder;
- h. rape;
- i. robbery under § 3-402 or § 3-403 of this article;
- j. carjacking;
- k. armed carjacking;
- l. sexual offense in the first degree;
- m. sexual offense in the second degree;
- n. use of a firearm in the commission of a felony except possession with intent to distribute a controlled dangerous substance under § 5-602(2) of this article, or other crime of violence;
- o. child abuse in the first degree under § 3-601 of this article;
- p. sexual abuse of a minor under § 3-602 of this article if:
  - 1. the victim is under the age of 13 years and the offender is an adult at the time of the offense; and
  - 2. the offense involved:
    - i. vaginal intercourse, as defined in § 3-301 of this article;
    - ii. a sexual act, as defined in § 3-301 of this article;
    - iii. an act in which a part of the offender's body penetrates, however slightly, into the victim's genital opening or anus; or
    - iv. the intentional touching of the victim's or the offender's genital, anal, or other intimate area for sexual arousal, gratification, or abuse;
- q. home invasion under § 6-202(b) of this article;
- r. a felony offense under Title 3, Subtitle 11 of this article;
- s. an attempt to commit any of the crimes described in items (1) through (18) of this subsection;

- t. continuing course of conduct with a child under § 3-315 of this article;
- u. assault in the first degree;
- v. assault with intent to murder;
- w. assault with intent to rape;
- x. assault with intent to rob;
- y. assault with intent to commit a sexual offense in the first degree; and
- z. assault with intent to commit a sexual offense in the second degree.

**NOTE: All ADULTS CHARGED WITH ANY OF THE ABOVE CRIMES WILL HAVE THEIR DNA COLLECTED. ONLY JUVENILES WHO ARE CHARGED AS ADULTS WILL HAVE THEIR DNA COLLECTED FOR THE ABOVE CRIMES.**

#### **9-503.3 TRAINING**

In order to comply with Maryland law, all sworn KCSO personnel shall be trained in the collection of DNA for qualifying crimes. Training shall be completed by the first day of February each calendar year. KCSO personnel shall complete the training online at <http://www.dpscs.state.md.us/dna/index.shtml>. At the beginning of each calendar year the Sheriff shall designate a DNA training coordinator who will ensure all KCSO personnel comply with the training.

At the end of the online training, KCSO personnel will be required to complete a 10-question multiple choice/true-false quiz to test their knowledge. KCSO personnel must receive a score of 80% or higher to pass. The quiz result is to be printed and submitted to the designated DNA training coordinator.

The designated DNA training coordinator will be responsible to ensure all KCSO personnel complete the online training and submit a printed copy of their quiz results with a passing score of 80% or higher. Once the designated training coordinator has received all quiz results, he/she shall forward the *Annual Training Requirement for Collectors of DNA Samples* to the MSP. Completed quizzes and roster are to be submitted to the Accreditation Manager for documentation of CALEA compliance.

**(CATEGORY A)**

#### **9-503.4 PROCEDURES**

##### **a. Deputy Responsibilities:**

1. When a Deputy serves a warrant, criminal information or indictment issued by the Court charging a person with a “qualifying crime”, that person after arrest and processing will have their DNA collected.
2. When a Deputy makes an on-view arrest, serves a warrant, criminal information or indictment issued by the Court, to a person charging them with a “qualifying crime”, the Deputy will explain to the detainee that the law requires a DNA sample be collected and collect the sample. COMAR 29.05.01.04 allows the use of “reasonable force” in obtaining the required DNA sample. However, consistent with the KCSO Administrative and Operations Manual, Chapter 9, Section 403, if the detainee refuses to submit to a DNA sample collection, the Deputy will not use “physical force” to obtain the DNA sample. The Deputy will take the detainee before a District Court Commissioner

for an initial appearance and request that the detainee be incarcerated until they comply with the law. If the detainee does not comply or the District Court Commissioner fails to honor the request, the Deputy will complete KCSO Form #133, Notification of Failure to Comply with DNA Collection Requirements and fax same prior to the end of his/her shift to the Kent County States Attorney's Office at 410-778-7479 to request that a Judge issue a Court Order for the detainee's submission to DNA sample collection. The reporting Deputy will attach a copy of the KCSO Form #133, a copy

of the fax cover sheet and a copy of the receipt of fax report to the KCSO Arrest Report for submission for approval. The Deputy will document in the narrative of the KCSO CrimeStar Arrest Report (Custody Log Page) that the detainee refused to submit to DNA sampling as required by law. If the Court orders the DNA sampling and it is completed, the reporting Deputy will amend the original KCSO CrimeStar Arrest Report (Custody Log Page) to document same. If the Court denies the request, the reporting Deputy will amend the KCSO CrimeStar Arrest Report (Custody Log Page) documenting same in the narrative.

**3. DEPUTIES ARRESTING A PERSON AND CHARGING THEM WITH A "QUALIFYING CRIME" ON A STATEMENT OF CHARGES WILL NOT COLLECT A DNA SAMPLE UNTIL THE SIGNED COMPLETION OF THE STATEMENT OF CHARGES AND THE REVIEW AND AUTHORIZATION BY A SUPERVISOR.**

4. Deputies collecting a DNA sample from a detainee/person will complete the MSP Forensic Science Division DNA Database Sample Collection Kit per enclosed instructions; seal the kit and place in the Office Manager's in box for forwarding via U.S. Mail prior to the end of his/her shift.
5. Each Deputy collecting a DNA sample will make an entry into the KCSO CrimeStar Arrest Report as required by KCSO Administrative and Operations Manual, Chapter 9, Section 403.
6. DNA samples will only be collected by members of the KCSO that are "certified" in the use of the MSP Forensic Science Division DNA Database Sample Collection Kit.

**b. Shift Supervisor Responsibilities:**

1. Will review all charging documents to ensure probable cause exists charging the person with a "qualifying crime" prior to authorizing a DNA collection.
2. Will ensure that all persons charged with a "qualifying crime" by Deputies during their shift have a DNA sample collected as required by law.
3. Will ensure that Deputies collecting DNA samples are "certified" to do so.
4. Will ensure that the reporting Deputy complies with the KCSO notification requirements to the State's Attorney if the person/detainee fails to comply with the DNA sample collection requirements.
5. Will ensure that the DNA sample collected is forwarded to the KCSO Office Manager prior to the end of his/her shift and that an entry is made into the KCSO CrimeStar Arrest Report as required by KCSO Administrative and Operations Manual, Chapter 9, Section 503.

**c. Chief Deputy Responsibilities:**

1. Is responsible for overseeing the training of KCSO Deputies for certification in the use of the MSP Forensic Science Division DNA Database Sample Collection Kit.

d. **KCSO Office Manager Responsibilities:**

1. Will be responsible to forward the MSP Forensic Science Division DNA Database Sample Collection Kit via U.S. Mail to the MSP Forensic Science Division, located at 221 Milford Mill Road, Pikesville, Maryland 21208. The MSP Forensic Science Division DNA Database Sample Collection Kit will be promptly delivered to the U.S. Post Office for mailing.
2. Is responsible for maintaining the records of KCSO Deputies certified in the use of the MSP Forensic Science Division DNA Database Sample Collection Kit.
3. Will maintain liaison with the Maryland State Police Forensics Science Division for updates and possible hit confirmations on DNA collections.
4. Upon receiving a possible DNA "hit confirmation" will collect the corresponding information and notify the KCSO CID Commander.
5. Will be responsible for collecting and coordinating all DNA information for the Maryland State Governors Office of Crime Control and Prevention (GOCCP).
6. Will collect and maintain data in reference to KCSO DNA collections.
7. Will be responsible for the ordering, receiving and dissemination of the MSP Forensic Science Division DNA Database Sample Collection Kits which can be obtained from the MSP Quartermaster Division, located at 7777 Washington Blvd., Jessup, Maryland 20794.

e. **KCSO CID Commander Responsibilities:**

- a. Will be responsible for assigning, managing, and coordinating investigations related to suspected additional cases resulting from DNA "hit confirmations".

(CATEGORY A)

**9-504                      PHOTOGRAPHING**

There is a camera attached to the LiveScan machine which will be used for taking all booking photographs.

- a. Every detainee being booked will be photographed. If the detainee is arrested on more than one warrant, only one photograph needs be taken.
- b. The steps for taking booking photographs are:
  1. The detainee will be photographed bare headed, wearing eyeglasses (but not sunglasses) only if he or she normally wears eyeglasses.
  2. The Deputy will take three photographs: front facing; left profile, and right profile.
  3. The Deputy will preview the photographs to ensure that they have adequately captured the detainee's image.

(CATEGORY A)

#### **9-505 PROCEDURES FOR PROCESSING FUGITIVES – OTHER AGENCY (FOA)**

When a person alleged to have committed a violation of the Maryland criminal law is taken into custody for that violation in Kent County, but the warrant cannot be served in Kent County (e.g., a Circuit Court warrant or some District Court warrants), the demanding agency will be notified that an arrest has been made on its warrant. The agency will be advised that the KCSO will not process the detainee and arrangements will be made to transfer the detainee to the custody of the other agency.

**(CATEGORY A)**

#### **9-506 FUGITIVE OTHER STATE**

In the case of the apprehension of a fugitive from another State or a federal fugitive, the detainee will be subject to full arrest processing and presentation to the District Court Commissioner.

**(CATEGORY A)**

#### **9-507 SUBMITTING THE REPORT**

The Deputy will submit the following documents in support of every arrest to the Patrol Commander:

- a. CrimeStar Arrest Report
- b. LiveScan fingerprint card
- c. Warrant or other charging document

**(CALEA 1.2.5)**

#### **9-600 JUVENILE OPERATIONS FUNCTION**

The KCSO is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency.

The KCSO will periodically solicit review and comment by Juvenile Services, the juvenile court, and others in the juvenile justice community of its policies and procedures related to juveniles.

Each year, the Chief Deputy will perform an annual review and written evaluation of all enforcement and prevention programs relating to juveniles for the Sheriff's approval.

**(CALEA 44.1.1, 44.1.2, 44.1.3)**

#### **9-601 JUVENILE PROCEDURES**

- a. A juvenile is a person between the ages of ten and seventeen who is subject to the jurisdiction of the Circuit Court sitting as a juvenile court. Deputies may refer or charge a juvenile if the juvenile is:
  1. At least thirteen years old and alleged to be delinquent; or
  2. At least ten years old and alleged to have committed an act that if committed by an adult would constitute a crime of violence, as defined in §14-101 of the Criminal Law Article.

b. "Crime of Violence" includes:

- (1) abduction;
- (2) arson in the first degree;
- (3) kidnapping;
- (4) manslaughter, except involuntary manslaughter;
- (5) mayhem;
- (6) maiming, as previously proscribed under former Article 27, §§ 385 and 386 of the Code;
- (7) murder;
- (8) rape;
- (9) robbery under § 3-402 or § 3-403 of this article;
- (10) carjacking;
- (11) armed carjacking;
- (12) sexual offense in the first degree;
- (13) sexual offense in the second degree;
- (14) use of a firearm in the commission of a felony except possession with intent to distribute a controlled dangerous substance under § 5-602(2) of this article, or other crime of violence;
- (15) child abuse in the first degree under § 3-601 of this article;
- (16) sexual abuse of a minor under § 3-602 of this article if:
  - (i) the victim is under the age of 13 years and the offender is an adult at the time of the offense; and
  - (ii) the offense involved:
    1. vaginal intercourse, as defined in § 3-301 of this article;
    2. a sexual act, as defined in § 3-301 of this article
    3. an act in which a part of the offender's body penetrates, however slightly, into the victim's genital opening or anus; or
    4. the intentional touching of the victim's or the offender's genital, anal, or other intimate area for sexual arousal, gratification, or abuse;
- (17) home invasion under § 6-202(b) of this article;
- (18) a felony offense under Title 3, Subtitle 11 of this article;
- (19) an attempt to commit any of the crimes described in items (1) through (18) of this subsection;
- (20) continuing course of conduct with a child under § 3-315 of this article;
- (21) assault in the first degree;
- (22) assault with intent to murder;
- (23) assault with intent to rape;
- (24) assault with intent to rob;
- (25) assault with intent to commit a sexual offense in the first degree; and
- (26) assault with intent to commit a sexual offense in the second degree.

c. Deputies dealing with juvenile offenders will use the least coercive among reasonable alternatives. They will determine, based on all the facts and circumstances of the offense, age and circumstances of the juvenile, the juvenile's record and recommendations for diversion from complainant or victims whether to:

1. Release the juvenile outright to a parent, legal guardian or other responsible adult with no further action;
2. Issue a written citation to the juvenile offender (with a copy to the juvenile's parent or guardian);
3. Refer to the Department of Juvenile Services/Juvenile Court;
4. Take the juvenile into custody.

- d. No juvenile under the age of ten shall be charged with a crime.

(CALEA 44.2.1)

**9-602**

**JUVENILES NOT UNDER THE AUTHORITY OF THE JUVENILE COURT**

There are circumstances under which the juvenile court does not have jurisdiction over a person who has not attained the age of eighteen; in these cases, the juvenile is treated as an adult:

- a. A person who has reached his or her fourteenth birthday is alleged to have committed an act which, if committed by an adult, would be a crime punishable by life imprisonment. The person is treated as an adult for all charges arising out of the same incident. The Court may remove such charges to juvenile court.
- b. A person who has reached his or her sixteenth birthday is alleged to have committed one of the following crimes. The person is treated as an adult for all charges arising out of the same incident. The Court may remove such charges to juvenile court:
  - Abduction
  - Kidnapping
  - First degree assault
  - Second degree murder/attempted second degree murder
  - Manslaughter, except involuntary manslaughter
  - Second degree rape/attempted second degree rape
  - Robbery with a deadly weapon/attempted robbery with a deadly weapon
  - Forcible second-degree sexual offense under §3-306(a)(1) of the Criminal Law Article or an attempt to commit this offense
  - Forcible, aggravated third degree sexual offense under §3-307(a)(1) of the Criminal Law Article
  - A crime in violation of Article 27, §445 (restrictions on sale/possession of regulated firearms); Article 27, §446 (sale/transfer/disposal of regulated firearms); and Article 27, §481C (short barreled rifles and shotguns)
  - Possessing a firearm during and in relation to a felony or a conspiracy to commit a felony drug trafficking crime in violation of §5-621 of the Criminal Law Article
  - Use of a firearm as prohibited in §5-622 ("Firearm Crimes") of the Criminal Law Article
  - Carjacking or armed carjacking as prohibited in §3-405 of the Criminal Law Article
  - Wearing, carrying, or transporting a handgun in violation of §4-203 of the Criminal Law Article
  - Use of handgun or antique firearm in commission of a crime in violation of §4-204 of the Criminal Law Article
  - Use of machine gun in a crime of violence or for an aggressive purpose in violation of §4-504 or §4-505 of the Criminal Law Article.



- c. A person who has reached his or her sixteenth birthday is alleged to have done an act in violation of any provision of the Transportation Article or other traffic law or ordinance, except an act that prescribes a penalty of incarceration.
- d. A person who has reached his or her sixteenth birthday is alleged to have done an act in violation of law, rule, or regulation governing the operation of a boat, except an act that prescribes a penalty of incarceration.

#### **9-603 CUSTODY**

- a. A juvenile thirteen to seventeen years of age may be arrested for any act which would be a crime if committed by an adult. As with an adult, the Deputy will use the minimum amount of force necessary to affect an arrest and overcome any resistance offered.
- b. The Deputy will decide whether to handcuff or otherwise restrain a juvenile using the same criteria as an adult, keeping in mind the number of Deputies present, the physique and stature of the juvenile, the juvenile's reputation for violence and conduct at the time of arrest, known arrest record or lack of record, and the standing of the juvenile in the community.
- c. The Deputy will determine whether the juvenile has been harmed or is in danger of being harmed.
- d. Unless the juvenile is in need of medical assistance, he or she will be brought to KCSO headquarters without delay. A Deputy will not transport a juvenile together with an adult who has been charged with or convicted of a crime unless the child is being proceeded against as an adult.
- e. Search and seizure provisions of the law for adults apply equally to juveniles.
- f. The Deputy shall notify the juvenile's parents, guardian, or custodian as soon as possible after the arrest.
- g. Complaints by parents or requests for juvenile delinquency action against their own children, where no police action has occurred, will be referred to the Department of Juvenile Services.

**(CATEGORY B)(CALEA 44.2.1; 44.2.2)**

#### **9-604 CUSTODIAL INTERROGATION OR INTERVIEW OF A JUVENILE**

- a. Maryland law prohibits a Deputy, to include a Resource Deputy, from conducting a custodial interrogation of a child until:
  - 1. the child has consulted with an attorney who is retained by the parent, guardian or custodian of the child or provided by the Office of Public Defender; and
  - 2. The Deputy has made an effort reasonably calculated to give actual notice to the parent, Guardian or custodian of the child that the child will be interrogated.
- b. In determining whether a confession is voluntary, the courts look to the totality of the circumstances, which includes a review of the following factors related to the juvenile defendant:
  - 1. the age, intelligence and educational background;
  - 2. the mental capacity, including whether the juvenile was nervous and their physical condition;

3. the juvenile's prior experience in the criminal justice system;
  4. whether the juvenile is suffering from any injury or pain at the time the statement is given;
  5. the duration of the questioning;
  6. the time of day;
  7. whether the juvenile is tired and desirous of sleep;
  8. the length of confinement;
  9. whether Miranda or police caution warnings were given, when and whether he/she understood them;
  10. whether the room size was of sufficient size and supplied with appropriate furniture;
  11. whether the juvenile was handcuffed or threatened;
  12. whether the juvenile was refused the use of bathroom, food or drink;
  13. whether there was a promise of leniency;
  14. whether the juvenile understood the interrogation process;
  15. whether a youth officer is present during the interview;
  16. whether the parents were notified;
  17. whether the juvenile asked for a parent to be present;
  18. whether the Deputy prevented a concerned adult from speaking with the juvenile; and
  19. the juvenile's familiarity with English.
- b. If the Deputy believes that the juvenile is unable to understand and exercise his or her rights or if the juvenile requests it, the interrogation will be conducted in the presence of at least one parent, preferably both; or the guardian or other person having charge of the child. If no one having custody is available or will respond, the Deputy will contact the Department of Juvenile Services.
  - c. If circumstances require interrogation at KCSO headquarters, the interrogation will be conducted in a private office and with no more than two Deputies present. The interrogation will be limited to the duration necessary to elicit required information.
  - d. When a juvenile is interrogated at a school, an administrator will be present.
  - e. The Deputy will explain the agency's and the juvenile justice system's procedures to the juvenile and the parents or other adults.
  - f. The Deputy will read the juvenile the Miranda warnings to determine that the juvenile understands his or her rights before beginning the investigation. After advising the juvenile, the Deputy should ascertain if the parents, guardian, or neutral party has understood the juvenile's rights, if they are present.
  - g. Only the juvenile can waive his or her rights. Parents should not be permitted to force the juvenile to waive. Where the juvenile wants to waive but the parents or guardians will not permit it, the Deputy will discontinue the interview and contact the State's Attorney's Office.

- h. Before a juvenile submits to a polygraph examination, parent, guardian, or juvenile authority must sign a Consent Form in the presence of the investigating Deputy or examiner.

**(CATEGORY B)(CALEA 42.2.2, 44.2.3)**

## **9-605 DETENTION**

Detention of juvenile criminal offenders at KCSO headquarters may not exceed 6 hours for the purpose of identification, processing, or transfer to another facility. Juveniles must be segregated by sight and sound from and have no more than accidental or haphazard contact with adult offenders, including Kent County Detention Center trustees.

A juvenile held for a status offense (e.g., runaway) may be handcuffed, if necessary, but may not be secured to the detention bench. The circumstances under which a juvenile may be placed in detention include:

- a. A parent or guardian cannot be located.
- b. The parent or guardian refuses to pick up the juvenile.
- c. If the adult refuses to respond solely because of inconvenience to themselves, they will be advised that they may be charged with "Child Abandonment." If after being so advised the adult still does not respond, the child will be placed in detention and the adult may be charged at a later time.
- d. When the parent or guardian is located but does not have transportation and/or cannot leave the home because of other children.
- e. If the circumstances warrant, every reasonable effort will be made to provide transportation for the child to the home, where release will be affected. The determination whether to provide transportation will be made by the supervisor in charge, who will be guided by the availability of manpower, distance involved, etc.
- f. When a Deputy has reason to believe the juvenile will leave the jurisdiction;
- g. When a Deputy has reason to believe the child will bring harm to him or herself or to someone else.
- h. When a juvenile is arrested on a "Body Attachment."

**(CATEGORY B)**

### **9-605.1 AUTHORITY FOR DETENTION**

A Deputy who determines that a juvenile must be detained for one of the reasons cited in 9-505 will contact the local Department of Juvenile Services Intake Division for authorization. It is the Department of Juvenile Services' decision whether to release or detain the juvenile.

During nights (1700-0800), weekends (Friday 1700-Monday 0800) or holidays, emergency detention requests will be made to the DJS Centralized Intake Unit. This unit is staffed around the clock by DJS intake officers. KCSO personnel will be required to fax a copy of the KCSO CrimeStar Incident Report to the intake officer in order to enable the intake officer to process the request for detention.

If detention is authorized, a DJS Rapid Response Worker will be dispatched to interview the youth and make the necessary arrangements for his/her transportation and detention. KCSO personnel are not responsible for transporting detained juveniles to any juvenile detention facility.

## **9-605.2 RELEASE OF JUVENILE**

A juvenile in custody may only be released to a parent, guardian or another responsible adult having legal custody of the juvenile. KCSO personnel shall complete a KCSO Juvenile Release Form, KCSO #203, documenting the release.

**(CATEGORY B)**

## **9-606 RECORDS AND REPORTS**

- a. The law requires that juvenile arrest records be kept separate from adult records so that juvenile confidentiality can be maintained.
- b. When a case is to be forwarded to the Department of Juvenile Services, the Deputy will:
  1. fully complete a KCSO Juvenile Referral form;
  2. ensure that the Criminal Investigation Report or other applicable documents are completed. The CIR will contain the notation "Referred to The Department of Juvenile Services."
  3. place the CIR, referral, the KCSO Juvenile Release Form and any other required documents in the CID box for review by the CID Commander. If the report packet is acceptable, the CID Commander will make the appropriate copies and will forward the report packet to the Records Secretary, who will record the referral and forward the appropriate documents to Juvenile Services.

**(CATEGORY B)**

## **9-607 JUVENILE PROCESSING**

Juveniles arrested and charged as adults as well as those arrested and charged for all non-status offenses will be fingerprinted and photographed.

**(CATEGORY A)**

## **9-608 HANDLE WITH CARE PROGRAM**

- a. The Kent County Sheriff's Office (KCSO) will support children in the community when they have been exposed to traumatic situation(s) and will be an active member and partner in the Handle with Care (HWC) program.
- b. Handle with Care is an initiative between the Kent County Sheriff's Office and Kent County Public Schools (KCPS) that promotes safe and supportive schools and communities by working to assist children who are exposed to trauma in their home or community.
- c. HWC will refer these children to appropriate interventions/resources to help them achieve academically at the highest levels.

### **Kent County Sheriff's Office Responsibilities:**

- a. KCSO will train Deputies in identifying children potentially exposed to trauma at the scene of a Call for Service.
- b. Deputies, when responding to a Call for Service, where it has been determined that a child has potentially been exposed to trauma will complete KCSO Form #325, Handle with Care-Juvenile.

The completed form will be emailed to the KCPS Safety and Mental Health Coordinator at [hwc@kent.k12.md.us](mailto:hwc@kent.k12.md.us) before the end of their shift.

- c. The Shift Supervisor shall ensure the form has been completed with a copy submitted to the Patrol Commander.

**Kent County Public Schools Responsibilities:**

- a. The KCPS Supervisor of Student Services will provide HWC and trauma sensitive training to all principals and student services staff.
- b. The KCPS Safety and Mental Health Coordinator will take the initial information from the responding KCSO Deputy and will contact the school administration and school counselor who will then ensure notification is provided to the appropriate teacher(s).
- c. If the child exhibits problems, (emotional/behavior/academic, etc.) the teacher will refer the child to the school counselor. The school counselor will then refer to the child/caregiver for follow-up services deemed appropriate.

The HWC program will provide all public schools in Kent County notification when a child has been identified at the scene of a traumatic event.

The Sheriff, or his/her designee, and the KCPS Supervisor of Student Services, or his/her designee will meet periodically to review and evaluate the HWC program and oversee any necessary changes.

**(CATEGORY A)**

**9-700 TEMPORARY DETENTION**

The KCSO does not have a detainee holding facility. The Patrol Room is the principal site for temporary detention of detainees during processing. At times it may be necessary to use other parts of KCSO Headquarters in order to achieve separation of adults and juveniles and, if necessary, separation by gender. Among the areas that may be used for this purpose are:

- a. the patrol Sergeant's office;
- b. the Criminal Investigation Division office;
- c. the Chief Deputy's Office;
- d. the CID interrogation room;
- e. the garage.

Regardless of the area used, a detainee will never be left unsupervised in any area of the KCSO, nor will a detainee be locked in any room.

**(CATEGORY B)(CALEA 71.1.1, 71.3.1)**

## **9-701 TRAINING**

All newly hired Deputies will receive training on proper use of various KCSO facilities for temporary detention as part of field training. The Chief Deputy will ensure that all Deputies receive in-service on temporary detention at least every 3 years.

**(CALEA 71.2.1)**

## **9-702 SUPERVISION AND ACCOUNTABILITY**

The Deputy who makes an arrest and brings a detainee to KCSO headquarters is responsible for the safety and security of the temporary detainee while at KCSO headquarters. While he or she may obtain assistance from other Deputies, the arresting Deputy is ultimately responsible and accountable for processing, searching, and temporarily detaining the detainee.

Only sworn personnel have responsibility for detainees in detention.

All Deputies are authorized to use the Patrol Room and other areas for temporary detention and will coordinate and cooperate with other Deputies who are using the facility simultaneously.

The bench in the Patrol Division Office has been designed as an immovable object for securing detainees. Deputies may handcuff any detainee (juvenile or adult) to the bench, if the detainee is uncooperative or unruly. When a Deputy does not have immediate physical control of the detainee, the detainee will be handcuffed to the bench.

**(CATEGORY B)(CALEA 71.3.1, 71.3.2, 71.3.3)**

## **9-703 SECURITY**

Access to the Patrol Room is key-controlled. The following security principles will be strictly observed:

- a. as noted above, every detainee will be searched upon arrival at KCSO headquarters, even if the detainee was searched initially upon arrest.
- b. as noted above, there are lockboxes in the Patrol Room which Deputies will use for their weapons when they are engaged in any activities which bring them in close personal contact with detainees, such as fingerprinting.
- c. except in unusual circumstances, other persons will not be given access to detainees while they are in temporary detention at the KCSO. A parent or guardian's access to a juvenile is an exception to this principle. Deputies will, of course, honor detainees' rights to counsel.
- d. the Deputy's portable radio "signal 13 button" will be used for emergency communication with "Kent" or other Deputies.
- e. Deputies will maintain constant vigilance against the possibility of escape and will take all necessary actions to ensure detention, based on the behavior of the detainee. An escape will be handled as described in the previous section on that subject.
- f. as noted above, detainees will not be locked in or left unattended in any area of the KCSO.

**(CATEGORY B)(CALEA 71.3.3)**

#### **9-704 FIRE PREVENTION**

No smoking or open flames are permitted in the Patrol Room. The Patrol Room is equipped with a fire extinguisher which is readily accessible to Deputies. In the event of a fire, the Deputy's primary responsibilities are his or her own safety and that of the detainees. The arresting Deputy will:

- a. notify "KENT" using his or her portable radio;
- b. determine if the fire is of a sufficiently minor nature that it can be controlled immediately with a fire extinguisher. If it is, he or she will do so;
- c. if there is any question about control of the fire, the Deputy will immediately secure and evacuate his or her detainees as safely as possible.
- d. Detainees may be assembled in front of or behind KCSO headquarters, and temporarily taken to the KCDC.

**(CATEGORY B)(CALEA 71.4.2)**

#### **9-705 SEPARATION OF DETAINEES**

Juvenile detainees must be separated by sight and sound from adult detainees, except when they are being fingerprinted and photographed. For this purpose, the Patrol Sergeant's office or other parts of the facility may be used.

Deputies will use their judgment about separating male and female detainees. Since adult detainees are under constant supervision and the detention is only for processing, separation by gender and sight and sound is not required.

**(CATEGORY B)(CALEA 71.3.1)**

#### **9-706 FACILITIES**

The Patrol Room has a unisex bathroom and drinking water access. Detainees will be given reasonable access to these facilities, consistent with security and processing needs.

As necessary, the single-sex bathrooms in the central portion of the facility may also be used.

If a detainee has been or will likely be held for several hours and it is mealtime, the Deputy may contact the KCDC to obtain a meal.

**(CATEGORY A)(CALEA 71.4.1)**

#### **9-707 INSPECTIONS AND REVIEW OF PROCEDURES**

At least daily, the Shift Supervisor will inspect the Patrol Room for:

- a. Security issues
- b. Safety (including fire safety) issues
- c. Cleanliness, including cleanliness of the bathroom.

The Shift Supervisor will note the inspection on the form provided for that purpose, take corrective actions as necessary, and report any serious deficiencies by memorandum to the Patrol Commander.

The Chief Deputy will conduct an annual administrative review the KCSO's detention areas and procedures.

**(CATEGORY A)(CALEA 71.4.3)**

## **9-800 INTERROGATION**

See Chapter 14, Criminal Investigation, for a detailed discussion of interrogation requirements and guidelines, including the Constitutional protections of detainees.

## **9-900 PROMPT PRESENTMENT**

Detainees have the right to be promptly arraigned or presented before a judicial officer and, in any event, no later than 24 hours after arrest or the first session of court following the filing of the charging document in the instance of a warrantless arrest. Violation of this right may render any confession or statement made by an individual at the request of the police inadmissible at trial.

The arresting Deputy is responsible for taking a detainee before a District Court Commissioner for an initial appearance as soon as possible after arrest processing has been completed.

Unnecessary delay may occur where a Deputy defers taking the accused before a judicial officer without justification, even when presentment is made within the 24-hour period. The following are generally accepted as justification for delay:

- a. Routine processing procedures.
- b. Determining whether the charging document should be issued.
- c. Obtaining information likely to be a significant aid in averting harm to persons or loss of property of substantial value.
- d. Obtaining relevant non-testimonial information likely to be significant in discovering the identity of accomplices or preventing the loss of relevant evidence.

The detainee may voluntarily and knowingly waive the right of prompt presentment. The waiver would substantiate any delay and make admissible any statement or confession obtained prior to presentment.

**(CATEGORY B)**

## **9-1000 DISPOSITION OF RELEASED DETAINEES**

KCSO personnel are not required by law or policy to provide for the welfare and/or transportation of detainees after presentment before a court commissioner and subsequent release by a court commissioner.

However, KCSO personnel will be cognizant of the safety of the court commissioner and shall upon request of the court commissioner remain at the courthouse property until the released detainee or court commissioner leaves the courthouse property.

KCSO personnel releasing detainees without presentment before a court commissioner have limited responsibility for the welfare of released detainees and shall take the following into consideration regarding the welfare of said released detainees:

- a. Whether the accused is mentally and physically suitable for release.
- b. Whether the location of the detainee's release is conducive to his/her safety or the safety of others.
- c. Whether the atmospheric conditions at the time of the detainee's release is conducive to the well-being of the detainee.



When in doubt, KCSO personnel shall provide reasonable accommodations for the welfare and/or transportation of the released detainee.

## **9-1100                    PROCEDURES FOR PRESENTATION OF DETAINEE BEFORE DISTRICT COURT COMMISSIONER WHERE COUNSEL IS REQUESTED**

When a KCSO Deputy presents a detainee before a District Court Commissioner for an initial appearance, the commissioner will advise the detainee of their right to an attorney. If the detainee is indigent, does not have an attorney and does not waive their right to an attorney, the detainee will be represented by a court-appointed attorney. In those cases where the initial appearance is before a judge, the detainee will be represented by the Public Defender.

If the District Court Commissioner determines that the detainee is not indigent, he/she will be advised of the right to a privately retained attorney and provide a reasonable opportunity for the defendant to obtain said attorney.

There may be instances in which a court-appointed or private attorney may not be immediately available. Because of public safety concerns and the inability of Deputies to wait for an extended or unreasonable period of time at the District Court Commissioner's Office, the initial appearance proceeding may need to be continued until an attorney is available. In these cases, the defendant will be "temporarily committed" until the earliest opportunity that the detainee can be presented, with an attorney, to the next available judicial officer. If the detainee is "temporarily committed", the detaining Deputy shall transport the detainee to the Kent County Detention Center for commitment. If the detaining Deputy determines that the anticipated amount of time he/she must wait for an attorney to appear to represent the detainee is not "**reasonable**", the Deputy shall make his/her concerns made to the KCSO Patrol Commander, the Chief

Deputy and if they are not available, the Sheriff. In those instances where these individuals determine that the wait period is "unreasonable" and will detrimentally impact police services provided by the KCSO, they will provide guidance to the Deputy on how to proceed.

Once a detainee is committed to the Kent County Detention Center (KCDC), it shall be the responsibility of KCDC personnel to transport the detainee to the initial appearance before a judicial officer. Court appointed attorneys will be provided when needed between 0800 and 1200 hours daily.

It is anticipated that there may be instances when KCDC personnel are unavailable to transport committed detainees for an initial appearance. These instances are expected to be infrequent, but when they occur and a Deputy is requested to provide transport of these individuals by KCDC, the Deputy shall advise the Patrol Commander, or in his absence the Chief Deputy, who shall determine whether to approve the request based upon the circumstances surrounding the request.

# **APPENDIX 9-A**

## **Security of Detainees For EMS Transport and Hospital Settings**

### **PURPOSE:**

To establish a standardized Kent County Sheriff's Office, herein after referred to as KCSO, policy related to the security of in-custody persons in hospitals and other non-secure public areas while ensuring the safety of hospital personnel, the general public, and involved KCSO Deputy or Deputies.

### **POLICY**

It is the policy of the KCSO to provide measures by which detainees during emergency clinical evaluation or who have been admitted to a medical facility can be guarded with minimal risk and inconvenience to all affected persons, while providing maximum safety to Deputies, EMS personnel, hospital personnel, and the general public.

### **WEAPONS POLICY**

- a. Members of the KCSO are sworn peace officers and under the rules and regulations of the KCSO, they are required to carry their firearms at all times, and they cannot surrender them to anyone except a properly designated authority. Properly identified members of the KCSO are, therefore, permitted to bear firearms while guarding patients/detainees in the hospital.
  1. At all times Deputies must be mindful of gun safety and retention practices and training to prevent the detainee or others from obtaining their service weapon.
  2. While in civilian attire, Deputies are reminded to avoid any unnecessary display of their weapon.
- b. If the hospital has a handgun locker it may be utilized at the Deputy's discretion to safely secure firearms provided it is not in conflict with KCSO policy regarding firearm retention.
- c. KCSO Deputies may also secure their weapons in the locked trunk of their KCSO vehicle if the situation warrants same.
- d. When KCSO Deputies are entering secure psychiatric units, they will secure their weapon as described herein unless responding to a call for a disturbance, then they will remain armed.

## **PROCEDURES:**

- a. Whenever a KCSO Deputy makes an arrest, or at any time has personal custody of a detainee not confined in a cell, the KCSO Deputy will guard the detainee closely, using the utmost precaution to prevent said detainee from escaping or from injuring anyone in such an attempt. If a detainee escapes because of negligence or carelessness on the part of a KCSO Deputy, it will be considered a violation of policy.
- b. When a detainee is sick or injured, the arresting KCSO Deputy will arrange for appropriate medical treatment. The KCSO Deputy shall request EMS to respond to the scene. The KCSO Deputy shall immediately notify the on-duty KCSO Supervisor of the situation. The on-duty KCSO Supervisor will determine if notification to the detainee's family is appropriate prior to arrival at a medical facility.
- c. A KCSO Deputy will ride in the ambulance to maintain security of the detainee while in transit.
- d. The on-duty KCSO Supervisor will ensure that the appropriate security devices are utilized by the arresting/transporting KCSO Deputy on the detainee while enroute to the hospital
- e. The on-duty KCSO Supervisor will telephone or upon arrival, the KCSO Deputy will contact the hospital's security office and make notification of the transport of the detainee. If available, the hospital security will be provided:
  1. Detainee's name
  2. Any special security concerns known to the KCSO Deputy (i.e. prior assaults on police, prior escape attempts, known gang member, suicide precautions, prior sexual assaults, etc.)
  3. Any health concerns known to the KCSO Deputy
  4. Specific contact information for the on-duty KCSO Supervisor to include phone number for the KCSO.

## **RESTRAINING DEVICE USE DURING TRANSPORT**

- a. During transport to a medical facility, the transporting KCSO Deputy shall ensure that the detainee is restrained by one or more of the restraining devices, to include handcuffs, leg irons or flex cuffs. Restraining devices shall not be used as a compliance device, but to secure a detainee.
- b. The Deputy shall determine the type(s) of restraining devices utilized with input from emergency medical personnel. Consideration of the situation and the extent of injuries or sickness will be made prior to applying the restraining devices on the detainee.

## SECURITY OF ADMITTED DETAINEE

- a. If a detainee in KCSO custody is admitted to a hospital it is the responsibility of the arresting KCSO Deputy to immediately notify the on-duty KCSO Supervisor to include the room number assigned to the detainee and the probable length of stay at the facility
- b. The on-duty KCSO supervisor shall notify the KCSO Patrol Commander, CID Commander, Chief Deputy, and the Sheriff as soon as practical.
- c. At a minimum, during Emergency Department assessment and treatment, a KCSO Deputy will be assigned to guard the detainee. Once the detainee has been hospitalized with assignment to an inpatient room, the KCSO Patrol Commander will be responsible for assigning a minimum of one Deputy to serve as a guard. Consideration will be given to the risk assessment of the detainee to increase to two guarding KCSO Deputies when the risk warrants. The risk assessment should include but is not limited to: charges related to murder, attempted murder, and assault on a Deputy, violent sexual assault, prior escapes, and suicidal tendencies. There should be an ongoing risk assessment process that considers the detainee's ongoing behavior and condition. When two KCSO Deputies are assigned, one Deputy will be the same sex as the arrested person, if available.
- d. Any change in risk assessment affecting the risk level or number of KCSO Deputies assigned to guard a detainee will be immediately brought to the attention of the hospital security supervisor and on-duty KCSO Supervisor
- e. On the first business day after initiating a Hospital Detainee Detail, the KCSO Patrol Commander or CID Commander shall contact the Kent County State's Attorney's Office to determine whether the detainee should be considered for bond reduction or release if being held on an active warrant. If the detainee is detained on pending criminal charges, then the District Court Commissioner's Office should be contacted to arrange for an off-site Initial Appearance Hearing.
- f. The assigned KCSO Deputy or Deputies shall be in complete uniform, nametag, badge, etc. and shall be in possession of their Department-issued I.D. card.
  1. In the event there is a need for a "plain-clothes" KCSO Deputy to be temporarily assigned as a security Deputy, the "plain-clothes" KCSO Deputy will ensure his or her badge and identification card are displayed in plain view.
- g. Upon arrival at the hospital, KCSO Deputies will ensure they have clear radio and or cellular telephone communications with "KENT". KCSO Deputies will immediately contact hospital security and advise them they have a detainee in custody at the hospital.
- h. If a holding area is provided at the hospital, it shall be utilized to keep the detainee until being moved for treatment or into a regular room. This will be by direction of the hospital

staff. For the security of patients and hospital personnel, KCSO Deputies should suggest this alternative, if not directed by hospital personnel.

- i. KCSO Deputies will ensure the hospital room and the detainee are thoroughly searched before and after all room changes or movements within the hospital facility and during shift changes.
- j. The KCSO Deputy or Deputies assigned to the detainee detail will stay in the detainee's room at all times unless it has been determined by the physician that the presence of the KCSO Deputy is medically detrimental to the KCSO Deputy or the patient's care. The KCSO Patrol Commander, CID Commander or Chief Deputy will consult with the attending physician prior to this accommodation to the security detail. In these cases, a KCSO Deputy will be stationed immediately outside the doorway of the detainee's room and shall maintain a safe distance from the patient while maintaining and unobstructed view of the detainee.
- k. The KCSO Deputy will remain with the detainee and remain alert during the tour of duty. Card playing, electronic games, personal TV, use of cellular phones for personal business and other electronic devices or other distractions are strictly prohibited.
- l. The KCSO Deputy and detainee will comply with the hospital rules unless they interfere with good security practices. If hospital orders do interfere with appropriate institutional security, the Deputy will contact the KCSO Patrol Commander, CID Commander or Chief Deputy immediately. The KCSO Patrol Commander, CID Commander or Chief Deputy will resolve the conflict, acting in accordance with established policies and procedures, and if necessary, in consultation with the hospital staff and security.
- m. If the detainee needs additional care in another hospital department, a KCSO Deputy or Deputies will accompany the hospital staff on all movements and assure hospital security personnel are notified prior to any movement. During detainee movements within the hospital, the detainee will be transported on a stretcher gurney or in a wheelchair with leg irons and handcuffs. The restraints should never be concealed under sheets, towels etc. unless directed by medical staff for a specific medical condition.
- n. If a KCSO Deputy must use the restroom, hospital security will be informed. A KCSO Deputy will not leave his/her post until hospital security arrives. If the detainee is a "high risk detainee" the KCSO Deputy will not leave his/her post until another KCSO Deputy takes his/her post. A KCSO Deputy's absence from the area will be kept to a minimum. If only one KCSO Deputy is assigned as a guard, the KCSO shall provide relief as needed.
- p. If the detainee becomes violent or disruptive, the assigned KCSO Deputy or Deputies shall assist and protect the hospital staff to the best of their ability. Proper use of force in accordance with KCSO guidelines is authorized to protect the public, prevent escape, and maintain order. The use of pepper spray is strongly discouraged due to the possibility of

cross contamination of the medical facility and complicating effects the spray may cause to other patients under the hospital's care.

- q. All detainees will be supervised and secured with proper restraints. Flex cuffs will be used in place of leg irons in order for hospital staff to perform procedures where the use of metal restraints conflict with the provision of medical care.
- r. The KCSO Deputy in charge of the detainee's security detail for each shift shall complete a CrimeStar Call for Service Report to include the names of any other KCSO personnel assisting along with any noteworthy occurrences during the shift.

## **SECURITY/RESTRAINTS DURING ROUTINE TREATMENT AND ADMISSIONS**

- a. Leg irons and handcuffs are the custodial restraining devices used to restrain the detainee unless the attending physician should request other devices which will not interfere with the patient's care. Flex cuffs are required in the critical care units, operating rooms, and other specialty areas where the use of metal restraints conflict with the provision of medical care.
- b. All detainees, regardless of security status, shall be secured to the bed unless prohibited in writing by the physician. As a minimum, one arm and one leg shall be secured to the bed at all times unless restraints conflict with the provision of medical care.

## **SECURITY/RESTRAINTS DURING MEDICAL PROCEDURES**

- a. Detainees in pre-op are to be restrained in a manner consistent with the operating room procedures using flex cuffs. Flex cuffs may be applied in a fashion that do not interfere with the operative procedure to be performed (one leg to the gurney, both legs together, one arm to the gurney, both arms together or whatever works to immobilize or sufficiently restrict movement) and will be applied prior to the removal of metal restraints.
- b. Sight coverage will be maintained in the operating room or other specialty care areas. Hospital staff will instruct the KCSO Deputy or Deputies where to station themselves in order to be in sight of the detainee.
- c. Upon return to the assigned room, the KCSO Deputy will utilize a hospital staff device or other tool appropriate to remove the flex cuffs.
- d. Reestablish restraints as indicated above for "routine treatment" before removal of flex cuffs.

## DETAINEE RESTROOM USAGE

- a. Detainee movement to a restroom (even one located in the same room) is inherently dangerous. During all detainee admissions, a KCSO Deputy or Deputies will ensure a portable commode chair is delivered to the detainee's room. The portable commode chair will be used by the detainee for all personal relief unless directed otherwise by hospital staff.
- b. The portable commode chair will be placed next to the bed and the detainee's arm shall remain handcuffed to the bed during use. A KCSO Deputy will unshackle the leg irons from the bed and re-shackle the leg irons to both legs.

## MEALS

- a. A KCSO Deputy will inspect the detainee's meal tray prior to each meal to ensure that paper products have been used and that one plastic spoon has been provided with which to eat.
- b. Upon completion of the meal, the KCSO Deputy will ensure the plastic spoon has been returned with the tray.
- c. A KCSO Deputy should request that hospital staff provide meals for the detainee that can be eaten without utensils such as (sandwiches and soup) where medically possible.

## TELEPHONE PROCEDURES

- a. Generally, hospitals will disconnect phone service to a room occupied by a detainee. The following procedures will be adhered to in those instances where there is a need for the room phone to remain active:
  1. The telephone number of the hospital room shall not be given to anyone except the KCSO on-duty Supervisor Patrol Commander, CID Commander and Chief Deputy
  2. The KCSO Deputy **will** answer **all** telephone calls to the hospital room's telephone. The detainee **will not** be allowed to receive any incoming calls unless authorized by the KCSO Patrol Commander, CID Commander or Chief Deputy.
  3. Outside calls must be approved by the KCSO Patrol Commander, CID Commander or Chief Deputy. A KCSO Deputy **will** place approved calls for the detainee.
- b. All requests for general information regarding the detainee will be forwarded to the KCSO Patrol Commander, CID Commander or Chief Deputy. Information requests regarding the detainee's condition will be forwarded, verbally or in writing (as appropriate) to the medical staff at the hospital when such disclosure is permitted. Hospital staff should not confirm or deny any detainee's presence or provide information to anyone other than an approved and physically present visitor.

## **VISITORS/VISITING PROCEDURE**

- a. Visitors **Will NOT** be permitted to visit detainees except in extraordinary circumstances. The ultimate decision will be made by the KCSO Chief Deputy or Sheriff after consultation with hospital medical staff.
  1. Nursing staff and hospital security must be advised of all approvals.
  2. Visits must be consistent with hospital policy and procedure. (Check with the unit nursing staff supervisor for current guidelines and time frames for your areas of assignment.) Visits will not exceed 30 minutes in length unless special circumstances exist and an extension is granted by the KCSO Patrol Commander, CID Commander or Chief Deputy.
  3. Visits shall be limited to one adult visitor at a time.
  4. Visitors must provide a photo ID and will submit to a wanted check and physical search of their person and belongings prior to entering the detainee's room.
  5. A KCSO Deputy shall be in the room during all visits and restrict physical contact between the detainee and visitor
- b. A KCSO Deputy will be responsible for the security of the detainee; they will see that no one other than hospital staff communicates with the detainee without first obtaining permission from the KCSO Patrol Commander, CID Commander or Chief Deputy. KCSO Deputies are reminded that hospital staff will be identified with photo ID or won't be allowed access to the detainee.

## **RELEASE OF DETAINEE FROM THE HOSPITAL**

- a. If a detainee's custody status should change while inside the hospital, (i.e. released on bond, released on own recognizance, etc.) the KCSO Deputy or Deputies guarding the detainee must first notify the KCSO on-duty Supervisor, the nursing staff supervisor of those treating the detainee and hospital security prior to removing the detainee's restraints and before the KCSO Deputy or Deputies leave the hospital.
- b. When the detainee is released from the hospital, the KCSO on-duty Supervisor will be contacted prior to the transport of the detainee to the KCSO or detention facility in order to ensure adequate security.
- c. The KCSO Deputy guarding the detainee at the time of his or her release shall document the circumstances of the release via a CrimeStar Call for Service Report and/or CrimeStar Arrest Report whichever is appropriate for the condition of the release
- d. The KCSO on-duty Supervisor shall notify the Patrol Commander, CID Commander and Chief Deputy. The Chief Deputy will notify the Sheriff if circumstances warrant same.



## **CHAPTER 10 SEARCH AND SEIZURE**

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## **10-001 SEARCH AND SEIZURE**

Under the “exclusionary rule,” a police agency cannot conduct a search in violation of the Fourth Amendment to the U.S. Constitution. The rule means that evidence obtained or confiscated during an “unreasonable” search and seizure cannot be used in any court as evidence against the person from whom it was improperly obtained.

A Deputy must therefore always consider the reasonableness of any search, the probable cause to support it, and, in seeking or executing a warrant, the particularity with which the persons, places and items are described. The Deputy who performs all of these actions with care will help ensure that the KCSO’s actions will be lawful and that the validity of the search and seizure will be upheld in court.

All property or evidence seized or taken into custody will be handled in accordance with Chapter 15 of this Manual.

## **10-002 PROBABLE CAUSE FOR A SEARCH**

Probable cause must exist to justify a search. The basis for determining probable cause to search is essentially the same as that of probable cause for arrest.

Probable cause to search is demonstrated by the existence of facts and surrounding circumstances which are sufficient to justify a person of reasonable caution to believe that an offense has been committed and that the particular property to be seized is related to the offense and is located at a particular place.

Reduced to its essentials, there is probable cause when a Deputy has reasonable grounds to believe that things related to an offense are on the premises to be searched.

Searches may be conducted pursuant to the authority of a search warrant, upon receipt of proper consent, or in conjunction with various exceptions to warrant requirements, e.g., incident to arrest, vehicle searches, stop and frisk, abandoned property, etc. The Supreme Court has ruled that, barring a specific exception, a search without a warrant is unreasonable. Each exception to the warrant requirement imposes its own unique set of guidelines.

**(CATEGORY B)**

## **10-003 USE OF FORCE IN SEARCHES**

When making a reasonable search of a person (whether with warrant or incident to arrest), a Deputy may use only that degree of force necessary to protect him- or herself, prevent escape of the person being searched, and prevent the destruction of evidence. The test for determining if the use of force is proper will be whether, in the Deputy’s judgment, such force was required to accomplish any of the previously mentioned ends.

**Note:** If an arrestee conceals something in his or her mouth, a Deputy may use reasonable force to prevent the person from swallowing the evidence and to remove the object.

**(CATEGORY C)**

## **10-100 SEARCH WARRANTS**

### **10-101 SEARCH WARRANTS GENERALLY**

A search warrant is issued only by a judge of the Circuit Court or the District Court of the State of Maryland. A valid search warrant:

- a. Is directed to a law enforcement officer for service;

- b. Authorizes the search of the individual, item, vehicle, building, thing, etc., specifically described in the warrant;
- c. Authorizes the seizure of the item(s) described in the warrant as well as any other property found liable to seizure under the criminal laws of Maryland.
- d. Is valid for a period of 15 days from the date of issue; and
- e. Must be returned to the issuing judge, with an inventory of the property seized, within 10 days of its service.

**(CATEGORY B)**

## **10-102 APPROVAL OF WARRANTS**

Before a Deputy applies for a search warrant, the completed application and affidavit must be approved by the CID Commander. In preparing warrants, Deputies may ask for a review by the State's Attorney's Office.

## **10-103 AFFIDAVIT**

When applying for a search warrant, the Deputy must present detailed information to establish probable cause to believe the item(s) sought are in the possession of an individual or being held at a specific location. This document is known as the affidavit and becomes part of the warrant. The affidavit contains a detailed synopsis of the facts which establish:

- a. Commission of a specific offense;
- b. That certain specifically identified contraband/evidence/property directly related to the offense is being sought; and
- c. That the contraband/evidence/property sought is in the possession of an individual and the individual or the item(s) are contained in a specific container or at a specific location.

### **10-103.1 AFFIDAVIT BASED ON DEPUTY'S OWN KNOWLEDGE**

Where the facts are within a Deputy's personal knowledge, the Deputy will set forth in detail in the probable cause section of the warrant:

- a. The dates and times he observed the facts;
- b. The place where he observed the facts;
- c. Exactly and in detail what facts he observed;
- d. A brief synopsis of the Deputy's experience and training.

### **10-103.2 AFFIDAVIT BASED ON ANOTHER'S KNOWLEDGE**

In this case, the Deputy must set forth in detail not only the facts which cause the other person to believe that seizable goods are on the particular premises, but also why the Deputy believes what the other person told him. Such an affidavit will necessarily be longer than one based solely on the Deputy's personal knowledge. The Deputy will set forth in detail in the probable cause section of the warrant:

- a. The date the Deputy was told the facts;

- b. The name and address of the person who told the Deputy the facts, except in the case of a confidential informant.
- c. The date the other person observed the facts;
- d. That the other person personally observed the facts and how they observed them;
- e. The place where the other person observed the facts;
- f. Exactly and in detail what facts the other person observed;
- g. An explanation why the Deputy believes what the other person told the Deputy is true; and
- h. A brief synopsis of the Deputy's experience and training.

### **10-103.3 AFFIDAVIT BASED ON CONFIDENTIAL INFORMANT INFORMATION**

A Deputy is not required to disclose the identity of a confidential informant in a search warrant affidavit. When the informant's identity is not disclosed, however, it is especially important to explain why the Deputy believes the facts related by the informant are true.

If a confidential informant is a private citizen not involved in criminal activity, that fact will be mentioned in the affidavit.

To substantiate the informant's reliability, the Deputy will set forth in detail in the probable cause section of the warrant:

- a. The informant's past record for accuracy;
- b. Whether valid arrests and convictions have been based on that information;
- c. What facts the Deputy has personally observed which corroborate the information related by the informant;
- d. If appropriate, that the Deputy has received a statement from the informant indicating that the informant has committed or has participated in the commission of the crimes indicated.
- e. Where it is necessary to protect the identity of a confidential informant, it is not necessary to specify the exact date on which the informant received information or performed some act. Such phrases as "during the week of" may be used instead.

### **10-103.4 DETAIL IN AFFIDAVITS**

Frequently, the State's case is only as strong as the Deputy's affidavit. A Deputy should include in the affidavit all information having any bearing on the Deputy's conclusions. Listing all of the relevant information not only ensures the validity of the warrant, but also gives the Deputy the opportunity to decide if there is sufficient information to justify the issuance of the warrant.

### **10-200 EXECUTION OF WARRANTS**

A search warrant must be executed by the Deputy to whom it was issued unless the warrant specifies that it may be served by the applicant or any other duly sworn police officer. The Deputy executing the warrant has the right to take necessary and appropriate actions to protect himself and others; to assure that the items sought will not be damaged, destroyed, removed, etc.; to ensure that the search is not inhibited; to

safeguard the scene; to collect and remove property, and to make arrests. The Deputy will use good judgment in developing search procedures commensurate with individual circumstances.

An otherwise valid search can become unlawful if it is not properly executed. The following guidelines will apply when executing a warrant:

- a. The warrant must be served within 10 days of issuance.
- b. When a warrant is to be executed by the Tactical Entry Team, the affiant will take the Team Commander (or a designated member of the Team) to verify the location in advance of the execution of the warrant.
- c. The general policy of the KCSO will be to knock and announce when serving warrants. A Deputy shall wait a minimum of 20 seconds for the occupants of a residence to respond and open the door before the Deputy attempts to enter the residence, absent exigent circumstances. The Team Commander (or other Deputy in charge of warrant service) shall make the decision on when to enter the residence.
- d. The search warrant will be read to the person in charge of the premises, if such a person is present at the time of service.
- e. The search will include the place specified in the warrant, including all places reasonably and logically a part of that building or place, and everything in it where the lawfully sought articles might be concealed.
- f. Only the time necessary under the circumstances may be used to conduct the search.
- g. The Deputy may seize only those items particularly described in the warrant and any other instrumentalities, fruits of the crime, or contraband found while properly searching for the things particularly described.
- h. A search warrant alone does not constitute authority for an arrest, but an arrest may be made on probable cause developed during execution of a search warrant or for interference with its execution.
- i. A search warrant for a residence or other premises does not necessarily permit a search of all persons present during the search. If probable cause is developed during the legal search to believe that persons on the premises possess items which reasonably could be objects of the search, they may be detained until the proper search warrant is obtained. Regardless of the circumstances of the search, reasonable suspicion may justify the frisk of all persons present for offensive weapons.
- j. An inventory will be completed containing an accurate description of all property removed. The Deputy will sign each sheet of the inventory and will give the subject of the warrant a copy.
- k. A copy of the warrant, affidavit, property inventory, and return form will be left with the person in charge of the location searched. If no one is present to accept the paperwork, it will be left in a conspicuous place where it is reasonably protected from loss or damage.
- l. The Deputy will return the executed warrant and property inventory to the issuing court or judge within 10 days of execution.
- m. All items taken into custody will be handled and processed as provide for in Chapter 15, Property and Evidence.

**(CATEGORY B)**

## **10-201            OBTAINING EVIDENCE FROM A PERSON**

When a search warrant is needed to obtain evidence such as clothing worn, fingernail clippings, hair, body fluids, body cavity searches, from a person, the following guidelines will apply:

- a. If a Deputy has adequate advance information that an individual has or will have on his or her person
- b. items subject to lawful seizure, then the Deputy will obtain a warrant for the search.
- c. If a suspect or witness is asked to provide exemplars for comparison and refuses, application may be made to the State's Attorney's office for a court order requiring production of the desired evidence.
- d. If a person refuses to permit an authorized search, or if there is good reason not to search in public (e.g., a strip search), a Deputy may use reasonable force to detain the person, or to take the person to a place where the search can be appropriately conducted.
- e. To execute a search warrant of a person, premises may be entered under the same circumstances and in the same manner as allowed in the execution of an arrest warrant, and reasonable force may be used to make the search.
- f. While a search may be made only for those things in the warrant, if, while making such a search, a Deputy comes upon other evidence of the specified crime or another crime, the Deputy may seize that evidence.
  1. If a person carries a weapon in violation of the law, the Deputy may take it.
  2. If a person is carrying a weapon legally, the Deputy may take it to protect himself, but the person searched must be told where he can retrieve the weapon.

## **10-202            EXCEPTION TO AVOID LOSS OF EVIDENCE**

To avoid a possible loss of evidence, a Deputy may hold property which is under the Deputy's temporary control while a warrant authorizing a further search is obtained. In some such instances when probable cause to obtain a warrant does not immediately exist, the property may be held pending a reasonable, brief investigation to determine where there is in fact probable cause for a search warrant. In such circumstances, a Deputy should seek guidance from the CID Commander or the State's Attorney's office.

## **10-203            PROCEDURES FOR NO-KNOCK WARRANTS**

- a. A no-knock warrant is a search warrant that authorizes the KCSO to enter a building, apartment, premises, place, or thing to be searched without giving notice of the KCSO authority or purpose.
- b. A Circuit Court or District Court Judge may issue a no-knock warrant if there is probable cause to believe the following:
  1. A crime is being committed by a person or in a building, apartment, premises, place, or thing.
  2. Property subject to seizure is on the person, or in the building, apartment, premises, place, or thing.
  3. The property, subject to seizure may be destroyed, disposed of, or secreted; and

4. The life or safety of the executing deputies or another person may be endangered.
- c. An application for a no-knock warrant must be approved by the Patrol Commander and the State's Attorney's Office prior to requesting same from a Circuit or District Court Judge.
- d. An application for a no-knock search warrant shall be:
  1. In writing
  2. Signed, dated, and sworn to by the affiant.
  3. Accompanied by an affidavit that:
    - i. Sets forth the basis for probable cause.
    - ii. Contains facts within the personal knowledge of the affiant that there is probable cause.
- e. A no-knock warrant shall contain the following:
  1. A description of the evidence in support of the application
  2. An explanation of the investigative activities that have been undertaken and the information that has been gathered to support the request for a no-knock warrant
  3. An explanation of why the affiant is unable to detain the suspect or search the premises using other, less invasive methods.
  4. Acknowledgement that any deputies who will execute the search warrant have successfully completed the same training in breach and call-out entry procedures as SWAT team members.
  5. A statement as to whether the search warrant can effectively be executed between the hours of 0800 to 1900 and, if not, what facts or circumstances preclude effective execution during these hours.
  6. A list of any additional occupants of the premises by age and gender, as well as an indication as to whether any individuals with cognitive or physical disabilities or pets reside at the premises, if known.
- f. The search warrant shall be executed within 10 calendar days after the day it was issued.
- g. While executing a no-knock search warrant, a deputy shall be clearly recognizable and identifiable as a deputy wearing a uniform, badge, and tag bearing the name and identification number of the deputy.
- h. A deputy executing a search warrant shall use a body-worn camera during the course of the search.
- i. A deputy may not use flashbang, stun, distraction, or otherwise similar military-style devices when executing a search warrant, absent exigent circumstances.

**(CATEGORY B)**

## **10-300          SEARCH INCIDENT TO ARREST**

A search incident to a lawful arrest is permitted to protect the arresting Deputy and others, to prevent escape or suicide, to seize fruits of the crime, instrumentalities, and contraband relating to that arrest, and to prevent the destruction of evidence.



## **10-301 PROCEDURES FOR SEARCH INCIDENT TO ARREST**

- a. The arrest must be lawful. If the arrest is unlawful for any reason, the incidental search of the arrested person is also unlawful, and any fruits of such a search will be inadmissible in court.
- b. If practical, the arresting Deputy should conduct the search.

**Note:** When a prisoner is transferred from the custody of one Deputy to another, the receiving Deputy will make a subsequent search for his or her personal protection.

- c. Until an arrest is made, there is no right to search. If the search precedes the arrest and supplies the probable cause for the arrest, the search is unlawful unless it can stand without use of the incident-to-arrest rule.
- d. However, if a Deputy has the right to arrest on a warrant or probable cause and intends to arrest, but because of a sudden emergency or dangerous situation (e.g., possible escape of the person to be arrested or destruction of evidence), the Deputy takes possession of the evidence (e.g., a weapon or narcotics) and then makes the arrest, the seizure is lawful. This is an exception, and the courts will apply it strictly.
- e. A Deputy will conduct a search made incident to arrest as soon as practical after the arrest. Since the incident-to-arrest rule is based on the Deputy's need to protect him- or herself, to prevent escape, and to prevent the destruction of evidence, an unreasonable delay may make it appear that the Deputy was not concerned about any of those possibilities, but rather conducted the search for some other reason.
- f. The Deputy may also search for other persons on the premises who may reasonably be expected to interfere with the arrest or attempt to destroy evidence. A search of the surrounding area for such persons may be made.

### **(CATEGORY B)**

## **10-302 SCOPE OF SEARCH INCIDENT TO ARREST**

As a general rule, a Deputy may search the arrested person, everything in his possession, and everything which, in the course of the arrest, is within the arrestee's immediate reach.

- a. Anything in the actual possession of the arrestee may be searched (e.g., a carton, suitcase, or purse being carried by the arrestee).
- b. The things within the reach of the person or within the person's immediate physical surroundings may be searched. In an emergency situation posing a danger to human life, the scope of the permissible search may extend beyond the person's immediate surroundings.
- c. A search for things within a body cavity may be conducted only as prescribed below.
- d. Where an arrestee has on his or her person some article showing ownership of or right to control personal property from which the arrestee is temporarily separated (e.g., a locker key), the Deputy generally may not search for and seize such property unless there is danger that someone else will remove the property before a warrant can be obtained.

If, in the course of an arrest, a Deputy observes a suitcase or other closed item in open view but not in the person's actual physical possession, then the item may be seized as a protective measure, but a search warrant should be obtained before opening it.

## **10-303            ARTICLES WHICH MAY BE SEIZED IN A SEARCH INCIDENT TO ARREST**

- a. Generally, anything in the possession of the person being searched may be subject to seizure, whether it be for evidence, the protection of the Deputy, for safekeeping, fruits of the crime for which the arrest was made, fruits and/or instrumentalities of another offense, contraband, etc.
- b. A Deputy lawfully on the premises (as when legally effecting an arrest), observing contraband, fruits, weapon, instrumentalities, or evidence of that immediate investigation and/or of an unrelated incident in "open view," may seize those items even though they may not be considered to be in the immediate possession of the person being arrested. The "open view" doctrine is a seizure doctrine and does not in itself automatically constitute authority for an additional search beyond the seizure of an item in plain sight.

## **10-400            OTHER SEARCHES AND SEIZURES**

### **10-401            STRIP SEARCHES**

- a. A strip search is the removal or rearrangement of any clothing which permits a visual inspection of the genitals, buttocks, anus, or female breasts.
- b. A strip search will be considered only when the facts known to the Deputy, or the observations made by the Deputy establish the reasonableness of a strip search. (For example, controlled dangerous drugs are routinely concealed, and in some cases small weapons may be concealed.)
- c. A strip search may be conducted upon authority of a valid search warrant, incident to a lawful arrest, or based upon probable cause.
- d. Strip searches will only be permitted in the following circumstances:
  - 1. the Deputy has a reasonable suspicion that the subject is concealing a weapon; or
  - 2. the Deputy has a reasonable suspicion that the subject is concealing contraband.
- e. A strip search will be conducted in a secluded, private area by a Deputy of the same sex as the person being searched, and will be done professionally and efficiently, considering the person's age and mental capacity, gender identity/expression while showing care for the arrestee's privacy and comfort.
- f. Force may be used only to the extent necessary to effect submission to the examination.
- g. In every case, a strip search will be documented in a written report. The documentation will include the reason for the search, the Deputy conducting the search, the location where the search was conducted, and those persons present for the search.
- h. When a KCSO Deputy has reason to believe that a strip search of a juvenile is warranted, the deputy shall contact the KCSO CID Commander who will, based on the circumstances of the request, determine whether the strip search will be conducted.

**(CATEGORY C)(CALEA 1.2.8)**

### **10-402            BODY CAVITY SEARCH**

- a. A body cavity search of an adult or juvenile may be conducted after consultation and approval of the KCSO CID Commander and upon authority of a valid search warrant.

- b. The retrieval of evidence from a body cavity will be made by a licensed physician or nurse working under the direction of a licensed physician. The procedure will be conducted in a medical facility utilizing accepted medical protocols.
- c. Force may be used only to the extent necessary to effect submission to the examination as indicated in the search warrant.
- d. In every case, a body cavity search will be documented in a written report. The documentation will include the reason for the search, the Deputy requesting the search, the CID Commander's approval and the medical personnel conducting the search, the facility where the search was conducted, and those persons present for the search.

**(CATEGORY C)(CALEA 1.2.8)**

## **10-403 SEIZURE OF ABANDONED PROPERTY**

If in the course of a lawful arrest (or other lawful action by a Deputy, such as a surveillance or questioning of a person), a person discards personal property at some place outside the person's dwelling or its curtilage, a Deputy may seize the property (even though it is then beyond the person's control) on the grounds that it has been abandoned.

**Note:** "Curtilage" is the open space associated with a dwelling. Whether an area is within the curtilage depends principally on its closeness to the dwelling and its use by the occupants. Examples of places considered to be within the curtilage include:

- An enclosed back yard of a residence.
- A farmer's barn separated by a driveway from his house 70 yards away.
- A trash can under the stone porch of a house.
- A closed cupboard in a common hallway leading to a suspect's apartment in an apartment building.

The State's Attorney's office can provide guidance concerning whether an area is within the curtilage of a dwelling.

- a. There is no requirement that the person intended to get rid of the property permanently.
- b. Property discarded in response to an unlawful arrest or unlawful entry by a Deputy may not be lawfully seized.
- c. If the property is discarded in the person's dwelling or its curtilage (or the person's hotel room, automobile, or any other are under the person's control), it cannot be considered abandoned and cannot be seized. However, if the property thus discarded can be identified on sight as evidence of a crime, it can be seized just as any other evidence in open view can be seized.
- d. Some examples of legally seized abandoned property are:
  1. a package of heroin picked up from the street after a scuffle during an arrest from an automobile.
  2. a package of narcotics which lands in a public courtyard after being thrown out the window of an apartment by a person under surveillance.
  3. an envelope dropped to the floor of the police station by a person under arrest.

4. an object dropped on the street by a person stepping out of a car for questioning.

#### **10-404 STOP AND FRISK**

- a. This expansion of a constitutionally permissible search permits a Deputy to conduct a carefully limited examination of an individual's outer clothing. The purpose of the examination is the discovery and seizure of offensive weapons or any other dangerous or deadly weapon concealed upon or about the individual. The search is permitted when:
  1. The Deputy has a specifically based reasonable suspicion that the person has committed, is committing, or is about to commit a crime; or
  2. The Deputy has a specifically based reasonable suspicion that the person is armed, and dangerous and immediate action must be taken to protect the Deputy or the public.

Both the "stop" and the "frisk" must be supported by reasonable and articulable suspicion; an unparticularized suspicion or "hunch" will not suffice.

- b. The following circumstances may be considered by the Deputy in determining whether reasonable suspicion exists to justify a "stop". This list is not intended to be all-inclusive:
  1. Observation of unusual conduct and actions of the suspect.
  2. Appearance or demeanor of the suspect.
  3. Age and gender of the suspect.
  4. The hour.
  5. The neighborhood.
  6. Bulges in the suspect's clothing which may suggest a concealed weapon.
  7. The appearance of objects the suspect may be carrying.
  8. Proximity to a known crime scene.
  9. Prior knowledge of the Deputy including the suspect's prior record, information from an informant or third party, or overheard conversation.
- c. Once sufficient reasonable suspicion is established and the Deputy decides to initiate the stop, the Deputy will:
  1. be clearly identified as a police officer by being in uniform or, if not in uniform, by announcing that he is a KCSO Deputy Sheriff and at the same time displaying his badge or other police credentials.
  2. display courtesy toward the person.
  3. respect the person's rights.
  4. question the individual stopped to discover the individual's name, address, and an explanation of the suspect's actions.
- d. The individual may not be compelled to answer these or any other questions.

1. If the individual refuses to answer a Deputy's questions or identify himself, he may be questioned further but may not be unduly detained or deprived of freedom of movement in any significant way unless the Deputy is prepared to make a formal arrest in accordance with legal requirements for an arrest.
  2. The failure or refusal to answer questions, or answers considered unsatisfactory are not alone sufficient to constitute probable cause for an arrest without warrant. The failure or refusal to answer questions does not bar a "frisk," if the Deputy reasonably suspects danger to his or her own safety or that of another person.
- e. The circumstances which a Deputy may consider in determining whether reasonable suspicion exists to justify a "frisk" include those which justify a "stop" and, in addition:
1. The type of crime suspected - whether it is a crime of violence or involving the use of a deadly weapon.
  2. Reasonableness of the Deputy's fears for his or her own safety or that of others. When the Deputy must deal with more than one suspect or where help is not close at hand, there may be increased danger.
  3. age and gender of the suspect.
  4. Any other information perceived by the Deputy as bearing on the suspect's potential for violence.
- f. When the Deputy has knowledge or information regarding one or more of the above factors or any other information sufficient to justify a reasonable suspicion that the person stopped is presently armed, he may frisk the person.
- g. The frisk that is permissible is limited to a patting down of the suspect's outer clothing for the recovery of weapons and for no other purpose.
- h. If the frisk fails to disclose evidence of an offensive weapon, no further search may be made. However, if the frisk indicates reasonable suspicion that the suspect has an object on his or her person that could be a weapon, the Deputy is authorized to search the part of the suspect's clothing containing the object but may not search further.
- i. If the object felt and found in the course of the frisk is an offensive weapon and the evidence is that its possession violates the law, the Deputy may arrest the suspect for committing a crime in his presence.

Incident to such a lawful arrest, the Deputy may make a further, more detailed search of the suspect and the immediate surroundings.

On the other hand, if the Deputy searches beneath the clothing and an object is not a weapon but an item of contraband or evidence of a crime, the object may nevertheless be used to justify arrest of the suspect.

**(CATEGORY B)(CALEA 1.2.4)**

## **10-405 WARRANTLESS SEARCHES**

Several exceptions to the rule on searches permit a Deputy to make a search without a warrant. However, the courts review such searches closely. They include:

- a. Emergencies. A Deputy may search if there is not time to get a warrant and the situation requires immediate action (e.g., the Deputy hears a scream from inside a house followed by a gunshot).

- b. Fresh Pursuit. A Deputy may search if he or she is chasing an escaping suspect or is about to catch up with one who is ready to flee.
- c. Incident to arrest. Discussed above.
- d. Plain view doctrine. Discussed above.
- e. Consent search. Discussed below.
- f. Abandoned property. A dwelling that has been permanently vacated, i.e., a hotel room, rented space, etc., may be searched without a warrant and without the permission of the previous tenant. The consent of the property owner or agent should be obtained.
- g. Open fields, even though privately owned, may be searched without a warrant
- h. Observation of a dwelling or its curtilage (see 4-403) may be made without a warrant from any place outside the curtilage. A telescope, binoculars, flashlight, and similar devices may be used in the surveillance, as long as there is no physical trespass onto the curtilage.
- i. Listening to conversations or other sounds occurring in a dwelling or its curtilage may be accomplished without a warrant if there is no physical trespass onto the curtilage and no mechanical or electronic device is used to hear the conversation or sounds.

If a physical trespass is necessary or if an electronic or mechanical device is necessary, a warrant must be obtained.

**(CALEA 1.2.4)**

#### **10-406 CRIME SCENE SEARCHES**

- a. As noted in above, entry and subsequent warrantless search of a premises is permitted in emergency situations when a Deputy has a reasonable belief that there is within a need for immediate assistance. Deputies at the scene of a homicide or similar serious offense may conduct a warrantless search to locate victims and/or suspects.
- b. The scope of the search is strictly limited by the existence of the emergency. Evidence and/or contraband observed in plain view during this restricted search may be properly seized.

The fact that a crime has occurred at a specific location does not automatically authorize an unlimited search of the premises.

**(CALEA 1.2.4)**

#### **10-500 VEHICLE SEARCHES**

The laws governing vehicle searches provide expanded latitude based on the need to protect the law enforcement officer, mobility of the vehicle, and increased opportunity for contraband or evidence to be lost or destroyed.

**(CATEGORY C)(CALEA 1.2.4)**

#### **10-501 USE OF FORCE IN VEHICLE SEARCHES**

- a. If a Deputy has a legal right to search a vehicle and if the occupant refuses to allow the Deputy to proceed, the Deputy may use reasonable force necessary to affect the search.
- b. Using unreasonable force to stop a vehicle may make a subsequent search of the vehicle illegal, even though it was based on probable cause.

## **10-502 VEHICLE SEARCH INCIDENT TO ARREST**

- a. A search of a vehicle incident to a lawful custodial arrest of one or more of its occupants is predicated on the Deputy's right to protect himself and others, seize evidence, and prevent the destruction of evidence.
- b. The search may include the person(s) arrested, the passenger compartment of the vehicle and any packages, containers, and property, open or closed, locked, or unlocked contained therein, so long as the vehicle search is directed toward evidence of the crime for which the driver and/or vehicle is being detained.
- c. For a search to be valid:
  1. There must be a lawful custodial arrest.
  2. The search must be close in place and time to the arrest. If it is not, the conditions on which the search is based may be lost. The Deputy may summon additional staff to secure the suspects at the scene or reasonably close by while the arresting Deputy conducts the search of the entire passenger compartment and any containers found in it.

**NOTE:** Probable cause or even mere suspicion that contraband, evidence, or a weapon is in the vehicle is not required. This criterion is applicable only in incidents of a lawful arrest.

**(CATEGORY B)**

## **10-503 WARRANTLESS SEARCH OF A VEHICLE BASED ON PROBABLE CAUSE**

- a. A Deputy having probable cause to believe that a vehicle contains seizable items may search a mobile vehicle which could conceivably leave the jurisdiction before a warrant could be obtained.
- b. The scope of the probable cause will determine the scope of the search.
- c. If probable cause establishes that the vehicle contains a specific item, then the reasonableness and scope of the search will be determined by the nature of the item sought and the likelihood of its being located. For example:
  1. Probable cause establishes that the vehicle contains an unknown quantity of stolen weapons. The search of a matchbox found in the vehicle may be found unreasonable, while searching a trunk found in the luggage compartment would be reasonable. The search could continue until all weapons that could be concealed are located.
  2. Probable cause establishes that the vehicle is used to conceal a specifically identified container. The search is limited to those locations where the container could be hidden and continued only until the container is found. The container would be searched following the acquisition of a warrant.
  3. Probable cause establishes that the vehicle contains contraband. Generally, the search could continue until all areas of the vehicle which could contain contraband have been examined.
- c. If a lawful arrest is made, the search may be expanded based on the "incident to arrest" principle.
- d. The time factor is not as critical in probable cause situations, especially when the vehicle is in the custody of the agency; however, if the search is unusually delayed, there may be a question raised why a warrant was not obtained.
- e. Generally, this rule permits a search of a "mobile" vehicle even though there is no danger that the vehicle may be taken, or the evidence destroyed.

- f. If probable cause is not obtained until after the vehicle has lost its mobility or has been taken into custody, a warrantless search would be improper.

**NOTE:** Probable cause justifying a search of a vehicle does not necessarily empower a Deputy to search its un-arrested occupants. A thorough search of an occupant is justified only if the Deputy has a reasonable suspicion that the person possesses evidence of a criminal offense. A Deputy may, however, pat down the outer clothing of any occupant whom he reasonably suspects may possess a weapon and whom he feels poses a danger to himself or others.

**(CATEGORY B)**

#### **10-504 ITEMS IN OPEN VIEW**

The “open view” doctrine applies to all vehicles. Any contraband or evidence of a criminal offense seen while a Deputy is in the proper conduct of an investigation or while interviewing an occupant of a vehicle may be seized and will justify probable cause for a subsequent arrest and a more detailed search.

#### **10-505 ABANDONED VEHICLES**

An abandoned vehicle may be seized and searched without a warrant and without probable cause.

#### **10-506 SEIZED VEHICLES**

- a. Whenever possible, a vehicle to be retained as evidence or for further processing should be driven from its place of recovery to the KCSO by the investigating Deputy to provide for proper safeguarding and chain of custody of evidence.
- b. When it is not possible to drive the vehicle from the place of recovery to the KCSO, the Deputy will arrange for its removal by the tow service contracted by the KCSO. The Deputy will secure the vehicle prior to towing and follow the vehicle as it is being towed to provide for proper safeguarding and chain of custody of evidence.
- c. A vehicle used to violate laws concerning the transportation of liquor, cigarettes, or narcotics, etc., can be seized without a warrant and is subject to forfeiture. The seizure need not be incidental to an arrest, so long as there is probable cause that the vehicle was used in the conduct of the criminal activity. The search of the seized vehicle may be made at the place where custody was first obtained or at another place and time.
- d. If the vehicle is taken as evidence of a crime, either as an instrumentality by which the crime was committed (e.g., hit-and-run) or as the fruit of a crime (a stolen car), it may be subject to a later, more careful examination just as is any other lawfully seized item. KCSO personnel will complete a KCSO Form#134 – Seized Vehicle Inventory in addition to any other required reports associated with the vehicle seizure.
- e. The inventorying of vehicles and other objects under police control, where they have lawful custody, is done to protect the owner against property loss, to avoid a claim of destruction, and to protect the police against any hidden danger. Police cannot assume custody as a pretext for inventory where such an inventory is not reasonably necessary.

**(CATEGORY B(CALEA 1.2.4))**



## **10-507 ROADBLOCKS AND SEARCHES**

A roadblock may not be established for the purpose of arbitrarily stopping all traffic so that searches may be conducted. However, courts have upheld the use of a roadblock to stop vehicles in order to permit the search of a particularly described vehicle or one containing particularly described occupants.

**(CATEGORY B)**

## **10-600 CONSENT SEARCH**

One's consent to a search of his or her person or property under his or her control acts as a waiver of the Fourth Amendment right to be free from search without warrant. A search based on consent is lawful, even where there is no other justification, if:

- a. The individual gives consent with the knowledge that he or she need not consent to a search.
- b. The individual gives consent voluntarily, i.e., freely, without duress or coercion; and
- c. The consent is clear and explicit.

A waiver of the Constitutional right will be examined carefully by the courts. Although the appellate courts have not required police officers to advise people of their right not to cooperate and to refuse consent searches, a valid consent search requires proof that the consent was freely given by a person who would feel free to leave or to refuse consent.

**(CATEGORY B)(CALEA 1.2.4)**

## **10-601 CONSENT MUST BE VOLUNTARY**

- a. Any coercion or intimidation, actual or implied, will invalidate the consent. For example:

A Deputy pounds on a door and announces that he or she has come to make a search or wants to talk or look around the premises. If the Deputy is given permission to enter, the courts have often found there is no valid consent because such a situation creates a coercive atmosphere.

- b. Consent obtained through fraud or misrepresentation is not voluntary:

A Deputy without a warrant tells the occupant of a house that he or she has one. The individual consents to the search, but it may be held invalid by the courts.

- c. On the other hand, a voluntary confession of guilt which precedes a consent to search has been found to indicate that the consent was voluntary.
- d. A person who indicates a desire to consult with an attorney or anyone else before deciding whether to consent should be given the opportunity to do so.

**(CATEGORY B)**

## **10-602 CONSENT MUST BE CLEAR AND EXPLICIT**

Before a Deputy relies upon consent to justify a search, he or she should be certain not only that the person is aware of his or her rights and is under no coercion, but that a clear and explicit right to search has in fact been given.

- a. A consent to enter is not a consent to search. (But, after a legal entry, evidence in open view may be seized.)

- b. A statement that a Deputy is welcome to search may not imply that he or she is welcome to search without a warrant.

Where practicable, a Deputy should obtain written consent. A signed and witnessed waiver provides the best proof of clear, voluntary consent. When possible, the KCSO "Consent to Search and Seize" form should be used.

**(CATEGORY B)**

#### **10-603            WHO MAY GIVE CONSENT**

- a. Valid consent to a search may be given only by the person with a right to occupy the premises. For example
  - 1. A landlord cannot consent to a search of a tenant's premises unless the tenant has abandoned the premises or been evicted.
  - 2. A host can consent to a search of premises controlled by a guest. If a particular area of the premises has been set aside for a long-term guest's exclusive use, or if the search is of an object which is exclusively the guest's, the consent of the host may not authorize a search.
  - 3. A parent can give consent to a search of premises occupied by a his/her minor child.
  - 4. An employee cannot consent to the search of an employer's premises unless the employee has been delegated general authority to act as the agent of the employer.
  - 5. An employer may generally consent to a search of premises used by an employee in the employee's work, unless it is a particular area set aside for the employee's exclusive use.
  - 6. A person with custody of personal property belonging to another may consent to its search only if he or she has been given full control over the property, or if the property has been left on the premises without his or her authorization. Consent by a person having only conditional custody, such as that given for storage or shipment, is not valid.
- b. If two or more persons have equal rights to the occupation of the premises, consent to search may be given by any one of them, but only for the areas of use common to all. A legal consent search is valid against all occupants.

It must be understood, however, that refusal to grant consent by one occupant may override the consent given by others.

- 1. Generally, one spouse can consent to a search of a residence shared with the other spouse.
- 2. One joint tenant can consent to a search of jointly held premises.
- 3. A partner can consent to a search of partnership premises.

**(CATEGORY B)**

#### **10-604            REVOCATION OF CONSENT**

Valid consent to search may be presumed to continue until all areas specified in the consent have been searched. Consent may be revoked at any time before the search is completed. If consent is revoked prior to completion of the search, all evidence found prior to the revocation may be retained. This evidence may be used as probable cause for a subsequent search warrant or for an immediate arrest and incidental search.

**(CATEGORY B)**

# CHAPTER 11

## PATROL

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**11-1700 OTHER TYPES OF ACCIDENTS**

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## **11-001 PATROL**

### **11-002 GOALS OF PATROL**

A well-trained Deputy, in a conspicuously marked car, represents a deterrent force that helps prevent crime before it starts. A Deputy observes conditions which are conducive to crime, such as unattended property, and observes suspicious persons. The Deputy follows up with inquiry, which further contributes to crime prevention.

Another object of patrol is to assign Deputies to patrol areas in such a way as to increase the likelihood that a criminal will be apprehended during the commission of a crime or immediately thereafter.

### **11-003 24-HOUR COVERAGE, SHIFT SUPERVISION**

The KCSO maintains 24-hours per day, 7 days per week patrol of Kent County.

The Commander of the Patrol Division will establish and maintain a written system of assignment for KCSO Patrol Deputies which provides effective coverage, ensures accountability, and achieves Division goals and objectives. The system will prescribe assignment to patrol shifts; frequency of shift rotation; assignment to service areas; frequency of service area rotation; and determination of days off.

Each work group is assigned a supervisor. Personnel are assigned to work groups at the sole discretion of the Sheriff, or his designee, in order to provide optimum operational effectiveness.

The KCSO Patrol Division personnel work twelve (12) hour shifts on a rotating basis-  
KCSO Patrol Division shifts are as follows:

- Day Shift: 0630-1830 hours.
- Night Shift: 1830-0630 hours.

It is the goal of the Patrol Commander to schedule two (2) weeks of day shift, followed by 2 weeks of night shifts. This will allow an adequate transition between day and night shifts for the Patrol Deputy.

The Patrol Commander will ensure that there is adequate coverage on each shift. Ideally, there should be three (3) Patrol Deputies on each shift; however, there may be situations that will affect this coverage, such as training, leave, etc. The Patrol Commander may assign or request a Deputy work extra shifts as needed for adequate coverage.

The Patrol Commander has the authority to deviate from the standard work/leave schedule to meet the operational requirements of the Patrol Division.

The Patrol Commander will ensure that all sworn personnel are scheduled for a minimum of eight (8) hours between shifts.

Personnel assigned to the Criminal Investigation Division and the Kent County Narcotics Task Force will work a total of eighty-four (84) hours per pay period. The schedule will be determined by the CID Commander based on the operational needs of the Division.

Sworn administrative, civilian administrative and civilian Court Security personnel work eight (8) hour shifts, Monday through Friday unless operation requirements demand otherwise.



The KCSO utilizes three (3) patrol sectors as follows:

- North
- South
- At Large

The shift supervisor is responsible and has discretion for allocating patrol coverage based on the number of personnel assigned to each shift and operational needs of the KCSO

On any shift, the Shift Supervisor is the person of rank or the senior Deputy on duty.

**(CALEA 41.1.1)**

#### **11-004            SHIFT BRIEFINGS**

Because KCSO Patrol Deputies report to duty directly from their residences, the Patrol Division uses an alternative form of shift briefing.

Information is transmitted from shift to shift and through the supervisory chain via memoranda, notices, and new directives left in each Deputy's mailbox in the patrol room; end-of-shift notification from the departing supervisor to the incoming supervisor of information critical to the patrol function; email messages sent through the CrimeStar System; and through the use of "KENT" to alert Deputies to conditions as they come on-duty. All Deputies are provided KCSO-issued cellular telephones by which they may be alerted to call in for pre-shift and post-shift contact. The Criminal Investigation Division and Kent County Narcotics Task Force provide critical information to the patrol Division via the "shift briefing" process.

Each Deputy is required to meet with his or her supervisor at least once during every shift, usually at the beginning of the shift.

**(CALEA 41.1.2, 42.2.4)**

#### **11-100            RESPONSE TO CALLS**

##### **11-101            CLASSIFICATION OF CALLS**

The purpose of classifying calls for service is to provide the promptest response for service, consistent with the safety of the responding Deputy and the public. It is the responsibility of the Deputy to determine the proper code according to information which has been made available to him or her.

##### **11-102            EMERGENCY AND NON-EMERGENCY CODES**

**EMERGENCY CODE** indicates the need for an expeditious response and authorizes the use of emergency lights and siren. Operation of a vehicle during an emergency response must conform with the requirements of §21-106 of the Maryland Transportation Article.

- a. An emergency code is usually prompted by one of the following requests for assistance:
  1. Deputy or Police Officer needs help - all instances in which the safety of a Deputy or Officer is directly threatened.
  2. The situation where there are reasonable grounds to believe human life is in peril and where the police have the primary responsibility for acting.
  3. Pursuing a violator or suspected violator of the law.

4. Other situations where an emergency response could prevent loss of life or serious injury.
- b. Under **NON-EMERGENCY CODES**, a Deputy will respond within the posted speed limit. Emergency equipment may be used in certain instances to facilitate response and to expedite movement through traffic if the Deputy considers it appropriate.

**(CALEA 41.2.1)**

## **11-103 ANALYSIS OF CONDITIONS AND REPORT**

The Deputy arriving on the scene of any incident will, after first attending to any matter which may reduce the likelihood of death or serious injury to any person, give a full and detailed report of conditions to "KENT". The Deputy will identify all emergency services which will be required at the scene, such as KCSO supervisory personnel, emergency medical services, fire service, medical examiner, highway personnel, and two vehicles.

**(CALEA 41.2.4)**

## **11-200 VEHICLE PURSUIT AND ROADBLOCKS**

A vehicle pursuit occurs when a Deputy disengages from routine patrol driving with the intention to pursue and stop a violator of the law. There are two types of pursuit:

- a. Normal Pursuit - Pursuit of a violator after a violation has been observed; the operator is signaled to stop and complies.
- b. Extended Pursuit - Violator attempts to avoid arrest by fleeing in his vehicle, ignores, or fails to comply with the Deputy's signal to stop.

## **11-201 PURSUIT POLICY**

- a. It is the policy of the KCSO to permit Deputies to engage in an extended vehicle pursuit when it is necessary to apprehend a violator of the laws of this State. Extended pursuit is a sanctioned law enforcement technique; however, it should be used with discretion and after conscious deliberation and not as the product of a Deputy's emotions. It is better to disengage from a pursuit than to become involved in unreasonable risk-taking. The potential for personal injury and damage to personal property must be weighed against the urgency of the pursuit and the tactics employed by the pursuing Deputy.
- b. KCSO policy permits Deputies some latitude to pursue with Shift Supervisor/senior Deputy permission using the below risk matrix. The Shift Supervisor/senior Deputy must be made constantly aware of an extended pursuit and has the authority to direct its course, or to cancel it. The primary consideration of the Shift Supervisor/senior Deputy will be the safety of the public and the Deputy(s) involved.
- c. State law permits a Deputy who is engaged in vehicle pursuit to disregard traffic laws but does hold the Deputy responsible for driving with due regard for the safety of others and does not protect a Deputy from the consequences of reckless disregard for the safety of others.

**(CATEGORY C)**

**11-201.1****GUIDING PRINCIPLES TO AID IN MOTOR VEHICLE PURSUITS**

- a. The decision regarding whether to initiate a pursuit occurs at the point when a Deputy has a reasonable belief that the driver of the subject vehicle is knowingly failing to stop in response to a Deputy's visual and audible signals.
- b. Shift Supervisors and Deputy shall use the Risk Matrix and Pursuit Matrix to guide in the decision to initiate and abandon a pursuit.

**KCSO RISK MATRIX**

Primary Risk Factors	Low	Elevated	High
Driving Behavior of Suspect	Abnormal	Negligent	Reckless
Speed of Pursued Vehicle	Sustained Controlled Operation	Sustained Negligent Operation	Sustained Reckless Operation
Roadway Conditions	Dry with good visibility	Wet or limited visibility	Precipitation, Ice, Fog
Type of Roadway	Good Condition; Main Road, few intersecting streets	Some Curves; Back Roads, few intersecting streets	Bad Condition, Construction, back roads with "S" Curves; many intersecting streets
Traffic Volume	Low	Moderate	Congested
Pedestrians	None	Few	Many; Residential; School Zone
Familiarity of area by Deputy and Shift Supervisor	Both are knowledgeable of area, road conditions and additional hazards	Each has some knowledge of area, road conditions or other hazards	Knowledge of area, road conditions and other hazards is limited by both parties
Type of Pursued Vehicle	Low Performance Vehicle incapable of sustaining the Pursuit	Moderate Performing Vehicle somewhat capable of sustaining the Pursuit	High Performance Vehicle capable of sustaining high speeds to avoid apprehension
Type of KCSO Vehicle	Vehicle capable of Sustaining Pursuit	Vehicle can safely travel at necessary speed for limited distances	Vehicle incapable of sustaining pursuit speed

**(CATEGORY C)****11-201.2****ADDITIONAL RISK FACTORS – PURSUIT**

The Shift Supervisor/senior Deputy shall continuously monitor and evaluate all circumstances before initiating and during a pursuit. Other risk factors may need to be assessed. The level of risk may increase or decrease depending on the circumstances of the pursuit.

**(CALEA 41.2.2)****11-201.3****VEHICLE PURSUIT MATRIX**

After the Shift Supervisor/senior Deputy has evaluated the risk factors of a current pursuit, he/she shall review the Pursuit Matrix to determine if the Deputy should continue or abandon the pursuit.

At all times during an active pursuit, deputies and the shift supervisor/senior Deputy must reassess whether the suspect(s) present a clear and present danger to the safety of others and the necessity of immediate

apprehension outweighs the level of danger created by the pursuit.

## KCSO PURSUIT MATRIX

LEVEL	SERIOUS OF APPARENT OFFENSE OR OBSERVATION BY DEPUTY	RISK FACTORS LOW	RISK FACTORS ELEVATED	RISK FACTORS HIGH
4	Any Crime where a Deputy has reason to believe that serious harm or death has been or will be inflicted if apprehension is not swiftly achieved	May Pursue: reassess	May Pursue: Reassess	May Pursue: reassess; Discontinue if risks exceed known threat
3	Any felony crime where a Deputy has reason to believe immediate pursuit is the only likelihood of apprehending or identifying the offender Leaving the scene of an accident resulting in death or serious injury	May Pursue: Reassess	May Pursue: Reassess	Pursuit Not Appropriate when risks exceed seriousness of known offense
2	Any minor traffic violation traffic violation involving an unknown suspect All other (non-violent) criminal acts	May Pursue: Reassess	May Pursue; Reassess; Discontinue if risks exceed known threat	Pursuit Not Appropriate when risks exceed seriousness of known offense
1	Any minor traffic/civil violation involving a known suspect Offenses involving a motorcycle or ATV*	Pursuit Prohibited	Pursuit Prohibited	Pursuit Prohibited

\*KCSO Deputies may engage in vehicle pursuits with motorcycles and ATVs who are involved in a felony crime that has resulted in death or has the potential to cause serious injury or death if not immediately apprehended. At all times the shift supervisor/senior Deputy shall monitor the pursuit and evaluate the risk to public safety.

(CATEGORY C)

### 11-201.4 PROCEDURES FOR PURSUIT

- The goal in a pursuit is to apprehend the violator as soon as possible and to minimize the hazard of his/her violation. The sooner the violator is apprehended, the less an opportunity exists for an accident.
- The Deputy initiating a pursuit will activate the vehicle's siren and emergency lights when a pursuit is initiated. The Deputy shall also initiate his/her Body Worn Camera. The Deputy will notify "KENT" of the initiation of the pursuit, all available information concerning the vehicle being pursued (including, for example, the direction of travel), and the reason for the pursuit.
- Consistent with the safe operation of the vehicle, the pursuing Deputy will maintain communication with "KENT". The Deputy will relay all information which will assist in apprehending the violator.
- The Shift Supervisor/senior Deputy will monitor and supervise the progress of the pursuit. The Shift Supervisor/senior Deputy may assign additional cars and any other resources available to assist with the pursuit. No other patrol vehicles will become involved in the pursuit without the express

approval of the Shift Supervisor/senior Deputy who will make his/her decisions regarding the pursuit based upon the circumstances involved, including KCSO policy and Maryland law.

- e. Secondary pursuit units shall be authorized by the Shift Supervisor/senior Deputy. Secondary pursuit Deputies/units will:
  - 1. notify "KENT" that they have taken up a position as the secondary unit,
  - 2. maintain constant radio communications with the primary unit, Shift Supervisor/senior Deputy, and "KENT",
  - 3. maintain a position to the rear of the primary unit,
  - 4. if not provided by the primary unit, provide the speed, direction, environmental conditions, pursued vehicle description and any other relevant information,
  - 5. continually assess the risks of the pursuit and advise the primary unit and Shift Supervisor/senior Deputy of same as warranted,
  - 6. continue as the secondary unit until replaced or if the vehicle is intercepted or the pursuit is ended by the Shift Supervisor/senior Deputy or other reason,
  - 7. upon termination of the pursuit, acknowledge same with "KENT" and provide any relevant information regarding the last known direction and any other pertinent information regarding the vehicle being pursued and any occupants, if not provided by the primary unit; and
  - 8. complete any reports as required.
- f. A Deputy operating an unmarked vehicle will permit marked cars to assume control of the pursuit once they become available. Generally, patrol vehicles carrying passengers or prisoners will not become involved in a pursuit except when the passengers are:
  - 1. KCSO sworn personnel
  - 2. sworn personnel from other law enforcement agencies; or
  - 3. other persons specifically authorized by the Sheriff.
- g. "KENT" will notify all allied police agencies of the pursuit. This notification will be made as soon as possible. The allied agencies will be informed of the location of the pursuit, type of violation, and any other information necessary, and will be constantly updated as to the progress of the pursuit.
- h. The goal of the pursuing Deputy is to stop the offender as safely and expeditiously as possible. In doing this, a Deputy may appropriately duplicate some of the actions of the violator. However, a Deputy will not attempt maneuvers which are intrinsically reckless or dangerous.

**(CATEGORY C)(CALEA 41.2.2)**

## **11-201.5 ABANDONING PURSUIT**

- a. The decision to abandon a pursuit will remain, in most instances, with the pursuing Deputy. The Shift Supervisor/senior Deputy will monitor the course of the pursuit and has the prerogative to end it based on input from the pursuing Deputy and the Shift Supervisor's/senior Deputy's personal knowledge of the area, road, and traffic conditions.

- b. Generally, a pursuit will be discontinued when:
  - 1. the risks to the Deputy and the public are unnecessarily high,
  - 2. the risks exceed the seriousness of known offense, or
  - 3. the highway and environmental conditions are not conducive to continued safe pursuit.

**(CATEGORY C)(CALEA 41.2.2)**

## **11-202 ROADBLOCKS**

Roadblocks are sometimes necessary to apprehend a person fleeing from the scene of a crime or attempting to evade arrest. The purpose of this section is to establish guidelines for effecting forcible stops using moving and fixed roadblocks.

Because roadblocks may involve the use of force, including deadly force, their use must always be fully consistent with the requirements of Chapter 8 of this Manual, Use of Force.

For the purpose of this section, a roadblock is an obstruction (including a moving vehicle) deliberately placed at one or more selected points on a roadway for the purpose of stopping a vehicle, using force if necessary. This type of roadblock is distinguished from the procedures for conducting sobriety checkpoint operations, road closures due to accidents or weather conditions, and traffic surveys.

**(CATEGORY C)(CALEA 4.1.2)**

### **11-202.1 TYPES OF ROADBLOCKS**

- a. Moving - A moving roadblock is used to stop a fleeing violator's vehicle by employing KCSO vehicles, driving skills and techniques designed to restrict, reduce, or eliminate the chance for escape. There are two types of moving roadblocks:
  - 1. Precision Immobilization Technique (PIT) - The deliberate act of impacting a violator's vehicle, using a police vehicle to damage or otherwise force the violator's vehicle to stop. Ramming is a form of deadly force and is initiated only after all other reasonable means have failed and continued pursuit enhances the risk for serious injury or death to the public, Deputy, and violator.
  - 2. Rolling - A technique designed to stop a violator's vehicle by surrounding it with pursuit vehicles and intentionally slowing all vehicles to a stop. This roadblock does not normally involve the use of deadly force.
- b. Fixed - A fixed roadblock is the use of physical stationary obstructions to stop or disable an approaching violator's vehicle. Fixed roadblocks are classified as:
  - 1. Type A - Using heavy material, vehicles or equipment on a roadway designed to stop or disable an approaching vehicle on impact with no avenue of escape. Only County-owned vehicles or property will be used, and all vehicles will be unoccupied. This type of roadblock employs the use of deadly force and will be used only when the severity of the offense and the potential for further harm warrants prevention of escape.
  - 2. Type B - Using signs, flares, other warning devices and lightweight barricade devices which, if struck, cause little or no damage. This type of roadblock does not employ the use of deadly force.

3. Type C – Using tire deflation devices. This type of roadblock does not employ the use of deadly force.

#### **11-202.2      LIMITING FACTORS - ROADBLOCKS**

Because a roadblock may involve the use of deadly force, the KCSO will initiate a roadblock only after all other reasonable and conventional means to stop a vehicle have failed. All roadblocks must be approved by the shift supervisor/senior Deputy. Before authorizing a roadblock, the Shift Supervisor/Senior Deputy will evaluate available information and decide if a roadblock is appropriate, considering the imminent threat to the personal safety of the public, Deputy, and violator.

The Shift Supervisor/senior Deputy will consider the following before authorizing a roadblock and in selecting the type of roadblock to be used:

- a. the number of personnel available for assignment to the roadblock,
- b. the seriousness of the crime or incident,
- c. the sufficiency of information and descriptions of wanted persons and vehicles,
- d. traffic and roadway conditions; and
- e. the sufficiency of time to provide a reasonable system of warning to motorists.

**(CATEGORY C)(CALEA 41.2.3)**

#### **11-202.3      PROCEDURES FOR ROADBLOCKS**

- a. The Shift Supervisor/senior Deputy will determine which type of roadblock is appropriate to the circumstances and will assemble and notify the appropriate staff and/or materials to establish the roadblock.
- b. A "PIT" or fixed roadblock can be authorized for use only by the Sheriff, Chief Deputy, Patrol Division Commander or CID Commander.
- c. The Shift Supervisor/senior Deputy will, if possible, respond to and command a rolling roadblock or Type "C" fixed roadblock. If the Shift Supervisor/senior Deputy is unable to arrive at the scene prior to implementation, he or she will assign a specific individual to command the roadblock.
- d. The Shift Supervisor/senior Deputy will notify "KENT" of the establishment of the roadblock. "KENT" will notify all other affected law enforcement agencies.
- e. The Shift Supervisor/senior Deputy will insure the following persons are notified if the use of deadly force is employed:
  1. the Sheriff,
  2. the Chief Deputy; and
  3. the State's Attorney.

**(CATEGORY C)(CALEA 41.2.3)**

#### **11-202.4 USE OF TIRE DEFLATION DEVICES**

The following procedures will be followed in deploying the stop stick:

- a. Only Deputies trained in the use of the stop stick may deploy it.
- b. The Shift Supervisor/senior Deputy must approve the deployment of the stop stick.
- c. When the stop stick has been deployed, the Deputy deploying it will announce the deployment location via radio and move to a safe location.
- d. The stop stick will not be deployed against a vehicle with fewer than four wheels.
- e. The stop stick will be removed from the roadway immediately after the suspect vehicle contacts it.
- f. Pursuing Deputies should be prepared to take evasive action, as the suspect vehicle should start to slow rapidly after contacting the stop stick.
- g. Use of the stop stick will be documented in the pursuit report, including the circumstances surrounding its use, the weather and road conditions, and the effectiveness of the device.
- h. After deployment and the stop stick is damaged and unable to be reused, the Deputy will return the stop stick to the Patrol Division Commander who will obtain a replacement.

**(CATEGORY C)(CALEA 41.2.3)**

#### **11-203 TRAINING**

All Deputies receive training in the use of pursuits and roadblocks as part of their initial training and every three (3) years thereafter. Annually, all Deputies will review the pursuit and roadblock policy.

**(CALEA 41.2.2 & 41.2.3)**

#### **11-204 FRESH PURSUIT**

##### **11-204.1 PRINCIPLES OF FRESH PURSUIT**

As with any pursuit, a Deputy must carefully evaluate whether the continued pursuit into another jurisdiction will escalate the danger to the public or the pursuing Deputy. If it does, the pursuit shall be terminated.

As a general rule, KCSO Deputies will continue pursuit into another jurisdiction and outside the State of Maryland **only** if the pursuit is a Level Three or higher on the KCSO Pursuit Matrix in Chapter 11-201.3. Deputies shall abandon all Level Two or below pursuits once the pursuit enters the other jurisdiction.

**(CATEGORY C)**

##### **11-204.2 COMMUNICATIONS**

A Deputy will notify "KENT" when it becomes apparent that a pursuit will lead into a neighboring jurisdiction. The Deputy will have provided "KENT" with all available vehicle identification information and the location and direction of travel. "KENT" will immediately transmit that information to the neighboring jurisdiction by the fastest possible means.

**(CATEGORY C)**



### **11-204.3 PROCEDURES FOR FRESH PURSUIT OF LEVEL THREE OR HIGHER**

- a. Upon entering a foreign jurisdiction, a Deputy will carefully adhere to all Maryland State laws for emergency vehicle operation and all related KCSO procedures, including use of force and use of weapons.
- b. The number of vehicles pursuing into a foreign jurisdiction will be limited to the minimum necessary to support the pursuit. Except in extraordinary circumstances, unmarked vehicles will not pursue into another jurisdiction.
- c. Once the police agency of the jurisdiction entered joins the pursuit, that agency will have the lead responsibility for the pursuit. Generally, only one KCSO vehicle should continue pursuit.
- d. The KCSO will only pursue a Level Three or higher pursuit originating out of county or out of state. If the shift supervisor/senior Deputy determines that the deputy will assist in the pursuit, the KCSO pursuit policy will be followed, and the pursuit will be abandoned if the shift supervisor/senior Deputy determines that the risk exceeds the known threat. The deployment of stop sticks may be used in all pursuits.

**(CATEGORY C)**

### **11-204.4 APPREHENSION IN ANOTHER STATE**

A Deputy who apprehends a violator after crossing into another State will not remove the apprehended subject from that jurisdiction until all appropriate laws of the foreign jurisdiction have been complied with regarding judicial hearings on the legality of the arrest and the legal right to remove the person to the State of Maryland.

**(CATEGORY B)**

### **11-204.5 AUTHORITY OF OFFICERS OF OTHER STATES TO ARREST IN MARYLAND**

- a. A member of a State, county, or municipal law enforcement unit of another State who enters Maryland in fresh pursuit of a person who is believed to have committed a felony in the other State has the same authority to arrest and hold the person in custody as a duly sworn Maryland law enforcement officer has with respect to a felony violation in Maryland.
- b. A law enforcement officer from another State may not remove the apprehended subject from Maryland until all appropriate Maryland laws have been complied with regarding judicial hearings on the legality of the arrest and the legal right to remove the person from the State of Maryland.

**(CATEGORY B)(CALEA 41.2.2)**

### **11-205 PURSUIT OR ROADBLOCK CONCLUSION**

Safety is critical after a fleeing vehicle is stopped. Therefore, officers at the scene of the stop will handle the situation in the same manner as a high-risk felony stop, as described in Chapter 12 of this Manual, Traffic Enforcement.

### **11-206 REPORTS ON PURSUITS AND ROADBLOCKS**

- a. Upon completion of a roadblock and/or a pursuit, the Deputy involved, or the Shift Supervisor/senior Deputy will notify "KENT" and all personnel that the event has been secured.

- b. The pursuing Deputy will create a CrimeStar "Call for Service" concerning the pursuit and an incident report regarding all facts surrounding the pursuit prior to the end of the shift in which the pursuit occurred. A report will be completed regarding any pursuit that the KCSO is involved.
- c. The Deputy in charge of a roadblock will create a CrimeStar "Call for Service" concerning the pursuit and a supplement report, which will be attached to the report of the pursuit, prior to the end of the shift in which the pursuit occurred. A report will be completed regarding any roadblock that the KCSO is involved.
- d. The Patrol Commander or a designee will review each pursuit and forward a written memorandum to the Sheriff, through the Chief Deputy, to include compliance with KCSO policies and to determine if training or counseling for the Deputies involved is warranted.
- e. A pursuit or roadblock in which deadly force is used or results in injury to the Deputy or any other person is subject to the reporting requirements of Chapter 8-600, Reporting Use of Force Incidents and Weapons Discharge, and Chapter 8-200.1, Procedures for the Response and Investigation of any Police Involved Incident Resulting in Death or Serious Injury.
- f. The Patrol Division Commander will report annually to the Sheriff, through the Chief Deputy, an analysis of pursuits and roadblocks which occurred during the preceding year. The report will include any recommendations for training needs and/or policy/reporting modifications.

**(CATEGORY B)(CALEA 41.2.2)**

#### **11-300 IN-CAR VIDEO**

#### **11-301 POLICY**

The use of the Kent County Sheriff's Office's in-car video camera (MVR) to record traffic stops and other incidents is intended to enhance officer safety, self-awareness, and training and to provide an additional method of collecting evidence to prosecute violators.

The in-car video system is not intended to be used as a disciplinary tool against officers for minor infringements of policies or procedures. However, when cases of misconduct and/or repetitive negative behavior are brought to the attention of the KCSO by complaint or supervisory review, the video recording may be used in performance counseling or disciplinary actions.

#### **11-302 TRAINING**

All new KCSO sworn personnel shall be trained by the Field Training Officer regarding KCSO policy and the use of KCSO issued MVR as per the manufacture's manual. Training shall occur during their period of field training.

**(CALEA 41.3.8)**

#### **11-303 OPERATING PROCEDURES**

- a. The MVR system will automatically be powered-up when the ignition of the KCSO vehicle is activated. When the KCSO vehicle engine ignition is deactivated the MVR system will remain powered-up for forty (40) minutes.
- b. The video recording is activated as follows:
  - 1. Automatic activation whenever emergency lights are activated;

2. Manual activation in the vehicle;
  3. Manual activation outside the vehicle by remote control.
- c. Each Deputy operating a vehicle equipped with in-car video will adhere to the following procedures:
1. Inspect the equipment to ensure it is operational at the beginning of the shift.
  2. Report damaged or inoperable equipment immediately to the Shift Supervisor.
  3. Maintain MVR equipment installed in the vehicle according to the manufacturer's recommendations.
  4. Once activated, the equipment may be manually deactivated during non-enforcement activities such as protecting accident scenes from other vehicular traffic.
  5. Where possible, the Deputy will ensure that equipment is operating and adjusted to record traffic stops or other enforcement actions. That is, the Deputy will ensure that the video recorder is positioned and adjusted to record events, and that their wireless microphone is activated to provide narration with the video recording.
  6. Once the system is activated during an incident involving a traffic violation or other enforcement action, the Deputy will continue to record the incident through completion, to include arrestee transports.
  7. The Deputy will inform citizens in a timely manner that they are being audio and video recorded. Deputies will make a reasonable attempt to ensure citizen notifications are recorded. Deputies do not have to obtain permission of citizens to initiate or continue audio and video taping.
  8. Where possible, Deputies will also use their MVR equipment to record:
    - i. the actions of suspects during interviews, when undergoing sobriety checks or when placed in custody if the recording would prove useful in later judicial proceedings; and
    - ii. the circumstances at crime and accident scenes or other events such as the confiscation and documentation of evidence or contraband.
  9. After completing a traffic stop and activating the "STOP RECORDING" button, the Deputy must make a selection from the "STOP" classification" drop down menu as well as a "HOLD" classification. All must appear traffic offenses and/or criminal arrests resulting from a traffic stop shall have a "COURT HOLD" classification.
  10. The MVR system will "wirelessly" transmit all video data to the KCSO server upon entry to the KCSO parking lot. Deputies can "ONLY" review current video data in their KCSO vehicles prior to entry into the KCSO parking lot. After the video data has been downloaded into the KCSO server, the video is accessible via the web address 10.40.0.85/edv.
  11. Deputies will inform their supervisors of any video-recorded sequences that may be of value for training purposes.
  12. Deputies will note in incident, arrest, and related reports when video/audio recordings were made during the incident in question and the number of the recording media.

**(CATEGORY B)(CALEA 41.3.8)**

## **11-304 MEDIA CONTROL, SUPERVISORY REVIEW AND MANAGEMENT**

- a. Upon request of the State's Attorney's Office, a copy of the media will be made and forwarded to that office by the Sheriff or designee.
- b. All requests to review video recordings or request a copy of a video recording by civilian personnel or outside agencies will be submitted in writing to the Sheriff.
- c. MVR media containing information that may be of value for case prosecution or in any criminal or civil adversarial proceeding will be safe guarded like any other form of evidence. As such, these media will not:
  - 1. be released to another criminal justice agency for trial or other reason without having retained a record copy on the KCSO server.
  - 2. be released to other than *bona fide* criminal justice agencies without prior approval of the Sheriff.
- d. The Patrol Commander or his/her designee shall conduct at a minimum a quarterly documented review of two (2) MVR media, selected at random, assigned to each Deputy to ensure compliance with KCSO policy, as well as to determine if there is a need to provide additional training to an individual Deputy and/or the entire sworn staff who utilize MVR.
- e. All MVR media will be retained on the KCSO server for a minimum of 3 years. If MVR media is placed into the KCSO Property Room as evidence, it will be assigned a KCSO Property Held Number.

**(CALEA 41.3.8)**

## **11-400 BODY WORN CAMERAS**

### **11-401 Policy**

- a. Body Worn Cameras (BWC) allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
- b. Audio and video recordings also enhance the KCSO's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.
- c. BWC's may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.
- d. Only BWC equipment and recordings authorized by the Sheriff may be used. All BWC and recordings are the property of the KCSO.
- e. Except as authorized by the Sheriff or his designee, copying, releasing, altering, erasing, or allowing unauthorized viewing of any BWC video is prohibited and may be subject to disciplinary action.
- f. Even in circumstances when activating the BWC is not required by policy, a KCSO Deputy may begin recording with their BWC when they determine that doing so would be beneficial to the public interest.

- g. All Sworn Deputies shall wear a BWC while on duty, with the exception of the following:
  - 1. During other operations of the KCSO where it would hinder an on-going investigation if approved by the Sheriff or his/her designee.
  - 2. During KCSO approved training
  - 3. The KCNTF shall wear the BWC during warrant service and when affecting an arrest. It may be worn at any other time that does not hinder an on-going investigation.

**(CATEGORY B)**

## **11-402                    OPERATING PROCEDURES**

- a. The BWC video recording is activated as follows:
  - 1. Automatic activation whenever a KCSO Deputy unholstered their firearm
  - 2. Manual activation by the KCSO Deputy as required in section 11-403 of the KCSO policy.
- b. A pre-record buffer will be included with the BWC which will record a period of time (60 seconds) of video prior to activation.
- c. A KCSO Deputy shall not activate the BWC to record:
  - 1. KCSO personnel during routine administrative activities.
  - 2. Non-work-related personal activity.
  - 3. In areas where there is a reasonable expectation of privacy including but not limited to medical facilities and schools except when a situation arises that the deputy believes serves a legitimate law enforcement purpose.
  - 4. During strip searches.
  - 5. To record conversations of citizens and employees.
  - 6. To record conversations of fellow deputies or civilian employees without their knowledge and consent during administrative and non-enforcement related activities.
  - 7. To record undercover deputies or confidential informants without their consent.
  - 8. BWC use is prohibited in the Court Commissioner's Office during normal proceedings. The BWC should be activated in the event of an altercation that occurs beyond the normally accepted course of business in the Court Commissioner's Office.
  - 9. Any time a Deputy or suspect is with an attorney in person or via phone the BWC shall be deactivated until such communication has ceased, at which time the BWC can be re-activated. This event shall be documented in the Incident Report/Call for Service.
- d. Each Deputy assigned a BWC shall adhere to the following procedures:
  - 1. At the beginning of each shift, deputies will perform an inspection of the BWCs in accordance with their training to ensure that the BWCs are operating properly.
  - 2. Report damaged or inoperable equipment immediately to the Shift Supervisor.

3. Maintain BWC according to the manufacturer's recommendations.
4. The Deputy shall ensure that equipment is operating correctly at all times.
5. Once the system is activated, the Deputy will continue to record the incident through completion, to include arrestee transports and booking.
6. The Deputy shall inform citizens in a timely manner that they are being audio and video recorded. Deputies shall make a reasonable attempt to ensure citizen notifications are recorded. Deputies do not have to obtain permission of citizens to initiate or continue audio and video taping.
7. The BWC system will transmit live-stream video data, as well as recorded video to the Chief Deputy, who will have the ability to monitor as needed.
8. Deputies will inform their supervisors of any video-recorded sequences that may be of value for training purposes.
9. Only deputies trained in the proper use of the BWC are authorized to use the system.
10. Deputies shall always wear their BWC in the manner consistent with their training and with the power on.
11. Deputies are only authorized to use BWCs while in uniform or when prominently displaying the deputy's badge or other insignia.
12. Deputies will only wear and operate a BWC issued by the KCSO.
13. Any violation of this policy may result in disciplinary action.

**(CATEGORY B)**

#### **11-403 ACTIVATION OF THE BODY WORN CAMERA (BWC)**

- a. KCSO Deputies shall begin recording with their BWC in the below circumstances unless doing so would be unsafe, impossible, or impractical. If the Deputy is unable to immediately record, the Deputy shall begin recording with the BWC at the first reasonable opportunity to do so.
  1. Upon arrival at the scene of a Call For Service or initiating any official citizen contact.
  2. Upon exiting the patrol vehicle for a traffic stop.
  3. Custodial transports
  4. Any encounter that becomes confrontational after the initial contact.
- b. Once the BWC has been activated, a deputy will continue to record until the deputy has left the scene and anticipates no further involvement in the event, the event has concluded, or a supervisor has authorized the recording to cease. An event will be deemed concluded when:
  1. All arrests have been made and the detainees have been transported and released from custody.
  2. All witnesses and victims at the scene have been interviewed; and
  3. No further law enforcement action is likely to occur.

- c. Victims, witnesses, and other individuals may wish to make statements or share information without being recorded and request the BWC be turned off. KCSO Deputies may turn off the BWC to obtain the statement only after making a statement of the refusal. If the encounter becomes confrontational, the Deputy shall activate the BWC.
- d. Whenever the BWC is utilized for a law enforcement related incident/matter and are deactivated by the deputy prior to the conclusion of the incident/matter, the deputy must record a brief verbal explanation for the deactivation prior to deactivating the recording. Reason to deactivate the BWC include consultation with a supervisor, confidentiality, or unrelated events.
- e. In instances where a deputy is required to take immediate action which may not allow time to activate their BWC, the deputy shall activate their BWC as soon as it is safe to do so and document the reason for the delayed start in the incident report and as part of the recording. At no time should a deputy jeopardize their own safety or the safety of another in order to activate their BWC.
- f. If a Deputy is not in possession of the BWC or it malfunctions while enroute to a call for service, the Deputy shall immediately notify KENT of the situation.

**(CATEGORY B)**

#### **11-404 INTERNAL ACCESS AND USE OF RECORDINGS**

- a. Recordings may be reviewed by the following:
  - 1. A Deputy to make sure the BWC is working properly.
  - 2. A Deputy to assist with the writing of a report or other official document.
  - 3. A Deputy to review/critique their own performance.
  - 4. A Deputy to review/ prepare for court.
  - 5. The Chief Deputy and Sheriff or his/her designee
  - 6. CID personnel who are participating in an official Internal Investigation
  - 7. Authorized personnel to assess training value.
  - 8. State's Attorney personnel for prosecution purposes
  - 9. Supervisors as a function of their regular oversight responsibilities
- b. The Chief Deputy or his/her designee shall randomly review BWC recordings at least once per month to ensure proper equipment operations and adherence to policy.
- c. A Deputy responding to a citizen or administrative complaint will be afforded the opportunity to review any BWC recording of the incident prior to making a statement.
- d. A log will be automatically generated by the BWC provider that will document access to recordings by personnel.
- e. Employees will not access, obtain, attempt to access, or obtain, or copy/convert for their personal use any recording produced by a BWC to public or social media sites
- f. A BWC recording of a constitutionally protected activity may not be used to identify persons present at the activity who are not suspected of being engaged in illegal activity or in need of assistance.

#### **11-405      UPLOADING AND CATEGORIZING DATA**

- a. Users are responsible to dock and upload their BWC on a daily basis at the beginning of their shift for the purpose of uploading audio and video data and downloading firmware updates to the BWC. Deputies will be provided a charging cord. The Deputy shall ensure the BWC is fully charged prior to reporting for duty.
- b. Users shall dock and upload their BWC prior to the end of their shift under the following circumstances:
  1. Incident involving injuries to a Deputy or detainee.
  2. Vehicle pursuits.
  3. Use of Force Incident
  4. Incidents where a complaint has been received.
  5. When directed by a supervisor.
  6. When a Deputy is expected to be in off-duty status for 4 or more days.
- c. Users shall ensure BWC recordings are properly categorized according to the training given to them.
- d. In a critical incident such as use of deadly force, in-custody death or other incident resulting in death or serious injury, the supervisor will take custody of the BWC and shall upload and properly categorize the incident.

**(CATEGORY A)**

#### **11-406      RETENTION OF DATA**

- a. All BWC recordings are the property of the KCSO and shall be retained for a minimum of three (3) years to the extent possible within the constraints of the BWC's storage capabilities, and in a manner consistent with current and future State law and evidence protocols, unless a specific video has been flagged within departmental policy.
- b. All BWC recordings that are deemed to be of potential evidentiary or training value shall be retained until the KCSO receives written notice that they are no longer required.
- c. The Sheriff or his/her designee may authorize the deletion of accidental recordings or recordings that may compromise the modesty or dignity of a member as long as there is no duty related reason to retain the recording.
- d. Employees will not attempt to delete, alter, modify or tamper with BWC recordings in any manner.

**(CATEGORY E)**

#### **11-407      DISSEMINATION OF BWC RECORDINGS**

- a. The KCSO will allow BWC recordings to be viewed by the public or through subpoenas and summonses according to the Maryland Public Information Act (MPIA) in the following manner:
  1. A written request must be submitted to the KCSO using KCSO Form #145 which shall be made available via the KCSO public website.



2. The Sheriff or his/her designee shall review the request.
  3. If approved for viewing, the Chief Deputy or his/her designee shall redact any civilian and/or their property not involved in the incident, to ensure security of the civilian's identifications. Any other pictures or event not directly associated with the incident shall also be redacted.
  4. The Chief Deputy will contact the Requestor to schedule a date/time to view the recording.
  5. If the requestor requests a copy of the video, they must submit a written request to the Sheriff. If approved by the Sheriff or his/her designee, there will be a fifty-dollar (\$50.00) fee assessed.
- b. Recordings will not be disseminated by any employee without written permission by the Sheriff or his/her designee.
  - c. The Chief Deputy or his/her designee shall maintain a log of all BWC recording requests.
  - d. The KCSO shall release recordings of a Deputy's death or injury only for compelling law enforcement related reasons or in situations where the release is required by law.

#### **11-408                    TRAINING**

- a. All new KCSO sworn personnel shall be trained by the Field Training Officer regarding KCSO policy and the use of KCSO issued BWCs as per the manufacturer's manual. Training shall occur during their period of field training.
- b. Training shall include, but will not be limited to:
  1. Operation of the Body Camer
  2. A review of policy and law

#### **11-500                    MISSING PERSONS**

An important function of the KCSO is to take information on and assist in finding missing persons; juvenile or adults. For the purpose of the KCSO's operations, a missing person is one whose location is unknown, when the reason for and/or the cause of the absence is also unknown. A "critically missing" person is one who has one of the following characteristics:

- a. "Critical Missing Child":
  1. the missing child has not been the subject of a prior missing person's report;
  2. the missing child suffers from a mental or physical handicap or illness;
  3. the disappearance of the missing child is of a suspicious or dangerous nature;
  4. the missing child has previously been the subject of a child abuse report filed with a state or local law enforcement agency; or
  5. the missing child is under 17 years of age.
- c. "Critically Missing Adult":
  1. the missing adult is physically or mentally disabled;

2. the missing adult is missing under circumstances indicating that the person's safety may be in danger; or
3. the missing adult is missing under circumstances indicating that the disappearance was not voluntary.

**(CALEA 41.2.6; 41.2.8)**

## **11-501            TAKING THE REPORT**

A Deputy receiving a complaint of a missing person, juvenile or adult, will obtain the name of the complainant, the relationship of the complainant to the missing person and, at a minimum, the following categories of information required to complete the State of Maryland Missing Person Report will be gathered and documented.

- a. missing person's name, address, phone numbers, sex, race, DOB, employer, school, location, date and time last seen;
- b. friends, associates of the missing person;
- c. description of the missing person; and
- d. vehicle and suspect information

**(CALEA 41.2.5, 41.2.6)**

## **11-502            DISSEMINATION OF INFORMATION**

- a. The reporting Deputy will, upon receipt of the information, telephone "KENT" from the residence and report the complaint. If a telephone is not available, the Deputy will immediately report the complaint to "KENT" via the mobile radio. If the Deputy is not the shift supervisor, he or she will notify the shift supervisor regarding the circumstances surrounding the missing person and seek guidance, if necessary. The investigating Deputy or shift supervisor has additional concerns, consultation with the CID Commander or Patrol Commander should be sought. The CID Commander or on-call CID Investigator will be advised of all "critically missing persons" as soon as practical upon taking the initial report, but in any event before the end of the reporting Deputy's shift. Supervisors will ensure that subordinates comply with KCSO policies and notification requirements listed herein.
- b. "KENT" will then make a local radio police radio broadcast. If additional information is subsequently received, the broadcast will be amended.
- c. If circumstances warrant, the Deputy will call for assistance in searching for the missing person, including requesting the assistance of KCSO Canine Units.
- d. The investigating Deputy shall provide a copy of the Maryland Missing Person Report Form to the KCSO CJIS Data Entry Technician, who will enter the missing person immediately through METERS into NCIC, if the missing person is a child or other critically missing or at-risk person. ALL missing persons must be entered into NCIC within two (2) hours of receiving initial report. In the event the KCSO CJIS Data Entry Technician is not immediately available to make the entry, the investigating Deputy will provide a copy of the completed Maryland Missing Person Report to the Public Safety Access Point ("KENT"), Emergency Services Dispatcher (ESD) for immediate entry. The investigating Deputy shall request a copy of the CJIS printout from the ESD, documenting that

the entry has been completed. A copy of the CJIS printout shall be submitted with the Deputy's investigative report for audit purposes and inclusion in the case file.

(CATEGORY A)(CALEA 41.2.5, 41.2.6)

#### 11-503 PRELIMINARY REPORT

The Deputy taking the complaint will prepare the State of Maryland Missing Person Report and CrimeStar Report before going off duty. The report must include, but is not limited to, all information contained in the complaint and all information or evidence gathered in a preliminary investigation. The Patrol Commander will review the initial report. Based upon any evidence and information received, he/she will make an assessment of the case and determine whether the case will continue to be investigated by the assigned patrol deputy or will be transferred to the CID for further investigation.

(CATEGORY A)(CALEA 41.2.6)

#### 11-504 REPORT FOLLOW-UP

- a. Deputies assigned missing persons cases, juveniles or adults, runaways and abductions will handle them in the manner prescribed for investigations in Chapter 14 of this Manual. They will work closely with the family of the missing person, keeping them apprised of the status of the investigation. While the investigation is open, the assigned Deputy will contact the complainant in person or by telephone, at least once every seven (7) days or more often depending upon the circumstances of the case.
  1. All critically missing person investigations will be assigned to CID if the critically missing person is not located after twenty-four (24) hours of taking the initial report.
  2. CID shall maintain contact with the reporting person at least every seventy-two (72) hours or more frequently as information is developed.
- b. In appropriate cases, the Deputy assigned responsibility for follow-up will organize and conduct a search for the missing person, runaway or abductee using such KCSO or other law enforcement or civilian resources as may be necessary and available. The KCSO Deputy assigned responsibility for coordinating the search will prepare KCSO form #306 **KCSO Deputy Checklist for the Search of a Missing Person** and related **KCSO Search Urgency Form**. These forms will be forwarded for review and approval along with any other required reports concerning the missing person investigation
- c. On non-critically missing persons, the case will be kept open for at least forty-five (45) days; if the Deputy has exhausted all leads and investigative techniques and no further information is developed over the 45-day period. the case will be reviewed by the CID Commander for possible case suspension.
- d. Any case that clearly shows an indication of foul play or of a critically missing person, missing in excess of 24 hours, will be assigned to the CID for follow-up investigation. The detective assigned the case will begin the investigation the same day the case is assigned. These cases will remain open until the person is located.
- e. When a missing person, runaway or abductee has been located or returned home, the assigned Deputy will contact the KCSO technician or the "KENT" ESD so that the name will be removed from the computer. Also, a supplemental report will be written by the Deputy stating that the person has returned home or has been located and that the complainant has been notified. A copy of the CJIS printout confirming the removal shall be submitted with the supplemental report. CID will review the report for additional follow-up, if necessary.

- f. Investigators shall be cognizant that information developed upon post-recovery interviews with the victims that additional investigation could lead to the discovery of further serious offenses committed, or permitted by adults, associated with the missing child.

**(CATEGORY A)(CALEA 41.2.6, 41.2.7)**

## **11-505            DISSEMINATION OF REPORT**

Upon completion of the missing person report, a copy will be forwarded to:

- a. Every law enforcement agency having jurisdiction within the location from which the missing person
- b. Every law enforcement agency considered to be potentially involved in the missing person report;
- c. Every enforcement agency to which the complainant requests the report be sent, if the request is reasonable in light of the information contained in the report.
- d. Every law enforcement agency requesting a copy of the missing person report.

**(CALEA 41.2.5, 41.2.6)**

## **11-506            MARYLAND AMBER PLAN**

### **11-506.1        BACKGROUND**

The “AMBER Plan” uses the Emergency Alert System (EAS) to report serious child abduction cases.

Under the Plan, radio and television stations immediately interrupt programming to broadcast information about a child abduction using the EAS, a system typically used for weather or other civil emergencies. Messages are also posted on Department of Transportation highway information signs.

### **11-506.2        COORDINATING LAW ENFORCEMENT AGENCY**

In Maryland, the Maryland State Police serve as the coordinating law enforcement agency. It is the responsibility of the MSP’s to determine whether to accept and transmit an AMBER alert.

### **11-506.3        ACTIVATION OF THE MARYLAND AMBER PLAN**

The MSP will activate the AMBER Plan only upon the request of a law enforcement agency. The agency making the request must first determine that the following conditions exist:

- a. a child (a person under the age of 18 who is the subject of a missing person’s report filed with a Maryland law enforcement agency) has been abducted;
- b. the circumstances surrounding the abduction indicate the child is in serious danger of bodily harm or death;
- c. there is sufficient descriptive information about the child, abductor, and suspect vehicle to believe that an immediately broadcast alert would assist in the child’s return; and
- d. the abductor and/or child are likely to be in the broadcast area.

Child abduction by a non-custodial parent is not a case which would routinely meet the Maryland AMBER Plan criteria, unless the investigating agency can articulate a reasonable suspicion that the parent intends to physically harm the child.

**(CATEGORY B)**

#### **11-506.4 KCSO PROCEDURES**

A Deputy who becomes aware of a case in which activation of the AMBER Plan may be appropriate will consult with the CID Commander, the Sheriff, or the Chief Deputy. Only the CID Commander, the Sheriff or the Chief Deputy may initiate an AMBER Alert request on behalf of the KCSO.

If it is determined that activation of the plan is appropriate, The CID Commander, the Sheriff or the Chief Deputy will contact the MSP via:

Telephone 410 486-3101 or 800 525-5555

Facsimile 410 653-4269

METERS Terminal ID LPH1

Via call-back, the MSP will verify the existence of all the conditions identified above and determine whether the alert will be initiated. If it is, the MSP is responsible for all notifications.

**(CATEGORY B)(CALEA 41.2.6)**

#### **11-507 THE MARYLAND SILVER ALERT PLAN**

Only law enforcement agencies may request the issuance of the Maryland Silver Alert Plan. Law enforcement agencies making such requests must first determine that the following criteria exist:

- a. The missing person suffers a cognitive impairment, including a diagnosis of Alzheimer's disease or Dementia, AND
- b. The missing person's disappearance poses a credible threat to the health and safety of the individual, AND
- c. The missing person is traveling in a vehicle and there is enough descriptive information about the missing person and vehicle for law enforcement to issue an Alert, AND
- d. The investigating agency has already activated a local or regional alert by contacting media outlets in their jurisdiction, AND
- e. The missing person has been entered into the National Crime Information Center (NCIC).

Under extraordinary circumstances, an Alert may be issued for persons under the age of 60 if the missing adult has been determined to lack the capacity to consent and the use of the Silver Alert may be the only possible way to rescue the person.

##### **11-507.1 PROCEDURES FOR ACTIVATION**

A Deputy who becomes aware of a case in which activation of the Silver Alert Plan may be appropriate will consult with the CID Commander, the Sheriff, or the Chief Deputy. Only the CID Commander, the Sheriff or the Chief Deputy may initiate a Silver Alert request on behalf of the KCSO.

Upon confirmation of the above criteria, if it is determined that activation of the plan is appropriate, The CID Commander, the Sheriff or the Chief Deputy will contact the Maryland State Police Headquarters Duty

Officer and request that the Maryland Silver Alert Plan be activated.

Headquarters Duty Officer Telephone Number – 410-486-3101 or 800-525-5555 (in State only)

Upon receiving a Silver Alert request, the Headquarters Duty Officer will contact the on-call Silver Alert coordinator. The designated Silver Alert coordinator will immediately contact the requesting Agency and will discuss the request, specifically the existence of the above criteria, to determine if an Alert will be issued.

After a request has been received and confirmed to meet all criteria for activation, the Alert coordinator will contact the Maryland Emergency Management Administration's Emergency Operations Center and request an EMnet Alert to all of Maryland or to the specific geographic location involved. This will include law enforcement agencies, media outlets, and 911 centers.

In addition, the Alert coordinator will contact the State Highway Administration's Statewide Operations Center (SOC) and request Alert information be displayed on the VMS signs under SOC control in the geographic location of the incident. These signs will display, at a minimum in the order listed

1. Adult Silver Alert
2. A description of the vehicle involved
3. A request to call 911 with information

The SOC may also broadcast Alert information on the Highway Advisory Radio (HAR). This information will include details of the Alert and conclude with a statement that the person(s) who may locate the missing vulnerable adult should take no action other than to call the local law enforcement agency as soon as possible and provide them with the location.

**(CATEGORY B)**

## **11-507.2 RESOURCES TO ASSIST LAW ENFORCEMENT**

In cases where a Silver Alert is not issued due to the criteria not being met, the Maryland State Police may be able to provide other assistance in the terms of search and rescue resources, to include canine, aviation, and search teams. These resources may be requested and activated through established procedures by contacting the Maryland State Police Headquarters Duty Officer.

There are other non-law enforcement resources available, such as *A Child Is Missing, Inc.* This nonprofit organization offers free assistance to law enforcement in the recovery of missing persons. The organization provides immediate neighborhood telephone alerts to the surrounding community, similar to reverse 911 systems. *A Child Is Missing* may be contacted at (888) 875-2246, [www.achildismissing.org](http://www.achildismissing.org).

## **11-600 FIELD INTERVIEWS**

The purpose of field interviews is to obtain information that will aid in the prevention, suppression, and solving of crimes. Whenever possible, Deputies will conduct field interviews when they encounter individuals who possess potential for criminal involvement. This will allow the KCSO to keep track of and develop potential leads for illegal activity.

### **11-601 CONDUCTING A FIELD INTERVIEW**

- a. A field interview or contact is a face-to-face communication between a Deputy and a citizen under circumstances where the person is free to leave if they wish.

- b. A Deputy may feel the need to investigate the activities of a person without sufficient information to permit a stop or arrest. In that instance, the Deputy may initiate the contact with a person in any place that the Deputy has the right to be. Unless a Deputy concludes that an arrest should be made or that a stop is justifiable and appropriate, communications with a citizen should begin with a contact. Like any other citizen, the Deputy may approach the individual and engage the person in a conversation.
- c. Contacts are different from detentions or arrests; in that they do not involve the "seizure" of the person within the meaning of the Fourth Amendment. The Deputy does not need "reasonable suspicion," "probable cause," or any other specific indication of criminal activity in order to initiate a contact.
- d. Because no legal cause need be present for the Deputy to initiate a contact, the person contacted may not be halted, detained, or frisked against their will. A Deputy may ask a citizen any question: for example, a Deputy may ask for identification or consent for a search. However, the person is not required to answer questions or to cooperate in any way if they do not wish to do so. If the person refuses to cooperate, the person must be permitted to go on their way, unless the Deputy has developed probable cause to stop or arrest. Refusal to answer the Deputy's questions does not in itself constitute a basis to seize a citizen. If it is appropriate, the person may be kept under surveillance. Since persons contacted may be innocent of any wrongdoing and since a contact is not a stop or an arrest, the Deputy will take special care to act in a restrained and courteous manner.
- e. During this questioning, the person need not be advised of Miranda warnings until such time as probable cause to arrest has developed or the questioning becomes accusatory, rather than brief and casual. Miranda warnings should always be given prior to questioning where the Deputy intends to use the person's statements as evidence against him or her.

**(CALEA 1.2.3)**

## **11-602            RECORDING FIELD INTERVIEWS**

- a. If no arrest is made, the Deputy will create a CrimeStar call for service and a CrimeStar Field Interview Report following each contact. The justification for the contact will be listed on the Field Interview Report. If the Deputy feels the information received from the contact needs to be explained in more detail, then a KCSO incident report will be completed.
- b. Field Interview Reports are reviewed on a regular basis by the Investigation Division.
- c. A copy of a Field Interview Report which is placed in a KCSO criminal intelligence file will be maintained in accordance with the records maintenance procedures for those files found in Chapter 14 of this Manual.

## **11-700            DOMESTIC VIOLENCE**

Deputies are often called upon to respond to incidents of domestic violence. It is the policy of the KCSO to:

- a. Reduce the incidence and severity of domestic violence.
- b. Protect victims of domestic violence and provide them with support through a combination of law enforcement and community services.

- c. Promote Deputy safety by ensuring that Deputies are fully prepared to respond to and effectively deal with domestic violence calls for service.

## **11-701            DEFINITIONS**

- a. "Family/household member" includes persons who:
  - 1. are legally married to one another;
  - 2. were formerly married to one another;
  - 3. are related by blood;
  - 4. are related by marriage;
  - 5. have a child in common;
  - 6. are living together, have lived together for 90 days within the last year, or have a dating relationship; or
  - 7. are specified as such by state law.
- b. "Domestic violence" occurs where a family or household member commits or attempts to commit any of the following types of offenses against another:
  - 1. Bodily injury or fear of imminent bodily injury;
  - 2. Sexual assault;
  - 3. Interference with freedom of movement
  - 4. A property crime directed at the victim;
  - 5. Violation of a court order; or
  - 6. Criminal trespass
- c. "Intimate relationship" involves partners, regardless of sexual orientation who:
  - a. Are married, separated or divorced;
  - b. Live or have lived together in an intimate manner within the last 12 months;
  - c. Have children in common; or
  - d. Have engaged in sexual or other intimate activity within the last 12 months, regardless of whether they have lived together.

## **11-702            RESPONSE PROCEDURES**

Whenever possible, two Deputies will be assigned to respond to domestic violence calls. The Deputies will make an on-scene investigation of the complaint:

- a. Restore order by gaining control of the situation, including taking control of all weapons used or threatened to be used in the incident.
- b. Assess the need for medical attention and call for medical assistance if indicated.



- c. Interview all parties.
- d. After each party has been interviewed, responding Deputies should confer to determine if an arrest should be made or whether other actions should be taken.
- e. Collect and record evidence and, where appropriate, take color photographs of injuries and property damage.
- f. If the offender has left the scene, and a crime has been committed, the Deputies will:
  - 1. Conduct a search of the immediate area;
  - 2. Obtain information from victims and witnesses as to where the offender might be and;
- g. Prepare an application for Statement of Charges or inform the complainant of his or her ability to do so.

**(CATEGORY B)**

#### **11-703            ARREST**

- a. Deputies may make an arrest when probable cause and legal authority exist to make an arrest as stated below (MD Criminal Procedures §2-204).
- b. A Deputy may arrest a person without a warrant if a report to the KCSO was made within 48 hours of the alleged incident and the Deputy has probable cause to believe that:
  - 1. The person battered the person's spouse or other individual with whom the person resides.
  - 2. There is evidence of physical injury; and
  - 3. Unless the person is immediately arrested, the person may not be apprehended; the person may cause injury to the person or damage to the property of one or more other persons; or the person may tamper with, dispose of, or destroy evidence
- c. The Deputies will emphasize to the victim and the offender that the criminal action is being initiated by the State and not the victim.

**(CATEGORY B)**

#### **11-704            REPORTS**

Deputies responding to domestic violence calls will complete the following reports:

- a. If a crime has been committed, the Deputies will complete a Criminal Investigation Report (CIR) and the Mid-Shore Domestic Violence Supplement Report. The reports will be submitted to the State's Attorney's Office, the Mid Shore Council on Family Violence, and the Maryland UCR office.
- b. When no crime has been committed, the Deputies will create a CrimeStar "Call for Service" and note the exact action taken by the responding Deputies in the appropriate section.
- c. If the incident involves individuals who are in an intimate relationship, the lethality screening section of the Mid-Shore Violence Supplement Report shall be completed. The completion of this section is not required for non-intimate family member incidents.

- d. Using the instructions on the lethality screening section of the Mid-Shore Domestic Violence Supplement Report, if the screening scores “High Danger” or the Deputy believes the victim is in danger, the victim shall be referred to the Mid-Shore Council on Family Violence.

The KCSO will provide a copy of the CIR Report to the victim at their request without the need of a subpoena.

**(CATEGORY B)**

#### **11-705 VICTIM ASSISTANCE/ CRIME PREVENTION**

Many victims of domestic violence feel trapped in violent relationships because they are unaware of the resources available to them or that domestic violence is a crime. Also, the offenders may have threatened further violence if the victim attempts to leave or seek assistance. Deputies are therefore required to provide the following assistance to victims, batterers, and, where appropriate, the children:

- a. advise all parties about the criminal nature of family violence, its potential for escalation, and that help is available;
- b. secure medical treatment for victims;
- c. ensure the safety of the children;
- d. remain on the scene until satisfied that there is no threat to the victim;
- e. remain on the scene to preserve the peace as one person removes personal property; and
- f. provide the victim with referral information for legal or social assistance and support. (Domestic Violence Information Sheet).

**(CATEGORY A)**

#### **11-706 SPOUSAL ASSAULT**

Under Maryland Law, a person who alleges to have been a victim of spousal assault and who believes there is a danger of serious and immediate injury to himself or herself may request the assistance of a local law enforcement agency. A Deputy responding to such a request for assistance will:

- a. Protect the complainant from harm when responding to the request; and
- b. Accompany the complainant to the family home so that the complainant may remove his or her personal clothing and effects and also the personal clothing and effects of any children who may be in the care of the complainant. The personal effects to be removed shall be only those required for immediate needs.

#### **11-707 RESPONDENT/DEFENDANT DOMESTIC ESCORT/STAND-BY**

If a respondent of a protective order or defendant in a pending spousal assault case request permission to return to the residence he/she shares with the petitioner/victim, the on-duty Deputy shall make arrangements for this request provided the following conditions are met:

- a. This request may only be granted on two (2) occasions.
- b. The petitioner/victim shall be notified prior to the escort or stand-by.

- c. The respondent shall only be allowed thirty (30) minutes per request to remove personal effects needed only for immediate need.
- d. The respondent shall only be allowed to schedule this request between the hours of 10am-6pm, Monday through Friday.

## **11-708            PROTECTIVE ORDERS**

The KCSO is responsible for the management and service of protective orders received from the District or Circuit Courts. Therefore, KCSO personnel are tasked with serving protective orders received from the courts in a timely fashion and are likewise responsible for ensuring that protective orders are promptly and properly entered and cleared in METERS/NCIC.

- a. Procedures for entering Temporary and Final Protective Orders into METERS/NCIC.
  - 1. When a Temporary or Final Protective Order is issued by the District Court, it will be served on the petitioner and on the respondent by the District Court Bailiff if the respondent is in the court, unless the seizure of a firearm is ordered, then the respondent must be served by a Deputy. The District Court will send a copy of the order to the KCSO for service if the respondent hasn't been served or if the seizure of a firearm is ordered and for entry into METERS/NCIC by KCSO Administrative Office personnel or the KCSO CID Commander.
  - 2. Likewise, if a Temporary or Final Protective order is issued by the Circuit Court, the KCSO Deputy providing security in the Circuit Court will serve the petitioner and if the respondent is in the court, he/she will be served. The Circuit Court will send a copy of the order to the KCSO for service if the respondent hasn't been served and for entry into METERS/NCIC by KCSO Administrative Office personnel or the KCSO CID Commander.
- b. Procedures for entering Interim Protective Orders into METERS/NCIC.
  - 1. Interim Protective Orders are issued by a District Court Commissioner after regular court business hours and on weekends and holidays.
  - 2. After an Interim Protective Order is issued by a District Court Commissioner, a KCSO Deputy may be contacted by the District Court Commissioner to respond to the Commissioner's Office to take possession of the Interim Protective Order for service on the respondent.
  - 3. The Deputy will immediately deliver a copy of the Interim Protective Order to the Kent County Office of Emergency Services (KCOES), on-duty Emergency Communications Specialist (ECS) for entry into METERS/NCIC.
  - 4. The Deputy will then attempt to locate the respondent to execute service of the Interim Protective Order. If the respondent is served prior to KCSO Administrative Office regular office hours, the Deputy will notify the on-duty ECS who will amend the Interim Protective Order in METERS/NCIC to document the date of service.
  - 5. When the entry process is complete, the on-duty ECS will complete a query by "Respondent's Name" of the Protective Order files in METERS/NCIC for the Interim Protective Order just entered. The ECS should receive an "In-State Hit" and a "NCIC Hit." The ECS will print both responses and attach same to the copy of the Interim Protective Order along with all copies of other METERS/NCIC transmissions related to the Interim Protective Order. All documentation will be promptly forwarded to the KCSO Administrative Office Manager for further processing and filing.

- c. Procedures for notifying the petitioner of the service of a protective order.
  - 1. The KCSO Deputy serving a protective order on a respondent shall notify or attempt to notify the petitioner by telephone of the execution of service of the protective order. The notification or attempt of same to the petitioner shall be documented by the serving Deputy in the disposition section of the CrimeStar "Call for Service" Report that corresponds to the service of the protective order.
  - 2. After the protective order is served on the respondent and METERS/NCIC has been amended to reflect the service, a Victim/Information Notification Everyday (VINE) notification shall be made utilizing METERS/NCIC. VINE notification will be entered by KCSO Administrative Office personnel or the KCSO CID Commander during regular KCSO Administrative Office hours of operation. During all other hours, KCOES, on-duty ECS personnel will enter VINE notification into METERS/NCIC.
  - 3. In the event that #1 and #2 above cannot be complied with, the serving Deputy shall notify the KCSO CID Commander who shall be responsible to ensure that the VINE notification is entered into METERS/NCIC.
- d. Seizure of firearms related to the service of a protective order.
  - 1. Anytime a KCSO Deputy serves an Interim, Temporary or Final Protective Order and a firearm is seized, a KCSO Property Held Form will be completed, documenting the seizure of the firearm(s).
  - 2. A copy of the property held will be completed and forwarded to the KCSO Evidence/Property Custodian
  - 3. Additionally, a copy of the property held will be forwarded to the KCSO Administrative Office Manager, who is responsible to enter information of gun seizures as part of protective order entry and reporting procedures.
  - 4. The Deputy shall complete KCSO Form #321, "Seized or Surrendered Firearms and Ammunition". A completed copy shall be given to the property owner.
- e. Removal of denied, rescinded, or expired protective orders from METERS/NCI
  - 1. KCSO Administrative Office personnel or the KCSO CID Commander are responsible upon notification from the courts to expeditiously remove denied or rescinded protective orders from METERS/NCIC during regular KCSO Administrative Office hours. Additionally, KCSO Administrative Office personnel or the KCSO CID Commander are responsible to monitor protective orders to ensure that when they expire, they are expeditiously removed from METERS/NCIC
  - 2. In the event that notification of a denied or rescinded protective order is received from the court after regular KCSO Administrative Office hours, the KCSO personnel receiving said notification from the court shall notify the KCSO CID Commander who shall be responsible to expeditiously complete the removal process through METERS/NCIC.

**(CATEGORY A)**

## **11-709 PEACE ORDERS**

The KCSO is responsible for the management and service of peace orders received from the District Court. Therefore, KCSO personnel are tasked with serving peace orders received from the court in a timely fashion.

When the District Court issues a Temporary or Final Peace Order, it will fax a copy of the peace order to the KCSO for service.

- a. When the faxed copy of the peace order is received at KCSO, it is logged in by KCSO Administrative Office personnel and immediately assigned to a Deputy for service.
- b. The assigned Deputy will expeditiously attempt the service of the peace order. When the peace order is served, the service of same will be documented in the disposition section of the CrimeStar "Call for Service" that corresponds to the peace order service.
- c. The return of service of the peace order will be forwarded to KCSO Administrative Office personnel who will be responsible to log the service of the peace order and to return the served peace order to the District Court.

**(CATEGORY A)**

**11-800 VIOLATION OF CONDITIONS OF RELEASE**

**11-801 DEFINITIONS**

- a. A person may not violate a condition of pretrial or posttrial release prohibiting a person from contacting, harassing, or abusing an alleged victim or going near an alleged victim's residence or place of employment if the person is charged with committing:
  1. A violation of Title 3, Subtitle 3 of the Criminal Law Article against a victim who is a minor;
  2. A crime of violence as defined in § 5-101 of the Public Safety Article;
  3. A crime against a victim who is a person eligible for relief as defined in § 4-501 of the Family Law Article:
    - i. the current or former spouse of the respondent;
    - ii. a cohabitant of the respondent;
    - iii. a person related to the respondent by blood, marriage, or adoption;
    - iv. a parent, stepparent, child, or stepchild of the respondent or the person eligible for relief who resides or resided with the respondent or person eligible for relief for at least 90 days within 1 year before the filing of the petition;
    - v. an individual who has had a sexual relationship with the respondent within 1 year before the filing of the petition; and
    - vi. an individual who alleges that the respondent committed, within 6 months before the filing of the petition, any of the following acts against the individual:
      - rape or a sexual offense under § 3-303, § 3-304, § 3-307, or § 3-308 of the Criminal Law Article; or
      - attempted rape or sexual offense in any degree.
- b. A person who violates subsection (a.) of this section is guilty of a misdemeanor and upon conviction is subject to imprisonment not to exceed 90 days.

## **11-802                    RECOGNIZING AND RESPONDING TO VIOLATIONS**

When KCSO personnel investigate an incident where they believe a violation of a pretrial or posttrial condition of release has been violated, the following actions will be taken:

- a. The investigating Deputy will be cognizant of information received from a crime victim or other responsible person(s) regarding a suspected violation of conditions of pretrial or posttrial release by the perpetrator of said crimes as defined herein.
- b. Upon receiving information of a violation of condition of release, the Deputy shall contact the on-duty KCSO Supervisor who will access the Judicial Information System (J-Portal) to ascertain if there are any pretrial or posttrial conditions of release regarding the perpetrator. In the event that there is no on-duty KCSO Supervisor, the investigating Deputy will contract the on-call KCSO CID Investigator who will access the Judicial Information System (J-Portal) to ascertain if there are any pretrial or posttrial conditions of release regarding the perpetrator.
- c. If the perpetrator is on the scene and information is ascertained through a query of the Judicial Information System that confirms a violation of conditions of pretrial or posttrial release, the perpetrator shall be arrested by the investigating Deputy.
- d. If the perpetrator is not on the scene, the investigating Deputy will ascertain the existence of any violations of pretrial or posttrial conditions of release. If violations are confirmed, the investigating Deputy will advise the victim to make application through a District Court Commissioner for charges against the alleged perpetrator.
- e. All KCSO Patrol Supervisors and KCSO CID Investigators shall maintain active access to the Judicial Information System (J-Portal).

**(CATEGORY B)**

## **11- 900                CARE AND TRANSPORTATION OF INJURED PERSONS OR OTHER EMERGENCY MEDICAL CASES**

The first Deputy on the scene will perform the following activities as needed:

- a. Ensure the safety of victim and scene.
- b. Administer emergency medical care and provide basic life support until relieved by emergency medical personnel.
- c. Notify "Kent", giving the exact location of the incident, the number of injured or emergency medical victims, type/cause of injury or medical emergency and have "Kent" summons emergency medical assistance and/or additional KCSO support.
- d. Notify "Kent" of any hazards at the scene and request the appropriate assistance.
- e. It is the policy of the KCSO not to transport injured persons or persons suffering from other medical emergencies, with the exception of persons who are being detained under an emergency psychiatric petition issued by a KCSO Deputy, the court or other person qualified by law to issue an emergency psychiatric petition.

**(CATEGORY B)**

## **11-901                    RESPONSE TO HEROIN OVERDOSE CRISIS**

When KCSO personnel are assigned to investigate a non-fatal or fatal incident involving a suspected or known heroin overdose, or arrest an individual for the possession of or distribution of heroin, the following procedures will be followed:

- a. The on-call KCSO investigator will be notified of suspected or known non-fatal and fatal overdose incidents.
- b. If a crime is suspected or known to have occurred involving an overdose of heroin, process the crime scene as per KCSO policy, to include but not limited to:
  1. Interview all persons present at the scene or those who have direct knowledge of the overdose incident; and
  2. Where appropriate, as per legal search and seizure requirements; seize evidence to include drugs, paraphernalia, documents, cell phones and other relevant items.
- c. If an arrest is made for the possession or distribution of heroin, conduct a thorough investigation, process the crime scene, and seize, process and package all related evidence as permitted by law and as required by current KCSO policy.
- d. Data regarding a non-fatal or fatal suspected or known heroin overdose or arrest for the possession or distribution of heroin will be submitted to HIDTA through Case Explorer and the Communications Analysis Portal. Select KCSO personnel have access rights to Case Explorer and the Communications Analysis Portal and will be responsible to enter the non-fatal or fatal suspected or known heroin overdose into the aforementioned systems. KCSO personnel investigating a non-fatal or fatal suspected or known heroin overdose will complete a Crime Star Incident Report to document the incident and a KCSO Form #307, **Kent County Opioid Overdose Data Report**. Additionally, as soon as practical, the on-call investigator will be notified of the incident. The on-call investigator will enter the required data, within twenty-four (24) hours, when possible, of their receiving the data from KCSO personnel investigating the incident. KCSO personnel arresting an individual for the possession or distribution of heroin will notify KCNTF personnel for the purpose of debriefing the arrestee. Additionally, the KCSO personnel making the arrest will provide the KCSO CID with a copy of the CrimeStar CIR, so that the appropriate data can be entered into Case Explorer.
- e. The KCSO CrimeStar Report associated with the suspected or known non-fatal or fatal heroin overdose investigation will include documentation of the date and time that the assigned deputy notified the on-call investigator of the incident. The on-call investigator will document the entry of the required data into Case Explorer and the Communications Analysis Portal on the form developed for same.

**(CATEGORY B)**

## **11-1000                  RESPONSE REGARDING PERSONS DISPLAYING BEHAVIORS CONSISTENT WITH MENTAL HEALTH ISSUES OR PERSONS IN CRISIS**

It is the policy of the Kent County Sheriff's Office to ensure a consistently high level of service is provided to all persons, with whom come into contact, including those who may display behaviors consistent with mental health issues or in crisis. Agency personnel will afford persons who have mental health issues or in crisis the same rights, dignity and access to police and other government and community services as are provided to all citizens.

No single policy or procedure can address all situations in which Deputies and other Agency personnel may be required to provide assistance to persons with mental health issues or in crisis. This policy is intended to address the most common types of interactions with people who have mental health issues or are in crisis.

For the purpose of this section, the following definitions will apply:

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

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

## **11-1001            TRAINING**

In order to prepare personnel who, during the course of their duties may have to deal with persons with mental health issues in an appropriate manner, the Kent County Sheriff’s Office will provide training to Agency personnel.

- a. Entry-level Deputies will receive training at the Academy.
- b. Entry-level civilians will receive training from their supervisors. That training will consist of a review of this section of the Manual and review of the most recent refresher training materials.
- c. The Chief Deputy will ensure that all personnel receive refresher training annually.

**(CALEA 41.2.8)**

## **11-1002            RECOGNIZING CHARACTERISTICS OF MENTAL HEALTH ISSUES**

While many people with mental health issues control symptoms successfully with the use of medications, others who do not have access to mental health services, fail to take their medications, or do not recognize that they are ill can experience psychiatric difficulties. Deputies and other personnel must be prepared to deal with situations involving persons who have mental health issues and know how to respond to these situations in an appropriate and sensitive manner.

Symptoms of different mental health issues may include, but are not limited to:

- a. loss of memory;
- b. delusions;
- c. depression, deep feelings of sadness, hopelessness or uselessness;
- d. hallucinations;



- e. manic behavior, accelerated thinking and speaking, or hyperactivity;
- f. confusion;
- g. incoherence; and
- h. extreme paranoia.

The degree to which these symptoms exist varies from person to person according to the type and severity of the mental illness. Many of these symptoms represent internal, emotional states that are not readily observable from a distance but are noticeable in conversation with the individual. The Deputy responding to the scene is not expected to diagnose a mental health issue, but to decide on the appropriate response to the individual and situation. Recognizing that symptoms may indicate mental health issues will help Deputies decide on an appropriate response and disposition.

Obtaining relevant information from family members, friends or others at the scene who know the individual and his or her history, or seeking advice from mental health professionals, can also assist Deputies in taking the appropriate action. Deputies on the scene will also have to determine the severity of the behavior, the potential for change in the behavior, and the potential for danger presented by the individual to themselves or to others.

**(CALEA 41.2.7)**

## **11-1003            RESPONSE TO CALLS FOR SERVICE INVOLVING PERSONS WITH MENTAL HEALTH ISSUES**

When responding to a call that involves a person who has, or exhibits symptoms of, mental health issues, Deputies should obtain as much information as possible to assess and stabilize the situation. In particular, Deputies should gather information regarding the nature of the problem behavior and / or events that may have precipitated the person's behavior and particularly the presence of weapons.

The following specific guidelines detail how to approach and interact with a person who may have a mental health issue and who may be a crime victim, witness, or suspect. These guidelines should be followed in all contacts, whether on the street or during more formal interviews and interrogations. Deputies, while protecting their own safety, the safety of the person with mental illness and others at the scene should:

- a. KCSO personnel will afford every individual investigated, interviewed, or interrogated their constitutional rights. An Individual's constitutional rights are not diminished because of their mental condition.
- b. If possible, the individual should be questioned in a calm setting, free from distraction. KCSO personnel shall ensure that persons have access to water, food, restroom facilities and prescribed medications, as needed.
- c. The admissibility of a suspect's statement will depend on evidence that he/she understood his/her rights and understood and answered questions willingly.
- d. When administering Miranda warnings, KCSO personnel should make every effort to determine the extent to which the person's illness or psychotropic medications that he/she is taking to treat the illness, impairs his/her ability to comprehend and give informed consent.
- e. When KCSO personnel doubt a person's capacity to understand his/her rights, they will ask the person to explain each of the Miranda warnings in his/her own words and document the person's explanations. If KCSO personnel believes the person does not have an understanding of this/her rights, questioning related to the criminal investigation should cease

- f. Additionally, when dealing with persons with mental health issues, KCSO person will be:
1. be helpful and professional;
  2. provide or obtain on-scene emergency aid when treatment of an injury is urgent;
  3. check for and follow procedures indicated on medical alert bracelets or necklaces;
  4. indicate a willingness to understand and help;
  5. speak simply and briefly, and move slowly;
  6. remove distractions, upsetting influences and disruptive people from the scene;
  7. understand that a rational discussion may not be possible;
  8. recognize that the person may be overwhelmed by sensations, thoughts, frightening beliefs, sounds ("voices") or the environment;
  9. be friendly, patient, accepting and encouraging, but remain firm and professional;
  10. be aware that their uniform, gun, and handcuffs may frighten the person with mental illness, attempt to reassure him or her that no harm is intended;
  11. recognize and acknowledge that a person's delusional or hallucinatory experience is real to him or her;
  12. announce actions before initiating them;
  13. gather information from family or bystanders; and
  14. if the person is experiencing a psychiatric crisis, attempt to have a local mental health professional to respond to the scene.
- g. While each incident will be different, when dealing with a person who may have mental illness, Deputies should be aware that their own actions may have an adverse effect on the situation. Actions that Deputies should generally avoid include:
1. moving suddenly, giving rapid orders or shouting;
  2. forcing discussion;
  3. direct, continuous eye contact;
  4. touching the person (unless essential to safety);
  5. crowding the person or moving into his or her zone of comfort;
  6. expressing anger, impatience or irritation;
  7. assuming that a person who does not respond cannot hear;
  8. using inflammatory language, such as "mental" or "mental subject";
  9. challenging delusional or hallucinatory statements; and
  10. misleading the person to believe that Deputies on the scene think or feel the way the person does.

- h. Once sufficient information has been collected about the nature of the situation, and the situation has been stabilized, there is a range of options Deputies should consider when selecting an appropriate disposition. These options include the following:
  - 1. refer or transport the person for medical attention if he or she is injured or abused;
  - 2. outright release;
  - 3. release to care of family, care giver or mental health provider;
  - 4. assist in arranging voluntary admission to a mental health facility, if requested;
  - 5. transport for involuntary emergency psychiatric evaluation, if the person's behavior meets the criteria for this action; or
  - 6. arrest, if a crime has been committed.
- i. Deputies should remember that having a mental health issue is not a crime. No individual should be arrested for behavioral manifestations of mental health issues that are not criminal in nature. Taking a person who has a mental health issue into custody can occur only when:
  - 1. the individual has committed a crime;
  - 2. the individual presents a danger to the life and safety of the individual or others and meets the state's criteria for involuntary emergency evaluation; or
  - 3. in response to a court order or directive of a mental health or medical practitioner who has legal authority to commit a person to a mental health facility.

**(CATEGORY B)(CALEA 41.2.7)**

#### **11-1004 ARREST OF PERSONS WITH MENTAL HEALTH ISSUES**

In cases where charges are placed, the arresting Deputy will:

- 1. communicate any observations of the arrestee's mental state in the probable cause section of the arrest document; and
- 2. advise the District Court Commissioner of the arrestee's actions and condition; and
- 3. advise the intake officer and medical personnel at the Detention Center of the actions and condition of the arrestee.

**(CATEGORY B)(CALEA 41.2.7)**

#### **11-1005 PERSONS WITH SPECIAL NEEDS OR DISABILITIES**

- a. Title II of the ADA prohibits discrimination against people with disabilities in State and local governments services, programs, and employment. Law enforcement agencies are covered because they are programs of State or local governments, regardless of whether they receive Federal grants or other Federal funds. The ADA affects virtually everything that Deputies do, for example:
  - 1. receiving citizen complaints;

2. interrogating witnesses;
  3. arresting, booking, and holding suspects;
  4. operating telephone (911) emergency centers;
  5. providing emergency medical services;
  6. enforcing laws; and
  7. other duties.
- b. The ADA covers a wide range of individuals with disabilities. An individual is considered to have a "disability" if he or she has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. **Nothing in the ADA prevents Deputies from enforcing criminal laws relating to an individual's current use or possession of illegal drugs.**
  - c. Unexpected actions taken by some individuals with disabilities may be misconstrued by officers or deputies as suspicious or illegal activity or uncooperative behavior. Some people with disabilities may have a staggering gait or slurred speech related to their disabilities or the medications they take. These characteristics, which can be associated with neurological disabilities, mental/emotional disturbance, or hypoglycemia, may be misperceived as intoxication.
  - d. Training, sensitivity, and awareness will help to ensure equitable treatment of individuals with disabilities as well as effective law enforcement. Deputies may, of course, respond appropriately to real threats to health or safety, even if an individual's actions are a result of her or his disability. But it is important that Deputies distinguish behaviors that pose a real risk from behaviors that do not, and to recognize when an individual, such as someone who is having a seizure or exhibiting signs of psychotic crisis needs medical attention. It is also, important that behaviors resulting from a disability not be criminalized where no crime has been committed.
  - e. Standard transport practices may be dangerous for many people with mobility disabilities. Deputies should use caution not to harm an individual or damage his or her wheelchair. The best approach is to ask the person what type of transportation he or she can use, and how to lift or assist him or her in transferring into and out of the vehicle.
  - f. It is important for Deputies to identify themselves and to state clearly and completely any directions or instructions, including any information that is posted visually. Deputies must read out loud in full any documents that a person who is blind or visually impaired needs to sign. Before taking photos or fingerprints, it is advisable to describe the procedures in advance so that the individual will know what to expect.

**(CALEA 41.2.8)**

## **11-1100            EMERGENCY PSYCHIATRIC EVALUATION PETITIONS**

The Health Article of the Annotated Code of Maryland gives "peace officers" certain rights and responsibilities regarding persons who are diagnosed with, or are exhibiting behavior indicative of, a mental health issue.

## **11-1101            EMERGENCY FACILITIES**

A list of emergency facilities is published each year by the Maryland Department of Health and Mental Hygiene. The Patrol Division Commander will maintain a copy of the list in the Patrol Division. For KCSO

Deputies, the nearest emergency facility is the University of Maryland Shore Medical Center at Chestertown, located in Chestertown, Maryland.

**(CALEA 41.2.7)**

## **11-1102          PETITION FOR EMERGENCY EVALUATION**

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

- a. The petition for emergency evaluation of an individual may be made by:
  1. a physician, psychologist, clinical social worker, licensed clinical professional counselor, clinical nurse specialist in psychiatric and mental health nursing (APRN/PMH, psychiatric nurse practitioner or a health officer or designee of a health officer who has examined the individual;
  2. a Deputy who personally has observed the individual or the individual's behavior; or
  3. any other interested person.
- b. A Deputy who makes a petition for emergency evaluation commitment may base the petition on:
  1. the examination or observation; or
  2. other information obtained that is pertinent to the factors giving rise to the petition.
- c. A petition must:
  1. be signed and verified by the petitioner;
  2. state the petitioner's name, address, and home and work telephone numbers;
  3. state the emergency evaluatee's name, and description;
  4. state the following information, if available: the address of the emergency evaluatee, and the name and address of the spouse or a child, parent, or other relative of the emergency evaluatee or any other individual who is interested in the emergency evaluatee;
  5. contain a detailed description of the behavior and statements of the emergency evaluatee that led the petitioner to believe that the evaluatee has a mental disorder and that the individual presents a danger to the life and safety of the individual or others; and
  6. contain any other facts supporting the need for an emergency evaluation.
- d. The petition form will contain a notice that the petitioner:
  1. may be required to appear before a court; and
  2. makes the statements under penalties of perjury.

**(CATEGORY B)**

## **11-1103          PETITIONS INITIATED BY DEPUTIES**

- a. When a Deputy observes behavior, which fulfills the requirements for the justification of a petition, the Deputy may take a person into custody in the same manner as he or she would a person arrested. The Deputy will execute a Petition for Emergency Evaluation (Form # CC/DC - 13) and

sign it as a peace officer. The detailed description may require the Deputy to add an additional sheet to the CC/DC 13 form to document the reason(s) for the petition.

- b. To the extent practicable the Deputy shall notify the local emergency facility, in advance that the Deputy is bringing an emergency evaluatee to the facility.
- c. The Deputy will take the person to the nearest emergency facility. If circumstances warrant, the person may be transported by ambulance.
- d. Upon arrival at a medical facility, the Deputy will immediately request hospital security be notified and asked to respond to the Deputy's location.
- e. The Deputy will inform the evaluatee an emergency evaluation is going to be conducted and the evaluatee is not permitted to leave the medical facility until released by a physician.
- f. The Deputy will inform security personnel of the evaluatee's actions and/or statements which led to the evaluatee being taken into custody.
- g. The Deputy will contact the attending physician and inform him or her of the evaluatee's actions and/or statements which led to the evaluatee being taken into custody and present the attending physician with the completed Petition for Emergency Evaluation (Form # CC/DC-13).
- h. Constant observation of the evaluatee will be maintained either by the Deputy or security personnel.
- i. After a Deputy takes the evaluatee to an emergency facility, the Deputy need not stay unless:
  - 1. the emergency evaluatee is violent and an emergency facility personnel requests that the Deputy stay.
  - 2. the evaluatee is under arrest.
- j. In the event the emergency facility personnel requests that the Deputy remain with the evaluatee for security purposes, the Deputy will advise the emergency facility personnel to contact the Patrol Commander, the Chief Deputy, or the Sheriff for authorization.
- k. Emergency Facility Personnel shall include the physician, physician assistant, nurse practitioner or other advanced practice professional employed or under contract with the emergency facility.

**(CATEGORY B)**

**11-1104      SERVING PETITIONS NOT INITIATED BY THE DEPUTY**

A Deputy will have a signed copy of the emergency petition they are attempting to serve in their possession prior to serving same unless the emergency petition is initiated by the Deputy.

A Deputy will take an evaluatee to the nearest emergency facility if he or she has a petition that:

- a. has been endorsed by a Maryland district or circuit court within the last 5 days; or
- 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 (APRN/PMH), psychiatric nurse practitioner or a health officer or designee of a health officer or a peace officer who has examined the individual.

Petitions from the court not served within 5 days will be returned to the court with an indication "Not Served." There is no expiration date on petitions executed by a physician, psychologist, clinical social worker, licensed clinical professional counselor, clinical nurse specialist in psychiatric and mental health nursing (APRN/PMH), psychiatric nurse practitioner or a health officer or designee of a health officer or a peace officer.

officer.

When petitions are received and the person who is the subject of the petition is not immediately available, Deputies will attempt to develop information concerning the best way to take the person into custody. This information may be obtained from the physician or other petitioner, or from the person's relatives or friends. A supervisor will approve the serving of all petitions where the person is not immediately available. The supervisor will review the available information and the planned method of taking the person into custody.

**(CATEGORY B)**

#### **11-1105 COMPLETION OF REPORT**

The serving of an emergency petition will require the Deputy to create a CrimeStar Call for Service. Additionally, the service of an emergency petition initiated by a Deputy requires completion of a CrimeStar Incident Report and if required, a KCSO Response to Resistance Report. If the emergency petition is court ordered or issued through another authorized party, a CrimeStar Call for Service is the required KCSO report.

A copy of the served petition will be attached to the Incident Report.

**(CATEGORY A)**

#### **11-1106 LAY PETITIONERS**

When a Deputy is questioned by a person who is not a physician, psychologist, clinical social worker, licensed clinical professional counselor, clinical nurse specialist in psychiatric and mental health nursing (APRN/PMH, psychiatric nurse practitioner or a health officer or designee of a health officer, concerning a person who may have a mental disorder, the Deputy will direct the person to the Office of the Clerk of the District Court to file an application for a petition for emergency evaluation

#### **11-1107 DISTRIBUTION OF SERVED PETITIONS**

When a petition is served, the original petition and copies will be forwarded as follows:

- a. the originals of all Emergency Evaluation Petitions will be given to the emergency facility where the person is taken for initial evaluation.
- b. If a KCSO deputy initiates the Emergency Evaluation Petition, the Deputy will complete an Incident Report through CrimeStar and attach a copy of the Emergency Evaluation Petition for supervisory review and approval.
- c. The KCSO Records Secretary will file the approved Incident Report and the corresponding Emergency Evaluation Petition together in the Incident Report File.
- d. if a KCSO Deputy serves an Emergency Evaluation Petition for the court or other authorized party, the Deputy will complete a Call for Service through CrimeStar and attach a copy of the Emergency Evaluation Petition for supervisory review and approval.
- e. the KCSO Records Secretary will file the Emergency Evaluation Petition in the Emergency Evaluation Petition File.

#### **11-1108 PROCEDURES REGARDING CALLS FOR SERVICE INVOLVING PERSONS WITH BEHAVIORS CONSISTENT WITH MENTAL ILLNESS OR IN CRISIS WHERE NO CUSTODIAL ACTION IS TAKEN**

After a KCSO Deputy assesses a situation and determines that no custodial action is appropriate, and the individual involved does not want to be voluntarily evaluated, or the deputy believes the individual may be in crisis for any reason, the Deputy will:

- a. Advise the individual that the Deputy will be making a referral to the Eastern Shore Crisis Response & Resource 24/7 Helpline. Additionally, advise the individual that a clinician from the Eastern Shore Mobile Crisis Team will be contacting them and they can choose whether to avail themselves of any services that may be offered.
- b. Make the referral to the Eastern Shore Crisis Response & Resource 24/7 Helpline at 1-888-407-8018.
- c. Document in the appropriate KCSO CrimeStar report (CIR, IR or Call for Service) that the referral has been completed.

## **11-1200 UNATTENDED DEATH INVESTIGATIONS**

It shall be the policy of the KCSO to respond to reports of deaths in Kent County to ascertain whether the death was by natural or suspicious/criminal causes. All persons who die in the State of Maryland are required to have a Death Certificate, signed by an "attending physician," recording the cause of death. The following characteristics will determine the general procedures for responding to a report of an Unattended Death:

- a. The presence or absence of unnatural or suspicious circumstances.
- b. The existence of known medical conditions.
- c. The availability of an attending physician who is willing and authorized to sign a death certificate.

An "attending physician" is a medical doctor who has treated or was treating the deceased prior to death and will sign the death certificate documenting the cause of death. The attending physician does not need to be present at the time of death to sign the death certificate. The attending physician must be certified to practice in the State of Maryland.

### **11-1201 UNATTENDED DEATH RESPONSE AND PROCEDURES-NATURAL CAUSE**

When a KCSO Deputy responds to a report of a death within Kent County and upon initial investigation determines that the death is by "natural" causes, the following procedures shall be complied with:

- a. The assigned KCSO Deputy will contact the on-call KCSO CID Investigator to notify him/her of the death and the circumstances surrounding the death which led the KCSO Deputy to believe that the death was by natural causes. The CID Investigator will then determine if they should respond or if the KCSO Deputy will handle the investigation.
- b. The assigned KCSO Deputy will determine who is the deceased's attending physician and confirm that he/she will sign the death certificate. In the event that the death appears clearly to be by "Natural" causes, but an "attending physician" is either not available, not able to sign (i.e. is located outside the State of Maryland,) or is unwilling to sign the death certificate, the responding deputy will relay this information to the On-Call CID Investigator and the Forensic Investigator [see section 'c' below] and a determination will be made as to how to proceed and whether a response by the CID Investigator is required. This shall be documented in the Incident Report
- c. The assigned KCSO Deputy will request KCOES to notify the on-call Forensic Investigator to advise him/her of the death and that the deceased's attending physician will sign the death certificate. The Forensic Investigator will determine if they will respond. Their response is not required if the attending physician will sign the death certificate.
- d. The assigned KCSO Deputy will ascertain from the deceased's family, if available, which funeral home they desire and request that KCOES summons same to respond for removal of the body. If



no family member is available to make a determination for removal of the body, request that KCOES summons the nearest funeral home to respond for removal of the body. A KCSO Deputy will remain at the scene until the body has been removed.

- e. The assigned KCSO Deputy will notify the Sheriff of the death and circumstances surrounding same.
- f. The assigned KCSO Deputy will notify or ensure that next-of-kin notification is made, if the next-of-kin is not at the scene. If unable to make next-of-kin notification, document what attempts were made to do so.
- g. The assigned KCSO Deputy will complete a CrimeStar Incident Report documenting, **in detail**, the circumstances involved with the KCSO response to the reported death, to include, but not limited to:
  - 1. name, D.O.B. sex, race, and address of deceased.
  - 2. description of the death scene or premises.
  - 3. description of the body, including clothing, position, and location of the body.
  - 4. name, D.O.B. sex, race, and address of person reporting the death.
  - 5. evidence or information that led to the assigned Deputy's determination of a "natural death".
  - 6. name of the KCSO CID Investigator notified and their response.
  - 7. names of persons present at the scene, to include other KCSO personnel and/or EMS personnel.
  - 8. name of "attending physician" who will sign the death certificate.
  - 9. name of the Forensic Investigator notified and their response.
  - 10. name of the funeral home that removed the body, to include where the body was moved
  - 11. name(s) of next-of-kin notified or attempts to notify identified next-of-kin; and
  - 12. documentation that the Sheriff was notified.
- h. The responding KCSO Deputy may use KCSO Form #318, "Unattended Death Report" as a guide to assist in obtaining all relevant information.

## **11-1202 UNATTENDED DEATH RESPONSE AND PROCEDURES-OTHER OR UNKNOWN CAUSES**

When a KCSO Deputy responds to a report of a death within Kent County and upon initial investigation determines that the death either presents with facts that do not clearly establish that the cause of death is from natural causes, the following procedures shall be complied with:

- a. The responding KCSO Deputy will contact the on-call KCSO CID Investigator to notify him/her of the death and the circumstances surrounding the death which led the responding KCSO Deputy to believe that the death is an "unattended death." The CID Investigator will respond and assume the investigation.
- b. The assigned KCSO CID Investigator will confirm that the deceased did not have an attending physician who will sign the death certificate.

- c. The assigned KCSO CID Investigator will request KCOES to notify the on-call Forensic Investigator to advise him/her of the death and that the deceased does not have an attending physician, or the attending physician will not sign the death certificate. The Forensic Investigator is required by the State Medical Examiner's Office to respond.
- d. It is the responsibility of the Forensic Investigator to make arrangements for the disposition of the body. A KCSO Deputy will remain on the scene until the body is removed.
- e. The assigned KCSO CID Investigator will notify the Sheriff of the death and circumstances surrounding same.
- f. The assigned KCSO CID Investigator will notify or ensure that next-of-kin notification is made, if the next of kin is not at the scene. If unable to make next-of-kin notification, document what attempts were made to do so.
- g. The responding KCSO Deputy will complete a CrimeStar Incident Report documenting, **in detail**, the circumstances involved with the KCSO response to the reported death, to include but not limited to:
  - 1. name, D.O.B. sex, race, and address of deceased.
  - 2. description of the death scene or premises.
  - 3. description of the body, including clothing, position, and location of the body.
  - 4. name, D.O.B, sex, race, and address of person reporting the death.
  - 5. evidence or information that led to the responding Deputy's determination of an "unattended death".
  - 6. digital photographs of the scene and deceased.
  - 7. names of persons present at the scene, to include other KCSO personnel and/or EMS personnel.
  - 8. name of the forensic investigator notified and their response.
  - 9. name of the funeral home that removed the body and destination of removal, i.e., State Medical Examiner's Office, etc.
  - 10. name(s) of next-of-kin notified or attempts to notify identified next-of-kin; and
  - 11. documentation that the Sheriff was notified.
- h. The responding KCSO Deputy may use KCSO Form #318, "Unattended Death Report" as a guide to assist in obtaining all relevant information.
- i. The assigned CID Investigator shall conduct a thorough investigation and complete a detailed CrimeStar supplemental report to the original Incident Report completed by the responding KCSO Deputy.
- j. The assigned CID Investigator will contact the State Medical Examiner's Office to determine the cause of death and obtain a copy of the autopsy report.
- k. The assigned CID Investigator will conduct any necessary follow-up investigation and submit supplemental or other investigatory reports as dictated by the investigation.

## **11-1300        AUTOMATED EXTERNAL DEFIBRILLATOR**

### **11-1301        BACKGROUND**

The AED is a device used to administer an electric shock through the chest wall to the heart. Built-in computers assess the patient's heart rhythm, judge whether defibrillation is needed, and then administer the shock. Audible and/or visual prompts guide the user through the process.

### **11-1302        MANDATORY TRAINING**

All sworn KCSO personnel will receive mandatory training and periodic refresher training in use of the AED. National standards call for all persons receiving training on AEDs to have been trained in CPR. The Maryland Police and Correctional Training Commission (MPCTC) requires that all sworn KCSO personnel receive CPR training every two (2) years.

### **11-1303        EMS ADVICE AND ASSISTANCE**

After initial training, any Deputy who has questions about the use or operation of the AED may address those questions to any member of the Kent County EMS Department.

### **11-1304        ASSIGNMENT OF AED**

Deputies performing routine patrol duties will have an AED assigned to their patrol vehicle. An additional AED is assigned to the patrol unit. Routinely the Deputy shall check the unit to ensure it is operational.

### **11-1305        CALL-OUT PROCEDURES**

KCSO Deputies will respond to incidents requiring the use of the AED as requested by "KENT" and Kent County EMS.

If the KCSO Deputy is first on the scene (whether on call-out or self-initiated use, as in connection with a motor vehicle accident), the Deputy will proceed to use the AED in accordance with the training. Upon arrival of KC EMS or other paramedics, the KCSO Deputy will take direction from those personnel.

A Deputy who uses an AED will complete an Incident Report, in accordance with KCSO procedures.

### **11-1306        MAINTENANCE**

The KC-EMS will inspect and service the KCSO's units annually, in January. If a Deputy has any reason to believe that a unit is not functioning properly, he or she will take the unit to KC-EMS for examination and service.

**(CATEGORY B)**

## **11-1400        BUSINESS AND RESIDENTIAL ALARMS**

The KCSO will respond to all business and residential alarms in a timely manner. The responding Deputy's primary objectives will be to prevent the loss of life and/or injuries, to prevent a hostage situation, to prevent the loss of property, and to apprehend the offender(s).

**(CATEGORY A)**

## 11-1401 BANK ROBBERY/ALARM PROCEDURES

### a. Procedures for Bank Robbery in Progress are as follows:

1. upon receiving a bank alarm during banking business hours, "KENT" will immediately dispatch a KCSO Deputy. "KENT" will also call the bank and ask for **JOHN STINGER**. If bank personnel indicate that **JOHN STINGER IS NOT IN**, this will indicate a robbery is in progress. The responding KCSO Deputy will be advised by radio and additional units will be dispatched as directed by the KCSO Shift Supervisor and office policy.
2. If there is an actual bank robbery in progress and the bank being robbed is equipped with GPS software for tracking monies removed from the bank and that system is activated, "KENT" will direct responding KCSO personnel to respond to a "**10-90T**". Additionally, responding KCSO personnel will be advised to switch to radio channel "**TAC 3.**" While the tracking software is activated on the monies removed from the bank, "KENT" will be able to track the route of the monies and shall report same to KCSO personnel assigned to the bank robbery incident.
3. the responding KCSO Deputy or Deputies shall use good judgment in their initial contact at the bank; being cognizant that the safety of patrons, bank employees and themselves is paramount. Sirens and emergency lights should not be used in close proximity to the bank. Under no circumstances will a KCSO Deputy enter the bank until such time as the bank is deemed secure.
4. the first responding KCSO Deputy will initiate and maintain a "safe" observation position in the area of the bank.
5. additional KCSO personnel shall be dispatched to the bank upon the authority of the KCSO Shift Supervisor or the Sheriff or his/her designee and shall initiate and maintain an outer perimeter at the scene.
6. the KCSO Investigation Division shall be notified and will respond.
7. the Sheriff and/or his Designee shall be notified as well as the F.B.I. and surrounding jurisdictions. If available, a description of the suspect and/or vehicle shall immediately be broadcasted.
8. all further directions will be disseminated from the KCSO on-scene Commander.

### b. Procedures for a False Bank Alarm are as follows:

1. If bank personnel indicate that **JOHN STINGER IS HERE**, this will indicate that the alarm is false. In the event of a false alarm, KCSO Deputies will still make a response.
2. The KCSO Deputy **WILL ALWAYS** respond to the bank to confirm the false alarm. Deputies should use caution while investigating.
3. The first responding KCSO Deputy will initiate and maintain a "safe" observation position in the area of the bank.
4. Responding KCSO personnel shall not enter the bank until a bank employee exits the bank **HOLDING A WHITE SHEET OF PAPER IN BOTH HANDS DIRECTLY IN FRONT OF HIM/HER.**
5. Responding KCSO personnel shall then make contact with the bank representative on the exterior of the bank to ascertain the reason for the false alarm.

**(CATEGORY B)**

## **11-1402 DUTIES AT THE SCENE**

A Deputy will not enter a business while a robbery is "in progress" unless immediate action is necessary to avoid serious injury or death to a victim/witness. If the suspect(s) are still inside the business, the Deputy will:

- a. wait for further assistance, if possible.
- b. provide pertinent information to the "KENT";
- c. to reduce the risk of a hostage situation, allow the suspect(s) to leave the scene before making an arrest; and
- d. after the suspect(s) leave, a Deputy should position him/herself between the business and the suspect(s) so they cannot return.

In the case of potential financial institution robberies, "KENT" will call the institution and ask a coded question to determine the status of the alarm and will inform KCSO Deputies of the results of that inquiry.

**(CATEGORY B)**

## **11-1403 ROBBERY NOT IN PROGRESS**

When a responding Deputy determines that a robbery has occurred but is no longer in progress, a preliminary investigation shall be initiated by the first Deputy on the scene. The Deputy will relay all pertinent information to "KENT":

- a. Vehicle description.
- b. Suspect(s) description
- c. Escape direction.
- d. Weapons used.
- e. Shots fired, if any; and
- f. Number of suspects involved.

**(CATEGORY B)**

## **11-1404 RESPONDING TO BURGLARY ALARMS**

KCSO Deputies will be informed by "KENT" of alarm reports of burglaries. In responding to such calls, Deputies will:

- a. use extreme caution.
- b. refrain from using emergency equipment and excessive vehicle noise (e.g., engine roar, squealing brakes, etc.) when close enough for burglary suspects to hear their approach.
- c. upon arrival, position themselves inconspicuously at a distance from the business to observe the suspect(s) leaving the scene. Deputies should also:
  1. Look for accomplices.
  2. Look for suspect's vehicle.
  3. Let back-up Deputies know where to deploy and what steps to take.

Only uniformed Deputies will respond to the scene unless directed otherwise to reduce the possibility of a Deputy being mistaken for a suspect.

#### **11-1405 DUTIES AT THE SCENE - EXTERIOR**

The responding Deputy will make contact with the owner or a representative if available, and make a thorough search of the exterior of the premises to identify:

- a. Suspect(s).
- b. Suspect vehicle(s).
- c. Signs of forced entry.
- d. Footprints.
- e. Tire tracks.
- f. Possible escape route(s);
- g. Any evidence left at the scene; and
- h. Ladders or elements of a roof entry.

**(CATEGORY A)**

#### **11-1406 DUTIES AT THE SCENE - INTERIOR**

- a. Two Deputies should be assigned to conduct the building search if possible.
- b. If resources permit, one or more Deputies should be positioned outside the building during the search to watch for suspects leaving the premises.
- c. The owner's identity should be confirmed if unknown to the Deputy. The owner and employees or family members should be cleared from the building prior to the conduct of a search.
- d. When conducting a building search, Deputies should carry their service weapons in hand.
- e. When Deputies determine that the alarm is false, immediately notify "KENT".
- f. Deputies will use discretion in handling frequent, false, and malfunctioning alarms.

**(CATEGORY A)**

#### **11-1500 OBSERVER RIDE-ALONG**

##### **11-1501 POLICY**

The KCSO has an observer ride-along program which allows citizens to voluntarily accompany Deputies performing their law enforcement activities to give them a better understanding of the challenges of policing.

##### **11-1502 PROCEDURES**

- a. Ride-Along Requests. Citizens expressing an interest in riding along will be referred to the Sheriff, Chief Deputy, or Patrol Commander. Only one of these officers may grant approval for a citizen to ride with a Deputy.

- b. Prior to starting the ride along, the citizen shall sign KCSO form #309 "Waiver of Claim and Release from Liability".
- c. Limitations.
  - 1. An observer may not ride unless approval has been granted and the Patrol Commander has the properly completed waiver.
  - 2. No more than one observer will accompany a Deputy at a time.
  - 3. Juveniles must be at least 16 years of age to ride and must have a waiver form signed by a parent or guardian.

**(CATEGORY A)**

#### **11-1503            BEGINNING THE TOUR**

- a. The Patrol Commander will identify the host Deputy.
- b. The Deputy will obtain a completed waiver from the observer.
- c. The observer should be appropriately dressed; if not, the ride-along may be canceled by the on-duty supervisor.
- d. The host Deputy will instruct the observer on the procedures required while riding:
  - 1. Observer safety is a primary concern of the KCSO.
  - 2. The observer will, at all times, remain under the complete control of the assigned Deputy and will comply with all directions and requests.
  - 3. The observer will not interfere with investigations or law enforcement operations in any way, including conversing with victims, suspects, or witnesses, handling evidence or law enforcement equipment, or participating in any law enforcement activity.
  - 4. The observer may terminate the ride at any time by notifying the Deputy.
  - 5. The Deputy will terminate the ride if the observer violates any of these procedures or if the ride-along would interfere with law enforcement functions.

**(CATEGORY A)**

#### **11-1504            ARREST, TRANSPORTING, BOOKING**

If the host Deputy feels there are no hazards involved, the observer may accompany the Deputy while transporting or booking prisoners. If the Deputy believes a problem may arise, the observer will be temporarily transferred to another Deputy or returned to the point of origin.

#### **11-1505            ENDING THE TOUR**

Upon completion of the ride, the Deputy will return the observer to the point of origin and thank him or her for participating in the program. The Deputy will create a CrimeStar "Call for Service" for the ride-along and place the waiver form in the patrol basket.

**(CATEGORY A)**

#### **11-1506 PROHIBITED ACTIVITIES**

- a. Discussing KCSO policy outside that which involves the citizen ride-along program.
- b. Discussing intelligence information.
- c. Un-holstering a firearm for display to a ride-along observer.
- d. Possession of a firearm by an observer during the ride-along.

**(CATEGORY A)**

#### **11-1507 EXEMPTIONS TO PROGRAM**

- a. Non-sworn personnel of the KCSO do not need prior approval to ride with a Deputy. They must, however, complete the waiver form
- b. Shift supervisors may approve ride-along by sworn personnel of other law enforcement agencies. The observers must complete the waiver form.

#### **11-1600 CANINE OPERATIONS**

##### **11-1601 OBJECTIVE**

The primary objective of the Canine (K-9) team is to provide line support to the KCSO by using highly mobile and specially trained canines. The Canine team can be especially effective for:

- a. Locating and apprehending individuals suspected of committing certain crimes.
- b. Searching buildings and enclosed areas for individuals suspected of committing certain crimes.
- c. Aiding in the search for missing persons, articles, and evidence of criminal activity.
- d. Crowd control by establishing a perimeter control in situations such as crime scenes or large fires or maintaining order at large public gatherings.
- e. Detecting the presence of illicit drugs.
- f. Providing assistance in the service of certain warrants.
- g. Providing inner perimeter security of subject containment at barricade situations.
- h. Promoting community relations.
- i. Providing a strong psychological deterrent for criminals; and
- j. Safeguarding Deputies in the performance of certain duties.

**(CALEA 41.1.4)**

##### **11-1602 DEFINITIONS**

- a. **Police Canine (K9)** - a canine recognized for its ability to serve the law enforcement community
- b. **Police Patrol Dog** - a police officer working dog trained and used to aid Deputies in law enforcement duties and field operations.
- c. **CDS** - Controlled Dangerous Substance



- d. **Canine Handler** - a Deputy charged with the responsibility of using a police Canine Dog in the performance of his/her duties and attending to that dog at all times
- e. **Canine team** - a canine handler and an assigned police canine
- f. **Canine Supervisor** – the Deputy assigned to oversee the administration and operations of the Canine Unit
- g. **Cross-Trained Canine** – a police canine that has been trained for both routine patrol operations (police patrol dog) and for special situations, such as the detection of illicit drugs
- h. **Dog Bite** – any injury or wound inflicted by the mouth of a dog, whether accidentally or intentionally, to a human being. A breaking, puncturing, or tearing of the skin of the victim need not be present to be considered a dog bite, as long as there is a visual indication where the dog inflicted the wound (e.g., teeth impression, bruise, puncture).
- i. **On-Lead** – the condition when there is a physical attachment or connection by means of an appropriate strap, rope, chain, etc. between the dog and handler for purposes of control and restraint.
- j. **Off-Lead** – the condition when there is no physical attachment or connection between the dog and handler.
- k. **Alert** – (Positive Alert) – the canine exhibits behavior indicating it recognizes the drug scent.
- l. **No Alert** – (Negative Alert) – the canine does not alert.

#### **11-1603 CANINE OFFICER SELECTION**

The characteristics a Deputy should possess to be selected as a canine handler, are:

- a. demonstrated competence as a patrol Deputy with at least 2 years' experience
- b. maturity, health, and fitness; an affection and enthusiasm for the working dog; and a lifestyle suited to caring for the police dog.
- c. successful completion of a medical evaluation by an Agency approved physician.
- d. the willingness to care for and house the canine at the Deputy's residence, and a secure outdoor area for the canine that conforms with Agency requirements.
- e. good verbal and written communication skills and,
- f. willingness to undertake canine handling that include:
  - 1. training for effective use of the police dog.
  - 2. give consideration to canine health and safety.
  - 3. maintain canine vehicle and equipment.
  - 4. advance canine skills through training.
  - 5. Complete accurate canine reports; and
  - 6. handle public relations, education, and demonstrations.

The Deputy selection process will be conducted by the Sheriff or his designee, and if requested, with assistance of the Canine Supervisor.

**(CALEA 41.1.4)**

#### **11-1604 POLICE CANINE SELECTION**

The characteristics a dog should have to be selected as a police canine are:

- a. **Age:** A mature canine, usually 18 months to 4 years of age
- b. **Breed:** adequate size to assist in arrests; physical capability to perform required search tasks; and be a deterrent image for psychological impact.
- c. **Sex:** Either an intact male or a spayed female.
- d. **Health and Fitness:** Have completed x-rays and a medical evaluation conducted by the KCSO veterinarian.
- e. **Character and drive for police work:** The canine needs to display aggression for patrol tasks; search drive for detection tasks; and sociability for public relations tasks and off-duty life.

Canines will be selected at the discretion and with approval of the Canine Supervisor and Sheriff.

#### **11-1605 CANINE HEALTH AND CARE**

Canine handlers are responsible for the health, care, and well-being of their assigned canine(s).

- a. Each Canine handler will ensure that his/her canine is kept in the best possible health and cleanliness through routine bathing and maintenance of the canine's home environment and assigned patrol vehicle.
- b. Each Canine handler is responsible for maintaining the health of the canine through regular visits to the KCSO veterinarian for checkups and routine medical shot maintenance. Veterinarian visits for matters other than emergencies and routine medical shot maintenance must first be approved through the Canine Supervisor and Sheriff.
- c. In the event of serious sickness or injury, the canine will be taken to the KCSO veterinarian, whether the incident occurs during duty or off-duty hours, and the Sheriff and Canine Supervisor will be notified. If the canine is injured while on duty, an Incident Report shall be completed.
- d. In the event a canine is sick or injured to the degree that it cannot perform its assigned duties, the canine handler will immediately notify the Sheriff and Canine Supervisor.
- e. All receipts and documentation of KCSO veterinarian visits must be supplied to the Canine Supervisor.
- f. During periods of vacation, extended leave, or sickness when the canine handler cannot maintain an assigned canine, the canine will be housed only at the specified kennels approved by the Canine Supervisor and Sheriff.
- g. Canine food and supplies will be purchased as needed through the pre-established businesses, with receipts or documentation supplied to the Canine Supervisor.
- h. Canine handlers will not use excessive force in the handling, training, or working of any assigned police dog.

**(CATEGORY B)(CALEA 41.1.4)**

## **11-1606 CANINE SAFETY**

Safety must always be the primary concern of the canine handler. A canine handler must always be in complete control of the canine, as the handler is solely responsible for the actions of the canine. Safety and control must be practiced at home as well as on duty.

- a. Showing off with the canine is strictly forbidden.
- b. While in public, canine handlers must be mindful of pedestrian traffic and be particularly alert for unpredictable actions from the public, such as attempts to pet or agitate the canine.
- c. When at home, contact with the canine must be limited to the canine handler and household/family members. Canines will be properly and safely isolated if needed, whenever friends, guests, relatives, etc. are visiting the handler's home. Doors used to isolate the canine during such times will be equipped with a locking or slide type bolt lock placed high enough to prevent children from opening the door
- d. In absence of the handler, care for the canine will be limited to mature and responsible members of the handler's household who have demonstrated the ability to control the canine. Canines will not be removed from the handler's property by household members, except under emergency conditions, such as the need for veterinary care.
- e. At no time will the canine be left outside, unsupervised, unless on the handler's confined property. Gates to the confined property must be locked or secured to the extent that a child cannot open the gate.

**(CATEGORY B)**

## **11-1607 OPERATIONAL GUIDELINES**

Members of the Canine Unit have a specific objective, which is to provide support to all KCSO units. The decision to use a police canine in accordance with this policy is an act of discretion and will be reviewed with respect to information reasonably available to the canine handler at the time the decision is made. The ultimate disposition of any related criminal proceeding will have no bearing on determining the reasonableness of any such decision.

A canine team may be made available for use by other law enforcement agencies. Requests by other agencies will be considered on a case-by-case basis.

- a. If the law enforcement agency is outside of the jurisdiction of the KCSO, the request must be approved by the shift supervisor.
- b. If the law enforcement agency is within the jurisdiction of the KCSO, the availability to handle the requests will be determined by the Shift Supervisor and/or the canine handler
- c. If there is no canine team on duty, one may be called out only with the approval of the Sheriff, Chief Deputy or the Patrol Commander.

**(CALEA 41.1.4)**

## **11-1607.1 POLICE PATROL DOG GUIDELINES**

### **11-1607.1.1 ARREST AND APPREHENSION DEPLOYMENT PROCEDURES**

- a. The primary task of the canine team is the search and apprehension of criminals. A canine may be used to apprehend an individual if the canine handler reasonably believes that the individual has either committed or is about to commit any offense **and** if any of the following conditions exists:
1. There is a reasonable belief that the individual poses an immediate threat of violence or serious harm to the public, any officer, or the handler.
  2. The individual is physically resisting arrest and the use of the canine reasonably appears to be necessary to overcome the resistance.
  3. The individual is believed to be concealed in an area where entry by other than the police patrol dog would pose a threat to the safety of Deputies or the public.

Situations may arise which do not fall within the provisions set forth in this policy. In any such case, a standard of objective reasonableness, in view of the totality of the circumstances, will be used to review the decision to use a canine.

Without the presence of one or more of the above conditions, mere flight from a pursuing Deputy will not serve as good cause for the use of the canine to apprehend the individual.

- b. In preparing to use the canine to search for or apprehend any individual, the handler and/or Supervisor on scene will carefully consider all pertinent information reasonably available at the time. This information will include, but is not limited to the following:
1. The individual's estimated age.
  2. The nature and severity of the suspected offense.
  3. Any potential danger to the public and/or other Deputies at the scene if the canine is released off-lead. Under no circumstances should a canine be released off-lead for apprehension purposes in a crowded area or when other persons are in or near, the path of the fleeing suspect. Additionally, particular attention should be given to the potential for injury to the handler and the canine by vehicular traffic on nearby roadways.
  4. The degree of force, if any, the individual has shown.
  5. The potential for escape or flight if the canine is not used.
  6. The potential for injury to Deputies or the public caused by the individual if the canine is not used.

A handler has the ultimate authority not to deploy the canine. The handler will evaluate each situation and determine if the use of the canine is technically feasible. Generally, the decision to deploy the canine will remain with the handler. However, a supervisor who is sufficiently apprised of the situation may decide not to deploy the canine.

- c. On building, area/woods, and trail searches, the canine handler will oversee the search area and will deploy and/or direct other personnel to aid him/her on the search.
- d. If the canine handler affects an arrest, the canine handler will complete a supplement or/or a Criminal Investigative Report detailing all procedures and activities of the canine during the deployment.

- e. In the event the canine handler affects an arrest, **and** the suspect is injured, whether from the use of physical force or the use of the canine, the handler will immediately notify the Shift Supervisor, Canine Supervisor, and the Sheriff. The Canine Supervisor will investigate the incident and ensure the required reports are completed:

1. Response to Resistance Report (KCSO Form #201)
2. Criminal Investigative Report (If applicable)
3. The Spleen Risk Notification form if the suspect is bitten by the canine, (KCSO Form #707)
4. Photographs of the canine involved injuries: full body and facial.

The Canine Supervisor will include comments regarding the deployment of the canine, and if required, will address any issues that should be handled through maintenance training. If applicable, areas of concern will be identified and corrective action taken, either through the maintenance training or through administrative punishment as determined by the Sheriff, the Patrol Commander, and/or the Canine Supervisor.

- f. Canine handlers will use, and/or permit their canines to use only that amount of force that is necessary to apprehend and render safe, a fleeing, hiding, and/or combative individual. The deployment of a

canine for the location and apprehension of a suspect is a use of force that must be consistent with the KCSO's principles of escalation and de-escalation of force.

1. Except in exigent circumstances, or where there is an imminent danger of death or serious injury, the canine should be kept in visual contact by the handler.
  - i. When apprehending a suspect, the canine will be commanded to disengage as soon as the suspect is subdued or readily complies with the handler's directions.
  - ii. The canine will be leashed upon the arrest of the suspect or conclusion of a building search.

- g. A canine team will not be used to apprehend a person suspected of being under the influence of drugs or alcohol or a person believed to be suffering from a psychological condition if no crime has been committed.

- h. No canine will be committed until a proper announcement has been given in a loud and clear voice, such as "Police K-9, come out or the dog will be released." A public-address system in a building or from a patrol vehicle can assist in this announcement. This will allow innocent persons the chance to exit the area and allow the suspect the opportunity to surrender.

1. A reasonable amount of time will be given to allow persons to comply with this warning prior to releasing the canine off-lead. The warning will be repeated on each level of a multi-level structure (including private residences) and/or as the search progresses through a large or divided building.
2. Where there is a reasonable belief that the suspect speaks a language other than English, an officer or other individual fluent in that language should be summoned to the scene if available and exigency of the situation permits.
3. The only exception to this order will be if the verbal warning would otherwise increase the risk of injury or escape. If practical, a Shift Supervisor will be notified of the intention not to give the warning.

4. The text and occurrence/non-occurrence of this warning will be documented in every Canine Incident Report that involves the deployment of the canine.
- i. A canine will not normally be handled or given commands by anyone other than the assigned handler. Only under emergency conditions will another handler command the canine.
- i. Any unusual incidents will be reported through the proper chain of command.

**(CATEGORY C)**

#### **11-1607.1.2 DRUG DETECTION CANINE DEPLOYMENT GUIDELINES**

The primary mission of the drug detection canine is to provide a practical and credible statewide drug detection capability through the use of trained canine teams to aid in the investigation, apprehension, and prosecution of persons engaged in illegal drug activities. The primary task of the canine team is to locate drugs.

- a. The drug detection canine may be used to:
  1. Search or scan vehicles, buildings, parcels, areas, or other items.
  2. Support probable cause in obtaining a search warrant;
  3. Assist in the search for CDS during the execution of a search warrant; and
  4. Assist in drug education programs and demonstrations.
- b. The drug detection canine will not be used to search a person for CDS. If a canine alert causes the handler to believe that a person may be in possession of CDS, the Deputy in charge of the investigation will determine how to proceed. Personal possessions may be scanned by the canine only if removed from the person.
- c. The decision to use the canine rests solely with the handler. The handler is responsible for deployment of the police canine as a method of investigation.
- d. When a canine is used to scan vehicles, buildings, parcels, areas or other items for drugs, the handler will complete an Incident Report which will outline the reason for the scan, the procedures used, if there was an alert/no alert and what, if anything was located.

**(CATEGORY B)**

#### **11-1607.1.3 BUILDING SEARCHES**

- a. Generally, the police canine should not be released until a back-up officer is available to assist the canine team with the search. The building perimeter will be secured by KCSO personnel.
- b. Whenever possible, the building owner should be contacted to determine whether there may be tenants or other occupants in the building and to ascertain the building's layout.
- c. The on-scene Supervisor will take the following steps, if possible, in preparation for the search:
  1. Evacuate all tenants, workers, or others from the building.
  2. Request that all air conditioning, heating, or other air-blowing systems be shut off so as to not interfere with the canine's scent

- d. Upon entrance into the building, all exits should be secured, and communications limited to those of a tactical nature.
- e. No one, including other Deputies, owners, or residents, will be permitted into the building with the canine team while the search is being conducted, unless the handler determines it to be necessary. Deputies who assist the canine team will be under the direct supervision of the handler.
- f. Two or more canine teams may be committed to building searches when it is determined that the area to be searched would necessitate more than one canine team due to the size of the area, floors, number of areas, etc. In searching large buildings, canines must be separated, i.e., in multiple floored buildings or rooms that can be divided by locked doors.
- g. When a suspect is not contained and known to be armed, a canine will not be sent off-lead into a building, house, or confined area for apprehension purposes. Under such circumstances, the On-Scene Supervisor will contact the KCSO Tactical Entry Team and the Negotiating teams. The only exception would be to save the life of a Deputy or innocent person facing immediate death or serious injury at the hands of the armed suspect.
- h. Upon completion of a building search, the canine handler will complete an Incident Report which will outline the reason for the search, the procedures used, if there was an alert and what, if anything was located.

**(CATEGORY B)**

#### **11-1607.1.4 WOODS SEARCHES/ TRACKING**

When a trained canine is available for tracking, it may be used with supervisory approval to track missing persons, criminal suspects, or to locate evidence that the supervisor has reason to believe has been abandoned or hidden in a specified open area. Such searches are subject to the following conditions and limitations:

- a. When a Deputy is pursuing a suspect and contact with the suspect is lost, before requesting a canine team the Deputy will:
  - 1. Stop and pinpoint or estimate the location where the suspect was last seen;
  - 2. Turn off vehicle engines in the area if possible. Exhaust fumes contaminate the search area and interfere with the canine's scenting abilities; and
  - 3. Avoid contaminating the area where the suspect or individual was last seen by eliminating foot and vehicle movement in the area.
- b. The on-scene Supervisor will:
  - 1. Secure the perimeter of the area to be searched.
  - 2. Secure the integrity of the area to be searched by keeping/removing all people out of the area; and
  - 3. Protect any items of clothing or other items that will be used for scent discrimination from being handled.
- c. If the scene involves a suspect who fled from a vehicle (bailout), the on-scene Supervisor will also:
  - 1. Prevent anyone from entering the suspect vehicle.

2. If the vehicle's engine is running, approach the vehicle from the side opposite the bailout and turn it off; and
  3. Secure and leave undisturbed any clothing or articles which may have been discarded, lost, or left behind by the suspect and make the handler aware of these items.
- d. The canine handler will conduct the track with the canine on a leash of sufficient length to provide a reasonable measure of safety to the subject of the search without compromising the canine's tracking abilities.
  - e. The handler will determine which personnel will have access to the area being searched or will accompany the canine team on trails.
  - f. Upon locating a suspect, the handler will give a verbal warning in order to afford the suspect a chance to surrender without further action that may require the use of the canine in the apprehension.
  - g. Upon completion of the search, the canine handler will complete an Incident Report which will outline the reason for the search, the procedures used, if there was an alert and what, if anything was located.

**(CATEGORY B)**

#### **11-1607.1.5 CROWD CONTROL**

- a. A canine team may respond as backup but will not deploy the canine for crowd control at a peaceful demonstration.
- b. A canine team may be used upon approval of the on-scene Supervisor to protect life or property during a riot or other major unlawful assembly after an order to disperse has been made and disregarded. In these situations, the canine will:
  1. Be kept on a short lead at all times in order to protect individuals from serious injury.
  2. The handler will not initiate any offensive action, unless to guard against imminent loss of life, serious bodily injury, or substantial property damage.
- i. The canine handler will complete an Incident Report which will outline the reason for the deployment, the procedures used, if there was any action taken or arrest made.

**(CATEGORY B)**

#### **11-1607.2 AFTER-BITE PROCEDURES**

Whenever a police canine has bitten or scratched an individual or is alleged to have done so, whether on-duty or not, the handler will:

- a. If no arrest is made, offer to provide medical attention and treatment by qualified medical professional.
- b. If an arrest is made, provide the individual with medical attention in accordance with KCSO policy on transporting and booking prisoners. If possible, the medical personnel will be summoned to the scene of the incident.
- c. A subject's refusal to accept medical treatment should be documented in writing, if possible. The Deputy will obtain a copy of the refusal so that it may be placed in the case file.



- d. If possible, the canine handler will take color photographs of the affected area before and following medical treatment. The photographs will be placed into Property Held as evidence and the proper chain of custody will be maintained. If the subject alleges an injury that is not visible, the location of the alleged injury will be photographed, and the Canine Supervisor notified.
- e. The Shift Supervisor and the Canine Supervisor will be notified of the incident. It will be the Shift Supervisor's responsibility to notify the Sheriff and/or the Patrol Commander.
- f. The subject will be provided a completed Spleen Risk Notification Form, (KCSO Form #707) and also provided a copy of the canine's Rabies Vaccination Certification.
- g. The handler will complete an Incident Report and submit it to the Canine Supervisor for approval.
- h. It will be the responsibility of the canine handler to complete and document the necessary post-bite interviews. If possible, the interviews will be audio and visually recorded in accordance with KCSO policy. The purpose of the interviews is to prevent false accusations and statements that may arise in the future. Among those to be interviewed may be:
  - 1. the suspect.
  - 2. other Deputies.
  - 3. witnesses on the scene, including persons who may not have heard any commotion.
  - 4. EMS personnel on scene.
  - 5. transporting Deputies.
  - 6. hospital personnel; and
  - 7. jail personnel.
- i. A canine involved in a bite will be taken to the KCSO veterinarian within 12 hours of the incident for medical clearance. A copy of the documentation will be provided to the Canine Supervisor to be placed in the case file and the canine's regular file maintained by the Canine Supervisor.
- j. It will be the responsibility of the canine handler to monitor the canine over a 10-day period. Any changes to the canine's disposition or health shall be reported immediately to the KCSO veterinarian, canine supervisor, and Sheriff.
- k. The KCSO K-9 Supervisor and the KCSO Patrol Division Commander will review each tactical use of the KCSO K-9 and provide the Sheriff a written report documenting the review and whether the use was in compliance with KCSO policy.

**(CATEGORY B)(CALEA 41.1.4)**

#### **11-1607.2.1 ACCIDENTAL BITES**

An "accidental bite" is an injury caused by a canine to a person who was not intended to be bit or injured. The following procedures will be followed after an accidental bite:

- a. The Deputy will summon emergency personnel to provide medical attention to the subject and, if necessary, to transport the subject to the hospital. If the subject refuses medical treatment, the handler will attempt to obtain documentation of the refusal and note the refusal in the report.

- b. The handler will immediately notify the Canine Supervisor, Shift Supervisor, and Sheriff. The handler will take color photographs of the injury and obtain a written statement from the subject.
- c. The statement and photographs will be taken by the Shift Supervisor or Canine Supervisor.
- d. The subject will be provided a copy of the Spleen Risk Notification Form, and also provided a copy of the canine's Rabies Vaccination Certification.
- e. The canine handler will submit the required reports to the Canine Supervisor, including:
  - 1. Spleen Risk Notification Form; and
  - 2. Detailed Incident Report.

**(CATEGORY B)**

### **11-1607.3 PUBLIC DEMONSTRATIONS**

- a. A request for public demonstration by a canine team must be approved in advance by the Patrol Commander and the Sheriff.
- b. A canine handler will not demonstrate "apprehension" work to the public unless authorized to do so by the Sheriff.  
**(CALEA 41.1.4b)**
- c. Public demonstrations will be documented in a Call for Service.

**(CATEGORY A)**

### **11-1608 POLICE CANINE TRAINING AND RECORDS**

#### **11-1608.1 INITIAL TRAINING**

Initial training for either a police patrol canine team or a drug detection canine team will be conducted through an outside agency or vendor designated by the Sheriff.

**(CALEA 41.1.4)**

#### **11-1608.2 MAINTENANCE TRAINING**

- a. After receiving initial training and certification, each will be re-certified through an outside agency or vendor on an annual basis. Additional training considerations are as follows:
  - 1. Handlers are encouraged to engage in additional training with the approval of the Canine Supervisor.
  - 2. To ensure consistency in training, no Handler, trainer, or outside vendor will train to a standard that is contrary to the policies of the KCSO.
  - 3. All training/deployment problems related to a canine's performance will be resolved through maintenance training and documented.
  - 4. A canine team that has been unable to re-certify due a documented problem with the canine's or the handler's performance will be immediately placed out of service.

5. Each canine team will complete training on a monthly basis. The Canine Supervisor will ensure that each team completes the training and will document and maintain training records.

**(CALEA 41.1.4)**

- b. The Canine Supervisor will maintain a complete record and file for each active canine unit used by the KCSO. The file will be kept accurate and obtain all current information related to the appropriate canine.
- c. From time to time the canine supervisor may require additional internal training for canine handlers. Reasons for internal training can include, but are not limited to the following:
  1. Newly enacted policy, procedure, or law
  2. Performance issues with the handler
  3. Performance issues with the canine
- d. Internal training completed will be documented and maintained by the canine supervisor on the KCSO K-9 Training Report (KCSO Form #701).

**(CATEGORY A)**

### **11-1608.3 CDS CANINE TRAINING AIDES**

The CDS training aides will be used only for the training of drug detection canine teams.

- a. CDS training aids will be obtained only by the Canine Supervisor.
- b. The Canine Supervisor will be responsible for:
  1. Maintaining a current list of training aides possessed by the KCSO using KCSO Form #702, Training Aid Inventory Form and providing a copy to the Patrol Commander.
  2. Maintaining current certifications for the CDS through the State of Maryland and the Drug Enforcement Administration
  3. Storing the training aides in a secured location within the KCSO. Only the Canine Supervisor, the Patrol Commander, and a designated canine handler will have access to the storage location.
  4. Ensuring that CDS training aides are stored in a waterproof, military ammunition-type box. To prevent scent-contamination, each box will only contain one type of CDS. There will also be a list of the training aides that are required to be in each ammo-type box attached to the inside lid of each box.

**(CATEGORY B)(CALEA 84.1.4)**

### **11-1608.4 USE OF CDS TRAINING AIDES**

The following procedures are designed to maintain the integrity of the CDS training aides:

- a. The Deputy (Patrol Commander, Canine Supervisor, or designated handler) who removes a CDS training aide will complete the CDS Training Aide Sign Out Log, (KCSO Form #704) and have the form witnessed by another KCSO Deputy.

- b. As the box is removed from the storage location, and before the aides are used for training or demonstration, the CDS training aides in the box will be inventoried using the CDS Training Aide Inventory Check List Form, (KCSO Form #703). This form will also be used for an inventory check prior to returning the box to storage after the training or demonstration is completed.
- c. The Deputy who removes CDS training aides from storage is solely and personally responsible for their use during the training or demonstration and for their safe return.
- d. CDS training aides will not be removed from storage for any reason other than training, demonstration, inventory, except with the approval of the Canine Supervisor, Patrol Commander, or the Sheriff.
- e. At no time will a person other than the canine handler, Sheriff, or Patrol Commander have possession of a CDS training aide.
- f. If a CDS training aide is lost or stolen, the Canine Supervisor will be immediately notified, and a detailed memorandum will be provided to the Sheriff. If the Canine Supervisor is charged with the aide at the time of its loss or theft, he or she will report the incident to the Patrol Commander.
- g. The Canine Supervisor along with either the Patrol Division Commander, or the Criminal Investigation Division Commander or the Chief Deputy will conduct a monthly inventory of the CDS training aides and document the inventory on the CDS Training Aide Inventory Form, (KCSO Form #702).
- h. If, because of the receipt of a new aide, the loss of an aide, the destruction of an aid, etc., a revision to the CDS Training Aide Inventory Form is needed, a memo explaining the revision will be completed and approved by the Patrol Commander.
- i. The procedure for disposing of old or damaged CDS training aides is as follows:
  - 1. Whenever a CDS training aide begins to leak any of the substance contained in the packaging, or if the CDS training aide is accidentally damaged, the aide will immediately be placed into a plastic bag.
  - 2. The Canine Supervisor will be notified of the incident and The Canine shall document the damaged training aide on the CDS Training Aide Inventory Form, (KCSO Form #702).
  - 3. If the CDS training aide is not salvageable and must be destroyed, the aide will be repackaged and placed into Property Held for Destruction. If the incident affects the CDS training inventory, the CDS Training Aide Inventory Form (KCSO Form #702) shall be updated.

**(CATEGORY B)(CALEA 84.1.4)**

## **11-1609 HANDLER COMPENSATION**

Handlers will be compensated for the "At Home Care" of their canines (time spent in the care, feeding, grooming, and other needs of the animal) in a manner consistent with the Fair Labor Standards Act.

## **11-1610 ON-CALL RESPONSIBILITIES**

All Canine Unit members must always keep their cellular telephones with them and are subject to calls for canine assistance during off-duty hours.

**(CATEGORY A)**

#### **11-1611 CANINE EQUIPMENT**

- a. Each Canine Deputy will maintain the following equipment on the animal or in his or her assigned KCSO vehicle, in good working order:
  1. transport cage
  2. muzzle
  3. tracking line
  4. metal link collar
  5. 6-foot lead
  6. water bowl
  7. reward toy
  8. protective vest
  9. grooming tools.
- b. In addition, the Deputy may carry the following equipment, consistent with the animal's training:
  1. 4-foot lead
  2. bite sleeve
  3. agitation collar
  4. tracking harness
  5. pinch collar
- c. A secure kennel is required at the Deputy's residence.

**(CATEGORY A)(CALEA 41.1.4)**

#### **11-1612 CANINE MONTHLY REPORTS**

The KCSO Canine Supervisor shall prepare the Monthly Utilization Report, (KCSO Form #706) and forward same to the Sheriff by the 15<sup>th</sup> day of each month for the previous month. The KCSO Canine Supervisor shall prepare the Annual Utilization Report (KCSO Form #706) and forward same to the Sheriff by the 15<sup>th</sup> day of March each year for the previous year.

**(CATEGORY A)CALEA 41.1.5**

#### **11-1613 CANINE RETIREMENT**

- a. When the Kent County Sheriff's Office removes an agency canine from active duty, the current canine handler shall be given the opportunity to retain custody of the canine as a personal pet under Senate Bill 156, Article 3-523. If the canine handler chooses to not retain custody of the canine, the Sheriff or his designee shall determine the disposition of the canine.
- b. If the canine handler agrees to retain custody, the agency shall reimburse the handler for usual and customary veterinary treatment that is not attributable to abuse or neglect. The amount shall not exceed \$2,500 per year and \$10,000 over the life of the canine.

- c. The Sheriff or his designee may accept donations, which will be maintained in a separate Office of the Sheriff fund. The Sheriff or his designee shall also determine if any donated money be forwarded to the K-9 Compassionate Care Fund administered by the Maryland State Police.
- d. If the canine handler is removed from the canine program either by the agency or by the canine handler's retirement, resignation or other self-removal, the agency canine will remain the property of the agency for reassignment to another canine handler or another agency.
- e. If, after accepting custody, the canine handler relinquishes custody of the canine or the agency offers the canine to a third party, said third party shall forfeit the benefit of veterinary treatment reimbursement for the life of the canine.
- f. The K-9 Care Adoption Agreement shall be utilized for the transfer of ownership of any agency canines to the canine handlers upon the retirement of the canine.

## **11-1700 OTHER TYPES OF ACCIDENTS**

KCSO personnel respond to and/or investigate accidents other than motor vehicle accidents. KCSO personnel will comply with the following when they respond to boating, hunting, farm, aircraft, train, and industrial accidents.

### **(CATEGORY A)**

#### **a. Boating Accidents**

Whenever KCSO personnel are dispatched to a reported boating accident, the assigned Deputy will request that "KENT" notify the Maryland Department of Natural Resources Police (NRP), at 1-877-224-7229, to respond to investigate the incident.

- 1. Where applicable, due to the location of the scene, the assigned Deputy will respond to the scene and where applicable, provide care for any injured persons and ensure that emergency medical and fire services personnel have been dispatched.
- 2. The assigned Deputy will secure the scene until the arrival of NRP personnel.
- 3. The assigned Deputy will complete an Incident Report (IR) documenting any information developed and any action taken prior to the arrival of NRP personnel.

#### **b. Hunting Accidents**

Whenever KCSO personnel are dispatched to a reported hunting accident, the assigned Deputy will respond to the scene and where applicable, provide care for any injured persons and ensure that emergency medical personnel have been dispatched. The assigned Deputy will request that "KENT" notify the Maryland Department of Natural Resources Police (NRP), at 1-800-628-9944 to respond to investigate the incident.

- 1. The assigned Deputy will secure the scene until the arrival of NRP personnel.
- 2. The assigned Deputy will complete an Incident Report (IR) documenting any information developed and any action taken prior to the arrival of NRP personnel

#### **c. Farm Accidents**

Whenever KCSO personnel are dispatched to a reported farm accident, the assigned Deputy will respond to the scene and where applicable, provide care for any injured persons and ensure that emergency medical and fire services personnel have been dispatched.

1. Farm accidents are classified as non-traffic injury, death or property damage producing accidents associated with farms or farming and generally attributable to use of farm machinery, equipment, and livestock.
2. The assigned Deputy will complete an Incident Report (IR) documenting the incident.
3. When KCSO personnel investigate a farm accident and determine that the incident has caused the death, serious injury, property damage or is considered a significant event, the incident will be reported to the Maryland Department of Occupational Safety and Health (MOSH), at 1-888-257-6674 by the investigating Deputy.

**d. Aircraft Accidents.**

Whenever KCSO personnel are dispatched to a reported aircraft accident, military or civilian aircraft, the assigned Deputy will respond to the scene and where applicable, provide care for any injured persons and ensure that emergency medical and fire services personnel have been dispatched.

1. KCSO personnel shall secure the scene and the assigned Deputy will ensure that the tail or fuselage N#, type of aircraft involved and number of passengers/injured/deaths are reported to The Federal Aviation Administration (FAA) at 1-202-267-3883 (M-F business hours) and 1-202-267-3333 (after business hours) The FAA will notify Dover AFB at 1-302-677-3000 for military aircraft accidents. Additionally, the National Transportation Safety Board (NTSB) will be notified at 1-844-373-9922 for all civilian aircraft accidents.
2. The assigned Deputy will complete an Incident Report (IR) documenting any information developed and any action taken prior to the arrival of FAA, NTSB, or military personnel

**e. Train Accidents**

Whenever KCSO personnel are dispatched to a reported train accident, the assigned Deputy will respond to the scene and where applicable, provide care for any injured persons and ensure that emergency medical and fire services personnel have been dispatched.

1. The assigned Deputy will immediately have "KENT" notify the appropriate railroad dispatcher of the Maryland and Delaware Railroad at 1-410-754-5735 (M-F business hours) or 1-443-235-3315 (after business hours) so that railroad signals can be "set" to warn approaching trains of the incident.
2. KCSO personnel shall secure the scene and the assigned Deputy will ensure the number of passengers/injured/deaths are reported to the National Transportation Safety Board (NTSB) at 1-844-373-9922 for all train accidents.
3. If a train is involved in a collision with a motor vehicle in transport on a highway, a State of Maryland Motor Vehicle Crash Report (ACRS) will be completed by the assigned Deputy. **(Note)** The MOU between the KCSO and MSP regarding accidents investigation on state and county roads will determine what agency investigates the accident.
4. If the train accident does not involve a motor vehicle in transport on a highway, these accidents will be documented on an Incident Report (IR) by the assigned Deputy.

**f. Industrial Accidents**

Whenever KCSO personnel are dispatched to an industrial accident, the assigned Deputy will respond to the scene and where applicable, provide care for any injured persons and ensure that emergency medical and fire services personnel have been dispatched.

1. Industrial accidents are classified as non-traffic injury, death or property damage producing

accidents associated with personnel working at industrial or work sites by personnel employed by a business entity.

2. When KCSO personnel investigate an industrial accident and determine that the incident has caused the death, serious injury, property damage or is considered a significant event, the incident will be reported to the Maryland Department of Occupational Safety and Health (MOSH), at 1-888-257-6674 by the investigating Deputy.
3. The assigned Deputy will complete an Incident Report (IR), documenting any information developed and any action taken. MOSH will determine if their representative will respond to the scene or will utilize the KCSO IR as a basis for their initial investigation.



## CHAPTER 12 TRAFFIC ENFORCEMENT

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## **12-001            TRAFFIC ENFORCEMENT**

### **12-001.1        DEFINITIONS**

- a. Investigative stop - A stop based on reasonable articulable suspicion or knowledge of criminal activity. Information may originate with another Deputy or by independent investigation.
- b. Enforcement stop - A stop initiated as a result of an observed violation of the criminal or traffic code.
- c. Reasonable and articulable suspicion - Actions taken by the Deputy must be reasonable under the existing circumstances and based on the Deputy's knowledge at the time. Deputies must be able to point to and describe the specific factors that raised suspicions and led him or her to take action in connection with the traffic stop.
- d. **Whren** "pretext" stop - The U.S. Supreme Court has determined that a law enforcement officer who observes a traffic violation may stop the violator, even though the true reason for the stop is the officer's interest in investigating whether the motorist is involved in other criminal activity. The constitutional reasonableness of a traffic stop does not depend on the actual motive of the individual officer. These types of traffic stops are known as **Whren** or "pretext" stops.
- e. Seizure - In the context of traffic stops, a seizure takes place when a Deputy makes an investigative or enforcement stop. Seizures during all traffic stops are subject to Constitutional constraints.
- f. Subsequent seizure – This form of seizure occurs when the original reason for the stop has been satisfied and the Deputy continues to detain the motorist and passenger(s). Once the underlying basis for the initial stop has concluded, a police-driver or police-passenger encounter which implicates the Fourth Amendment is constitutionally permissible only if (1) the driver and passenger(s) consent to the continuing intrusion or (2) the Deputy has, at a minimum, a reasonable, articulable suspicion that criminal activity is afoot.

## **12-100            GENERAL TRAFFIC ENFORCEMENT POLICY**

The goal of KCSO traffic enforcement activities is to reduce traffic collisions/crashes and injuries, and to promote the safe flow of motor vehicles and pedestrian traffic in Kent County by voluntary compliance with traffic regulations. The KCSO seeks to achieve this objective through a combination of education, enforcement, and accident investigation duties.

It is the responsibility of all uniformed patrol Deputies, while on-duty, to enforce all traffic laws and regulations applicable within Kent County. However, a large number of traffic arrests or citations are neither the emphasis nor the solution; the quality of the arrest or citation plays an integral part in the compliance of the motoring public with traffic regulations.

### **12-101            UNIFORM ENFORCEMENT POLICIES**

Every patrol Deputy is responsible for maintaining a good working knowledge of the Transportation Article of the Code of Maryland, a copy of which will be provided to every Deputy annually. Consistency is an essential element of any enforcement program. This policy is not intended to diminish the judgment of the Deputy but is intended to guide the Deputy in the sometimes-complicated decision-making process of traffic enforcement.

## **12-102            DRIVING UNDER THE INFLUENCE**

Recognizing that the intoxicated individual who chooses to operate a motor vehicle represents a significant threat to the safety of others in Kent County, the KCSO will strictly enforce violations where an intoxicated individual or an individual under the influence of a drug operates a motor vehicle.

**(CALEA 61.1.5)**

## **12-103            DRIVING UNDER SUSPENSION OR REVOCATION**

Generally, licenses are suspended or revoked for serious prior offenses. When deciding what enforcement action to take in these cases, Deputies should check the driving record of the violator. In most cases a citation should be issued for these violations and the operator should not be allowed to continue to drive the vehicle.

**(CALEA 61.1.5)**

## **12-104            SPEEDING**

Drivers who disregard posted speed limits cause a large number of motor vehicle collisions/crashes in Kent County. As a result, the KCSO regards willful violations of the speed limit laws as serious and hazardous violations warranting enforcement action.

## **12-105            HAZARDOUS VIOLATIONS**

Many violations of the traffic codes are hazardous and can cause collisions/crashes. Some hazardous violations are disregarding a traffic control device (signal and/or sign); failure to yield to a vehicle and/or a pedestrian; careless driving; reckless driving; and improper lane use / change.

Since these kinds of violations are responsible for a number of traffic collisions/crashes in Kent County, the KCSO will aggressively take enforcement action when hazardous violations occur.

## **12-106            EQUIPMENT VIOLATIONS**

For a vehicle to be safely operated on the roadway, it must be properly and legally equipped. In many cases, the operator of a vehicle may not be aware that a piece of equipment (such as a malfunctioning taillight) is not operating. Maryland law requires that police officers observing an apparent vehicle equipment violation shall issue the driver of a Maryland registered vehicle a Maryland Safety Equipment Repair Order (SERO).

Where a motorist is aware of the malfunctioning equipment and has failed to repair it in a timely manner, or the equipment malfunction could result in an accident, strict enforcement may be warranted.

## **12-107            PUBLIC CARRIER/ COMMERCIAL VEHICLE VIOLATIONS**

Kent County Sheriff's Office personnel certified as Level III Commercial Vehicle Inspectors enforce select commercial vehicle violations under Title 49 CFR and COMAR. If a KCSO Deputy certified to conduct Level III Commercial Vehicle Inspections is not available or if the violations are beyond the purview of the certification level of KCSO personnel, KCSO personnel will have "KENT" contact the Maryland State Police, Commercial Vehicle Enforcement Division for assistance.

KCSO personnel conducting roadside commercial vehicle inspections will do so at locations that are adequate to protect the safety of the commercial vehicle driver, the motoring public and law enforcement personnel involved in the inspection of the commercial vehicle.

The Commercial Vehicle Inspection Supervisor will prepare a monthly report to MSP-CVED and the Sheriff

regarding commercial vehicle inspection activities conducted by certified KCSO personnel by the 10<sup>th</sup> of each month for the period covering the previous month.

**(CATEGORY A)(CALEA 61.1.5)**

#### **12-108 NON-HAZARDOUS VIOLATIONS**

The type of enforcement necessary in non-hazardous violations will be at the discretion of the Deputy. It is impossible to foresee every situation regarding traffic violations; therefore, the Deputy's discretion, training, experience, and knowledge will determine the action to be taken. Any willful or wanton violation should be handled with appropriate action.

#### **12-109 MULTIPLE VIOLATIONS**

Deputies are not limited as to the number of citations, Safety Equipment Repair Orders (SERO) and / or warnings that may be issued to a single violator. Deputies should use sound judgment in deciding how many charges to place and should avoid citing numerous separate charges that the courts may tend to consolidate.

**(CALEA 61.1.5)**

#### **12-110 NEWLY ENACTED LAWS AND/OR REGULATIONS**

Unless otherwise directed, Deputies may use discretion in issuing verbal or written warning notices for newly enacted vehicle laws.

**(CALEA 61.1.5)**

#### **12-111 PEDESTRIAN AND BICYCLE VIOLATIONS**

Deputies will monitor pedestrian and bicycle movements to ensure compliance with Maryland Vehicle Laws, especially regarding improper highway crossings by pedestrians. Enforcement action may be taken to curtail pedestrian / bicyclist movements that impede traffic and lead to collisions/crashes.

**(CALEA 61.1.5)**

#### **12-112 OFF-ROAD VIOLATIONS**

A person may not drive a motor vehicle in violation of any provision of the Maryland Motor Vehicle laws on any private property that is used by the public in general or on property owned by or under the control of the State, the County, or a local jurisdiction.

Deputies will investigate complaints concerning off-road traffic violations and operators of off-road type vehicles. In those cases where a violator can be identified and / or apprehended, Deputies will take the appropriate enforcement action.

#### **12-113 MOVING VIOLATIONS**

Moving violations which by their inherent nature are the cause of negligent and even reckless operation of a motor vehicle and thus are often the direct causes of traffic collisions/crashes that involve injury, death, and property damage. KCSO personnel should take the appropriate action in enforcing "moving" violations of Maryland law.

**(CALEA 61.1.5)**

## **12-114           NON-MOVING VIOLATIONS**

Non-moving violations are all violations that do not involve vehicles in motion. These types of violations, especially faulty equipment violations can often be the cause of traffic collisions/crashes. KCSO personnel should take the appropriate enforcement action in enforcing “non-moving” violations of Maryland law.

**(CALEA 61.1.5)**

## **12-200           TRAFFIC STOPS**

Traffic stops will be made in accordance with the procedures taught in initial and in-service training. Deputies will always be mindful of the dangers inherent in approaching a vehicle, when it is not known exactly what may be within the vehicle, i.e., “unknown risks” or “high risks.” Deputies will also consider the hazards presented by the stop environment and use the available roadway shoulder and vehicle positioning to create the safest stop possible.

A Deputy making a traffic stop will:

- a. ensure that the vehicle’s video recording equipment has been activated in accordance with Chapter 11.
- b. choose a safe stop location;
- c. With the emergency and flasher lights operating, position the patrol car about 12' behind and offset 2' to the left or right of the violator's vehicle, depending on the roadway and environmental conditions. This positioning affords protection for the Deputy from traffic approaching from behind and, at night, illuminates the rear and left or right side of the vehicle. During the hours of darkness, take-down lights or the spotlight should be used. The spotlight should be aimed at the rear window of the violator's vehicle so that it doesn't interfere with the vision of on-coming traffic. The public-address system may also be used to give commands to the violator or occupants.
- d. advise “KENT” of the violator's vehicle license plate number, the location of the stop, vehicle description, and number of occupants.
- e. approach the violator’s vehicle cautiously, watching the occupants for any sudden movement;
- f. unless safety or other conditions indicate, approach the vehicle along the driver's side and stand behind the driver's door, forcing the driver to turn in his/her seat to talk with the Deputy;
- g. greet the violator courteously and clearly identify him or herself by name and badge number.
- h. explain that the stop is being audio and visually recorded;
- i. explain the reason for the stop and request the violator's driver’s license, vehicle registration and proof of insurance. The driver will be asked to remove the license, registration and insurance card from any wallet or other card case;
- j. never place his or her head or hands inside the vehicle;
- k. before returning to the patrol vehicle, tell the driver and occupants to remain in their vehicle. Back away from the vehicle, staying close to the driver's side and keeping a close watch on the occupants for any sudden movements.
- l. While issuing the citation or warning, have “KENT” check the driver's license and wanted status of the driver and occupants, if applicable.
- m. return to the stopped vehicle with caution to explain the action being taken.

- n. do not lean on or place equipment on a violator's vehicle to avoid allegations of damage to a violator's vehicle.
- o. allow the other vehicle to leave the scene first. The patrol car's emergency lights and flashers provide protection and alert approaching traffic.
- p. advise "KENT" when a traffic stop is cleared.

**(CATEGORY A)(CALEA 61.1.7)**

## **12-201 PLAINCLOTHES TRAFFIC STOPS**

Plainclothes Deputies in unmarked vehicles and Deputies in civilian dress operating marked cruisers will not make traffic stops unless a violation creates a significant danger to persons or property. A Deputy operating a privately-owned vehicle will not stop or attempt to stop a motorist for any violation.

Maryland law provides for displaying one's driver's license to a uniformed police officer. A plainclothes officer affecting a traffic stop will, in addition to the cautions described above:

- 1. clearly identify him or herself with appropriate police credentials;
- 2. advise the citizen of the violation and request their operator's license;
- 3. if the citizen refuses to produce a license, advise the citizen that the refusal prevents the Deputy from writing a traffic summons in lieu of an arrest and may subject the violator to arrest;
- 4. if the citizen continues the refusal, the Deputy will call for a uniformed Deputy and ask that the citizen wait for his or her arrival; and
- 5. if the citizen awaits the uniformed Deputy's arrival, the plainclothes Deputy will write the summons following receipt of the violator's credentials. If the citizen refuses to wait, he or she may be arrested.

**(CATEGORY B)(CALEA 61.1.7)**

## **12-202 FELONY TRAFFIC STOPS**

A high risk or "felony" traffic stop occurs when the Deputy has reason to believe that the occupants of a vehicle have been involved in the commission of a serious felony or otherwise present a risk to Deputy safety higher than the typical traffic law violation stop. Examples include vehicles which have been identified as having been involved in serious felonies, vehicles stopped after high-speed pursuits, or other situations in which the Deputy's training and observation indicate that the risk to his or her safety is higher than in the typical traffic stop.

Under these circumstances, the Deputy will:

- a. Call out the traffic stop to "KENT" and request back-up.
- b. If circumstances permit, await the arrival of back-up before approaching the vehicle.
- c. Approach the vehicle with extreme caution and with weapon drawn.

**(CALEA 61.1.7)**



## **12-300 TRAFFIC CITATIONS**

### **12-301 EXERCISE OF DISCRETION**

If, in a Deputy's judgment, an observed violation was not hazardous, was inadvertent, was not serious, or if compliance with traffic regulations could be obtained without further action, the Deputy may issue a verbal or written warning to the violator.

If a Deputy feels that a traffic violation is hazardous or serious, then a traffic citation may be issued.

In some instances, a traffic violation may be severe enough that physical arrest of the violator is justified. Examples of instances in which an arrest may be warranted are some instances of Driving While Intoxicated (DWI); hit and run involving personal injury; eluding a peace officer; or assault with a motor vehicle. In all arrests, the procedures in Chapter 9 of this manual will be observed.

**(CALEA 61.1.2)**

#### **12-301.1 SUMMARY OF ARREST PROVISIONS**

Under the Maryland Transportation Article, a Deputy may arrest a driver without warrant under the following circumstances:

- a. The Deputy has probable cause to believe that the person has committed the violation; the person is issued a citation and refuses to acknowledge its receipt by signature.
- b. The person has committed or is committing the violation within the view or presence of the Deputy and either
  1. the person does not furnish satisfactory evidence of identity; or
  2. the Deputy has reasonable grounds to believe that the person will disregard a traffic citation.
- c. The Deputy has probable cause to believe that the person has committed the violation, and the violation is 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 in the event of an accident resulting in bodily injury to or death of any person;
  4. driving or attempting to drive a motor vehicle while the driver's license or privilege to drive is suspended or revoked; or
  5. failure to stop or give information in the event of an accident resulting in damage to a vehicle or other property.
- d. Fleeing or attempting to elude a police officer.

## **12-302 DEPUTY-VIOLATOR RELATIONS**

The Deputy's relations with traffic law violators will play an important role in achieving the goal of voluntary compliance. Being stopped for a traffic violation can be a stressful occurrence for the motorist. The Deputy's challenge is to overcome the violator's anger, fear, and resentment.

- a. For his or her own safety and that of the motoring public, the Deputy's first duty is to stop the violator safely and establish control as described above.
- b. The Deputy will approach the violator calmly and to always display a level of courtesy which will promote respect for the law and its enforcement. In this relationship, the Deputy assumes the role of teacher, instructing the motorist on the requirements of the law and their relationship to public safety.
- c. The Deputy must work to achieve the difficult balance between being sympathetic toward the violator, while at the same time enforcing the law and maintaining professionalism.

## **12-303 ISSUANCE OF WRITTEN AND ELECTRONIC CITATION**

- a. At the time a citation is issued, the Deputy will advise the violator:
  1. that a citation will be issued;
  2. of the specific violation(s) that will be cited;
  3. to carefully read the citation;
  4. of the methods of responding to the citation (i.e., paying the monetary penalty or requesting a court date);
- b. When issuing a written citation, the Deputy will advise the violator:
  1. that signing the written citation is not an admission of guilt, but merely indicates that he/she promises to respond to the citation;
  2. If a violator refuses to sign a written citation, the Deputy may charge the violator with refusing to sign.
- c. The violator will be given a copy of the citation.

**(CALEA 61.1.4)**

## **12-304 NON-ROUTINE OFFENDERS**

- a. Violations of Maryland Motor Vehicle Laws by non-Maryland residents and military personnel will be handled in the same manner as those by Maryland residents. That is, they may be warned, cited, or arrested, in the Deputy's discretion. KCSO personnel need to be aware of active duty military personnel driver licensing and vehicle registration exceptions to individual state motor vehicle laws.
- b. Juveniles who are 16 years of age or older will be processed for non-jailable traffic violations in the same manner as adults.
- c. A juvenile who is arrested for a jailable traffic offense will be charged on a Juvenile Referral.

- d. While U.S. Senators and Representatives enjoy some immunity while Congress is in session, they are not exempt from compliance with ordinary criminal laws, including the Maryland Motor Vehicle Laws. Legislators including those at the State level, may be warned, cited, or arrested for motor vehicle law violations.
- e. Foreign diplomats and certain consular officials and their families are immune from some or all criminal process according to treaty obligations of the United States. However, traffic citations may be issued to diplomatic officials regardless of their rank or status. Diplomats' vehicles may not be physically impounded or searched. Those with diplomatic immunity may not be physically arrested, but if they present a continuing danger to the public, such as DWI, they may be detained until arrangements can be made for their safety. The on-duty Patrol Supervisor will be contacted in this event and a full report, including the diplomat's identification and all circumstances, will be submitted to the Patrol Commander, and forwarded to the Sheriff.
- f. Routine traffic enforcement and motor vehicle accident investigations may lead to the discovery of drivers who have suspected incompetence, mental disability, disease, or other conditions that might impair their abilities to exercise reasonable and ordinary care in operating a motor vehicle.

Maryland Motor Vehicle Law permits the Motor Vehicle Administration (MVA) to re-examine a person's driving privilege under the following criteria:

- a. the licensee is involved in an accident resulting in the death of another; and / or
- b. the MVA has good cause to believe that the licensee is unfit, unsafe, or otherwise not qualified to drive.

A Deputy who has good cause to believe that a licensee needs to be re-examined will:

- a. complete a Request for Re-Examination of Driver (Maryland Form # A-39) or MVA eReferral on ETIX, being as specific as possible;
- b. submit the form to the MVA, after supervisory review and approval; and
- c. maintain a copy of the form and any notes and other information concerning the incident so as to be able to answer questions posed by the licensee at a hearing.

The MVA does not automatically notify a Deputy of the results of a re-examination. A Deputy may contact the MVA to learn the results.

**(CALEA 61.1.3, 61.1.12)**

## **12-305 ACCOUNTABILITY FOR CITATIONS**

The Commander of the Patrol Division is responsible for controlling the flow of Maryland Uniform Complaint and Citations within the KCSO. The Commander will:

- a. Receive citation books from the Maryland MVA and will track each citation while it is in the possession of the KCSO;
- b. Store citations in a secure area under his exclusive control;
- c. Maintain a sufficient supply of citations to meet the Agency's needs; and
- d. Issue citation books and maintain a logbook to record the issuance of a particular series of citations to an individual Deputy.

A Deputy will control or possess only those citation books which have been properly issued to him or her.

**CALEA 82.3.4)**

### **12-305.1 ISSUED CITATIONS**

- a. Deputies will submit remaining copies of issued citations, except their own copy, at the end of the tour of duty in which they are written. The Patrol Commander will ensure that these citations are promptly forwarded to the Administrative Office of the Courts.
- b. Deputies will ensure that witness information is entered on the reverse side of the court copy of the Citation. When a violator is arrested and is taken before a Commissioner, a Statement of Probable Cause (Form DC/CR-4) will be completed and presented to the Commissioner along with the citation (processing will be in accordance with traffic arrest procedures).
- c. Deputies will keep their own copies of issued citations for the duration of their employment with the KCSO.

### **12-305.2 VOIDING WRITTEN CITATIONS**

The Commander of the Patrol Division will have the authority to void a citation which has been improperly written upon. If a Deputy makes an error while writing a citation, the issuing deputy will submit the voided citation through the chain of command, along with all copies of the citation, to the Patrol Commander. A citation which has been signed by the violator, and the violator copy issued, may not be disposed of in this manner; it must be disposed of in open court, either through dismissal by a District Court Judge or a declaration of *Nolle Prosequi* by the State's Attorney.

**(CALEA 82.3.4)**

### **12-400 TRAFFIC PROGRAMS**

It is the policy of the KCSO to use varied and diverse programs, practices, and techniques in traffic law enforcement. At the discretion of the Sheriff or his designee, the KCSO may implement special traffic enforcement in areas where there is a known increase in speed, accidents or complaints warranting additional monitoring. Annually the KCSO will conduct a review of all special traffic enforcement details to determine their effectiveness. Annually the KCSO will review and analysis the MSP traffic collision data to determine if there is any correlation between traffic accidents and the need for additional enforcement in certain areas of the county.

### **12-401 TACTICS AVAILABLE**

- a. Visible traffic patrol will be conducted using marked patrol units. All patrol Deputies are responsible for maintaining a visible traffic patrol within their assigned areas. If warranted, visible traffic patrol may be assigned to a specific location and time based on complaints and/or collisions/crashes involving traffic violations.
- b. Stationary observation may be used in response to a citizen's complaint, repeated violations, or recurring collisions/crashes. Depending on the nature of the complaint or violation, observation may be made from a clearly visible location, or an obscured position.
- c. The Patrol Division will normally use marked patrol units for enforcement activities. However, supervisors may use unmarked vehicles, as appropriate.
- d. If circumstances in the County appear to warrant it, the State Highway Administration can be asked to conduct roadside safety checks.

**(CALEA 61.1.6)**

## **12-402 SPEED MEASURING DEVICES (RADAR/LIDAR)**

### **12-402.1 RESPONSIBILITIES OF THE PATROL COMMANDER**

The Patrol Commander will maintain a current knowledge of new technology and RADAR/LIDAR equipment as well as recent court decisions and/or legislation relating to police RADAR/LIDAR operations. He or she will perform all studies, evaluations and selections of RADAR/LIDAR equipment used by the Agency. As part of the selection process, the Patrol Commander will consult the information published by the National Highway Traffic Safety Administration. Additionally, the Patrol Commander will:

- a. Maintain a current inventory of all Agency RADAR/LIDAR equipment;
- b. Arrange for yearly calibration on all RADAR/LIDAR devices and tuning forks;
- c. Maintain calibration and service records on all RADAR/LIDAR units;
- d. Arrange for the service or repair of RADAR/LIDAR units as needed; and
- e. Maintain a list of Agency RADAR/LIDAR operators and the equipment each has been certified to use.

### **12-402.2 ISSUANCE AND CUSTODY OF RADAR/LIDAR UNITS**

Each Deputy is solely responsible for the proper care and control of any RADAR/LIDAR unit and its accessories during which time it is assigned to him/her. During semi-annual inspections, the Patrol Commander will account for issued RADAR/LIDAR equipment and note his or her observation on the Inspection Form.

When not in use, a portable RADAR/LIDAR device will be properly stored in the carrying case. A mounted device may be left in its operating position. Mounting accessories will not be modified without approval of the Patrol Commander.

### **12-402.3 RESPONSIBILITIES AND GUIDELINES FOR THE RADAR/LIDAR OPERATOR**

- a. RADAR/LIDAR operators must complete approved training (MPCTC) and be certified with the speed monitoring device(s) used. All safety specifications outlined by the manufacturer of the RADAR/LIDAR equipment will be observed. At a minimum, Agency safety regulations will be followed and require:
  1. the RADAR/LIDAR device to be turned off when not in use;
  2. the antenna to be pointed away from the operator's body;
  3. that Deputies never place handheld units in the operator's lap or against the body.

Prior to beginning any type of RADAR/LIDAR enforcement, the operator will conduct a proper test of the equipment being used.

- b. Each RADAR/LIDAR operator will maintain the necessary records and tracking history following any traffic arrest through the use of RADAR/LIDAR for the successful prosecution of accused speeding violators. When appearing for court regarding a traffic arrest involving police traffic RADAR/LIDAR, an operator will have in his / her possession the appropriate file and records pertaining to that RADAR/LIDAR device. Copies of RADAR/LIDAR certification files are available from the Patrol Commander. RADAR/LIDAR operators will also have their Operator's Certification Card whenever appearing in court or conducting RADAR/LIDAR operations.

- c. The nature and severity of the violation and/or existing conditions will be considered when determining enforcement tolerance. Operators will balance their enforcement actions in accordance with the exercise of discretion discussed above.
- d. RADAR/LIDAR operators, when functioning alone or in conjunction with a stopping team operation, will allow for the safety of other motorists when pursuing or apprehending the speeding violator. Stationary positions will have a sufficient area for violators to be safely stopped while not interfering with the normal flow of traffic.

**(CATEGORY A)(CALEA 61.1.8)**

#### **12-403           ALCOHOL ENFORCEMENT COUNTERMEASURES**

Consistent with the Kent County Comprehensive Traffic Plan, the KCSO will, from time to time, conduct an alcohol enforcement countermeasures program to reduce the incidence of DWI in the County. The Patrol Commander will determine specific deployments based upon:

- a. Knowledge of locations where individuals are likely to have consumed alcohol to excess;
- b. Knowledge of locations where collisions/crashes involving alcohol consumption have occurred;
- c. Knowledge of locations where DWI arrests have been made; and
- d. Focus on holiday and other periods when high levels of alcohol consumption are common.

**(CALEA 61.1.9)**

#### **12-404           MOTORIST ASSISTANCE**

The KCSO will, when practical, provide assistance to motorists, including providing information and directions, assisting stranded or disabled motorists, providing or obtaining fuel, changing tires, etc. Deputies will follow these guidelines:

- a. A Deputy who observes a stranded motorist on or along the roadway will stop, notify "KENT" of the location, license plate number, etc., and offer assistance. If the Deputy cannot stop, he/she will notify "KENT" of the location and description of the vehicle.
- b. If the stranded party is in need of towing services and does not have a preference for the towing service to be called, the Deputy will have "KENT" notify the nearest available towing service on the list maintained by "KENT".
- c. Patrol vehicles will not be used for towing or pushing civilian vehicles.
- d. If the stranded vehicle is in a hazardous location, the Deputy will stand by with emergency lights to warn on-coming motorists and direct traffic until the roadway is clear.
- e. If a person needs emergency medical or fire assistance, the Deputy will have "KENT" contact the appropriate services. The Deputy will then provide practical assistance until the proper service arrives.
- f. During adverse weather conditions, Deputies will make an effort to transport or arrange for the transportation of stranded persons to places of safety.

**(CATEGORY A)(CALEA 61.4.1)**

## **12-405 ROADWAY HAZARDS**

When a Deputy becomes aware of an existing or potential roadway hazard, he or she will be responsible for the following procedures:

- a. "KENT" will be advised of the location and nature of the hazard. The Deputy will advise "KENT" which agency to alert concerning the hazard, whether it is road debris, a road defect, downed power lines, an unlawfully parked vehicle, a downed or damaged traffic control device, or some other hazard.
- b. The Deputy will clear the hazard personally only if he or she can do so without risk of injury to him or herself or others.
- c. The Deputy will ensure traffic control is established through appropriate means, which may include:
  1. Flares or fuses;
  2. Traffic cones;
  3. Patrol vehicle with emergency lights activated;
  4. Manual traffic direction;
  5. Temporary warning and/or traffic control signs.

The Deputy will use his or her judgment in determining if the hazard requires the Deputy to remain at the scene until the proper agency arrives to correct/remove the hazard.

**(CATEGORY A)(CALEA 61.4.2)**

## **12-406 TRAFFIC CONTROL**

The purpose of manual traffic control is to ensure an orderly flow of traffic, prevent congestion, and ensure the safety of all motorists, pedestrians, and other highway users. To ensure public safety it may be necessary for a Deputy to manually regulate the flow of traffic.

- a. Situations in which a Deputy may be required to manually regulate traffic flow include:
  1. Traffic accident scenes;
  2. Fire scenes;
  3. Hazardous situations on or near the roadway;
  4. Special law enforcement operations; or
  5. Special events (parades, special assignments, sporting events, etc.)
- b. Any Deputy manually directing traffic will wear the KCSO-issued reflective vest and utilize an orange flashlight cone for night operations.

## **12-406.1 TRAFFIC CONTROL PROCEDURES**

- a. The circumstances warranting traffic control are diverse and differ widely from incident to incident. In order to provide the most effective traffic control services, the Deputy involved in manual traffic control should consider the following procedures:
  1. Evaluate the scene and establish appropriate traffic control;
  2. If necessary, use:
    - i. Flares or fuses;
    - ii. Traffic cones;
    - iii. Patrol vehicle with emergency lights activated.
    - iv. Temporary warning and/or traffic control signs.
  3. When directing traffic, deputies will use hand signals or the orange flashlight cone.
- b. When practical, planning and preparation will be made prior to special events (fairs, sporting events, parades, V.I.P. visits, etc.). The Patrol Commander will designate this responsibility. The planning should include the following considerations:
  1. Ingress and egress of vehicle and pedestrian traffic;
  2. Adequate parking areas;
  3. Spectator control;
  4. Public transportation;
  5. Relief of Deputies on point traffic control;
  6. Access for emergency vehicles;
  7. Alternate routes for traffic;
  8. Use of temporary traffic control devices;
  9. News media access;
  10. Crime problems expected for the event.

If traffic control for a special event is provided by a private organization, the Patrol Commander will ensure that these factors are considered by the organization providing traffic control.

- c. When a traffic signal malfunctions, or a stop sign is found to be missing or damaged the Deputy should take appropriate action to ensure adequate warning to motorists; and provide traffic control until the signal or sign has been repaired or other arrangements have been made for traffic control.
- d. In the event a temporary traffic control device is required, the Deputy will advise "KENT" of the type and quantity of traffic control devices requested and the location needed. "KENT" will notify the appropriate agency and request that the sign(s) be provided at the specified location.
- e. Traffic control at the scene of a fire will be conducted in conjunction with the fire police, who are under the direction of the officer-in-charge of the responding fire company.



- f. During all traffic control functions, care should be taken to ensure that private vehicles, including volunteer fire personnel, are not parked in a manner that could interfere with the emergency operations or access of emergency vehicles.
- g. When adverse weather conditions occur causing hazardous driving and/or roadway conditions, the Deputy will evaluate the situation and arrange for appropriate traffic control or maintenance. A Deputy may temporarily close a roadway when it is hazardous due to snow, ice, debris, or water over the roadway, or other hazard, after notifying the County or State Highway Administration through "KENT".

**(CATEGORY A)(CALEA 61.3.2)**

## **12-407            ESCORTS**

### **12-407.1        EMERGENCY ESCORTS**

- a. Deputies will not provide escort services for ambulances or rescue units.
- b. Deputies will not provide emergency escorts for private vehicles. If a Deputy encounters a citizen enroute to a hospital with a life-threatening medical emergency, the Deputy should assist the victim by calling for rescue personnel or transporting the victim to the hospital in the patrol car. If the stop is made in very close proximity to a hospital or medical clinic, the Deputy may consider allowing the citizen to continue on without delay.

**(CATEGORY A)**

### **12-407.2        ROUTINE ESCORTS**

- a. All requests for routine escorts will be referred to the Patrol Commander who will evaluate each request and make the necessary assignments.
- b. Subject to the availability of Deputies to perform the service without diminishing essential law enforcement capabilities, the KCSO will provide routine escorts for:
  - 1. Public officials
  - 2. Dignitaries
  - 3. Funerals
  - 4. Oversized vehicles
  - 5. Hazardous or unusual cargo; and
  - 6. Commercial vehicles for Out of Service violations

**(CALEA 61.3.3)**

## **12-408            PARKING ENFORCEMENT**

- a. Deputies will enforce the parking provisions of the Transportation Article of the Code of Maryland though the issuance of Maryland Uniform Complaint and Citation.
- b. In general, parking enforcement will have a lower priority than other patrol and traffic enforcement functions. Parking enforcement will concentrate on vehicles which represent hazards to the free flow of traffic, or otherwise represent a safety hazard; and on violations of the prohibition against improper use of spaces reserved for the handicapped.

**(CALEA 61.1.12)**

## **12-409 TRAFFIC SAFETY AWARENESS**

The Patrol Division Commander is responsible for the Traffic Safety Awareness Program of the KCSO. In carrying out the program, he/she will:

- a. Be alert for and seek out other opportunities to promote Traffic Safety Awareness.
- b. The KCSO will participate in local/regional transportation system management planning committees. It shall be the responsibility of the KCSO Patrol Division Commander to manage traffic management/safety initiatives for the KCSO. Additionally, the KCSO Patrol Division Commander or his/her designee will attend local/regional meetings regarding traffic management/safety programs or initiatives.

**(CALEA 61.4.4)**

## **12-500 TOWING AND STORING VEHICLES**

### **12-500.1 REQUESTS FOR TOW SERVICES**

KCSO personnel shall comply with the following policy when requesting tow services. KCSO personnel shall request that "KENT" notify a tow service that is a KCOES' authorized towing service for Kent County based on one of the following types of requests:

- a. owner's request;
- b. nearest reliable.

To maintain impartiality and to prevent the perception of impropriety, KCSO personnel shall not recommend any tow service.

**(CATEGORY A)**

## **12-501 ABANDONED VEHICLES**

A vehicle defined as abandoned by Title 25 of the Transportation Article of the Code of Maryland will be tagged with an "abandoned and disabled" orange sticker. If the vehicle is not removed within 48 hours after tagging, it may be towed.

**(CATEGORY A)(CALEA 61.4.3)**

### **12-501.1 VEHICLES ON PUBLIC PROPERTY**

The Deputy will check the vehicle for wanted/ stolen. If the vehicle is not wanted / stolen and is parked lawfully and not creating a public hazard, the Deputy will affix an abandoned and disabled orange sticker. If the unattended/disabled vehicle remains on public property for 48 hours, it may be towed. In addition, charges can also be brought under Title 25-202 of the Transportation Article of the Code of Maryland.

Vehicles creating a traffic safety or health hazard will be towed immediately.

The KCSO shall comply with Title 25 of the Transportation Article of the Code of Maryland regarding procedures for the disposition of abandoned vehicles that come into the custody of the KCSO.

**(CATEGORY A)(CALEA 61.4.3)**

## **12-501.2 VEHICLES ON PRIVATE PROPERTY**

Vehicles abandoned on private property are the responsibility of the property owner. Only with the approval of the Patrol Commander will a Deputy arrange for a tow of a vehicle abandoned on private property.

The KCSO will, however, respond to assist owners of private residences with vehicles abandoned on their property.

The Deputy will check the vehicle for wanted/ stolen. If the vehicle is not wanted/stolen, the Deputy will affix an abandoned and disabled orange sticker. The Deputy will notify the property owner that:

- a. The Deputy will attempt to identify, locate, and notify the vehicle owner of the requirement to move the vehicle;
- b. The Deputy will notify the property owner of his or her success in contacting the vehicle owner; and
- c. Removal of the vehicle is the property owner's responsibility and must be done at the property owner's expense and risk. The Deputy will suggest that the property owner wait 48 hours before having the vehicle removed, so that the owner may be contacted and have the opportunity to remove the vehicle.

The KCSO will not generally involve itself with vehicles abandoned at commercial establishments such as shopping centers or apartment complexes. The owners of such establishments are usually familiar with their rights and responsibilities under the law. However, a Deputy responding to such a call may, in his or her discretion, follow the procedure outlined above.

**(CATEGORY A)(CALEA 61.4.3)**

## **12-502 DEPUTY'S RESPONSIBILITIES WHEN TOWING A VEHICLE**

When a Deputy tows a vehicle, he or she will:

- a. Obtain registration information via registration card, computer inquiry or any other documentation that can be located;
- b. Check for wanted/stolen;
- c. Examine the vehicle and document any valuables in plain view.
- d. Contact "KENT" to dispatch the nearest reliable tow service from the KCOES list of approved tow services for Kent County.
- e. Attempt to contact the last registered owner in person, by telephone or by letter mailed via certified mail in accordance with Title 25 , subtitle 2 of the Transportation Article of the Code of Maryland
- f. Complete a CrimeStar call for service and submit to the Patrol Commander an IR Report with complete vehicle information and the circumstances which required the tow.

**(CATEGORY A)(CALEA 61.4.3)**

## **12-502.1 RELEASE FOLLOWING REQUEST FOR TOWING SERVICES**

When a tow has been called for a vehicle removal and the owner / custodian arrives and removes the vehicle before the tow arrives, the Deputy will provide the tow operator with all available vehicle information so that the tow operator may pursue compensation as a private matter.

**(CATEGORY A)**

**12-600****DRIVING WHILE INTOXICATED INTRODUCTION**

The offenses of driving a motor vehicle while under the influence of alcohol; driving while impaired by alcohol, drug(s), drug(s), and alcohol, or controlled dangerous substances (CDS); homicide by motor vehicle while under the influence of alcohol, and homicide by motor vehicle while impaired by alcohol or drug(s) are serious misdemeanors. Personnel arresting and charging individuals with these violations must ensure that sufficient probable cause exists to support such allegations. All references to sections contained herein are from the Maryland Vehicle Laws, Courts and Judicial Proceedings Article, and Criminal Law Article, Title 2, Subtitle 5, Annotated Code of Maryland.

**12-601****DWI ARREST PROCEDURES**

The following procedures will be followed in making arrests for these offenses.

- a. The arresting Deputy's attention must be drawn to some unusual or illegal operation of the motor vehicle or signs of intoxication in the driver's physical appearance.
- b. Apprehension must be made by the Deputy at the earliest possible time.
- c. Drivers detained for suspicion of driving while under the influence or driving while impaired by alcohol, drug(s), drug(s), and alcohol, or CDS; homicide by motor vehicle while under the influence of alcohol; and homicide by motor vehicle while impaired by alcohol or drug(s) will not be offered the right to communicate with an attorney prior to deciding whether to submit to or refuse to submit to a preliminary breath test (PBT).
- d. The results of a preliminary breath test will only be used by the arresting Deputy as a guide when developing probable cause to support these charges prior to the arrest. The preliminary breath test does not replace other methods of developing probable cause for the arrest.
- e. If sufficient probable cause exists, the driver will be advised he is under arrest based on his driving and physical condition.
- f. If, after observation of the driver, the driver's operation of the vehicle and a review of the PBT results, if taken, it is the Deputy's opinion that the individual's driving behavior or level of impairment, was caused by the consumption of alcohol or drugs, the person will be placed under arrest and "KENT" will be advised of the arrest.

**(CATEGORY B)(CALEA 61.1.11)**

**12-602****FIELD SOBRIETY TESTS**

Unless unwilling or unable, all persons suspected of violating §21-902 will be given at least one field sobriety test. At the Deputy's discretion, the standardized tests are the Horizontal Gaze Nystagmus Test (HGN), the Walk and Turn (WAT) Test, and the One-leg Stand (OLS) Test. Other additional non-standardized test include the Alphabet Test, or the Finger Count Test which can be used at the Deputy's discretion. Deputies may administer more than one test. WAT and OLS tests should be administered in a level area. The tests shall be performed in this order for standardization to be considered.

**WALK AND TURN TEST** - - The Deputy will give the following instructions:

- a. I am going to give you a test to check your balance.
- b. Please place your left foot on the line and then your right foot in front of it with your right heel touching your left toe. (Demonstrate).

- c. When told to begin, take nine heel-to-toe steps down the line, turn around, and take nine heel-to-toe steps back. (Demonstrate 3 steps down, correct turn and 3 steps back)
- d. In turning around, make your turn by pivoting on one foot, keeping it on the line and using your other foot to turn yourself around with several small steps. (Demonstrate)
- e. Keep your hands at your sides at all times, watch your feet at all times, and count your steps out loud. Do you understand?
- f. Begin and count your heel-to-toe steps aloud.

**ONE-LEG STAND TEST** - The Deputy will give the following instructions:

- a. Please stand with your heels together and your arms at your sides, like this. (Demonstrate)
- b. When I tell you to, raise one leg about six inches off the ground, with toe pointed, level to the ground and hold that position for about 30 seconds while you count aloud 1001, 1002, 1003 and so forth. (Demonstrate for 3 seconds)
- c. Do you understand?
- d. Begin by raising either your right or left foot and counting.
- e. (After the Deputy has timed 30 seconds.) Please lower your foot.

**HORIZONTAL GAZE NYSTAGMUS** - Only Deputies trained in the HGN will administer this test. The Deputy will administer and record the results of the test as provided in training.

At the Deputy's discretion the non-standardized Alphabet Test and Finger Count Tests can be performed:

**ALPHABET TEST** - The Deputy will ask the subject to repeat the letters of the alphabet, starting at the letter A and going to Z.

**FINGER COUNT TEST** - The Deputy will ask the subject to count from one to four and from four back to one, with each number touching the thumb to the tip of a finger, starting with the index finger. The Deputy will demonstrate the technique for the subject.

**(CATEGORY B)**

## **12-603 PRELIMINARY BREATH TEST (PBT)**

- a. Only the preliminary breath test equipment approved by the Toxicologist, Postmortem Examiners Commission will be used.
- b. Only those persons approved by the Toxicologist will be authorized to administer preliminary breath tests. A certificate issued to an individual will be evidence of satisfactory completion of the course of instruction.
- c. The results of the PBT will be recorded on the KCSO PBT usage form and submitted with the arrest report.
- d. The results of preliminary breath tests, offered, refused, calibration, and subjects tested will be recorded on the KCSO Preliminary Breath Test Calibration Log by the supervisor.
- e. A summary of preliminary breath tests offered, refused, and subjects tested during each month will be forwarded to the CTAU by the tenth of the month for the preceding month on the Alcohol Influence and P.B.T. Use - Monthly Summary (form MSP 34A).

- f. All PBT devices used in Maryland for traffic law enforcement must be registered with the CTAU. The CTAU shall maintain records of all registered PBT devices.
- g. Each PBT device used will be checked monthly using a 0.080 ethanol solution. This test will be performed by the KCSO PBT Calibration Supervisor.
  - 1. The results of this test must be recorded on KCSO PBT Calibration Log by the KCSO PBT Calibration Supervisor
  - 2. The results of this test must be between a 0.0777 and 0.0888 (inclusive) for the 0.080 solution
  - 3. PBT devices that do not achieve this result must be withdrawn from use and recalibrated. Calibration and repairs to PBT devices must only be made by the KCSO PBT Calibration Supervisor.
  - 5. After recalibration, the results must be recorded in the KCSO PBT Calibration Log.
  - 6. PBT's, though primarily acquired to aid in alcohol intoxication determinations for suspected drinking drivers in DUI enforcement, may also be utilized effectively in other instances. For example, a passenger in a vehicle in which the driver has been arrested for DUI may be requested to voluntarily submit to a PBT test if the passenger intends to drive the vehicle and if there is suspicion the passenger has been drinking, the passenger may also be tested.
    - 1. PBT results can and should be included in the "Reasonable Grounds" section of MVA form DR-15A, as supporting administrative documentation.

**(CATEGORY B)**

**12-604 ADMINISTRATIVE PER SE LAW**

- a. Maryland law governing the arrest of persons suspected of operating a motor vehicle while under the influence of alcohol, or while under the influence of any drug or combination of drugs and alcohol is based on a concept called "Administrative Per Se". This means that the arresting Deputy is empowered to provide an immediate administrative sanction, through the Motor Vehicle Administration, (MVA) against the accused driver, independent of judicial processes. If the driver either refuses to submit to a test to determine the alcohol concentration in his blood or consents to take a test and the results indicate an alcohol concentration of 0.08 or more, the Deputy is authorized to confiscate a Maryland driver's license at the time of arrest. Additionally, certain expanded mandatory and automatic license suspensions will be imposed by MVA. This is the essence of Administrative Per Se, the effect of which has been dramatic in preventing alcohol related crashes.
- b. The most critical element that governs the success of Administrative Per Se is the ability of the arresting Deputy to follow the procedural elements of the arrest, particularly in regard to listing the reasonable grounds for arrest on the Officer's Order of suspension (MVA Form DR-15A)
- c. If a Deputy stops or detains any person who the Deputy has reasonable grounds to believe is, or has been driving or attempting to drive a motor vehicle while under the influence of alcohol, while under the influence of any drug or combination of drugs and alcohol, driving in violation of an alcohol restriction; or, driving in violation of §16-813 (relating to commercial motor vehicles); and, who is not unconscious or otherwise incapable of refusing to take a chemical test for alcohol, the Deputy shall:

1. detain the person;
  2. read the Advise of Rights (MVA DR15) word for word, in its entirety;
  3. request that the person submit to a chemical test to determine the alcohol concentration of the person's body, and;
  4. advise the person of the administrative sanctions that shall be imposed for refusal to take the test and for test results indicating an alcohol concentration of 0.08 or more at the time of testing.
- d. If the person refuses to take the test or takes a test for alcohol which results in an alcohol concentration of 0.08 or more at the time of testing, the Deputy shall:
1. confiscate the driver's license issued by this state;
  2. personally, serve an order of suspension on the person;
  3. issue a temporary license to drive if they have a valid Maryland driver's license;
  4. inform the person that he/she has ten days to request a hearing to show cause why the driver's license should not be suspended concerning the refusal to take a test or for test results indicating an alcohol concentration of 0.08 or more;
  5. advise the person of the administrative sanctions that shall be imposed, and;
  6. Within 72 hours after the issuance of the order, send any confiscated driver's license, copy of Officer's Certification and Order of Suspension (MVA form DR-15A), and a sworn statement to the administration.
- e. Advise of Rights (MVA form DR-15) shall be read, word for word, in its entirety to the suspected driver in all cases, except where implied consent occurs, i.e. where the suspected violating driver is unconscious and where a life threatening or fatal injury to another occurred. If the person refuses to take a test, the license suspension periods listed on the DR-15 are mandatory. For persons taking the test with a result of 0.08 or higher, restricted licenses may be issued under certain circumstances by the MVA.
1. For violations of §21-902 not involving the death or a life-threatening injury to another, arrested individuals will:
    - i. be advised of their rights to a test to determine the alcohol concentration of their body and will be read the MVA form DR-15.
    - ii. not be advised of Miranda rights until after testing requirements are completed or refused. (Note: The individual is under arrest prior to reading the DR-15. If the Deputy does not ask incriminating questions prior to the reading of the DR-15, then it is not necessary to apply Miranda. However, if the Deputy asks incriminating questions regarding the circumstances surrounding the DWI/DUI arrest or other events such as circumstances surrounding a traffic accident, then Miranda applies.
    - iii. upon request of the arrestee, be permitted a reasonable opportunity to communicate with counsel before submitting to a test for alcohol concentration, as long as such communication will not substantially interfere with the timely administration of the testing process. The court has not established a definitive time period as to what constitutes an unreasonable delay, although the statute itself mandates that in no event may the test be administered later than two hours after the driver's apprehension. There is no requirement to wait the entire two-hour period before requiring the arrestee

to make an election regarding a test. However, the court has required that arrestees be given a "reasonable time" in which to contact and consult counsel.

- a) DUI suspects requesting communication with an attorney or another individual when deciding to submit to an evidentiary test for alcohol concentration may be permitted telephonic and/or personal (face to face) communication with that individual. Personal contact may be permitted if the individual to be contacted is present at the time the test is offered or is capable of responding to the test location and completes the contact in sufficient time to permit testing within a reasonable time.
  - b) An attorney may wish to administer a preliminary breath test on the arrestee prior to a decision to take or refuse a test. The court has ruled that such test cannot be prohibited. However, under no circumstances will KCSO equipment be used. The arrestee may not be given anything to eat, drink, smoke, or take orally or intravenously, and the arresting Deputy must be present in the same room to observe the arrestee. Deputies will not eavesdrop or otherwise attempt to overhear any discussions between the arrestee and counsel.
  - c) After consultation with an attorney, or after the arrestee has been given a reasonable time to contact and consult with an attorney, the arrestee shall be advised that a decision to elect to take, or to refuse to take a test must be made. If the arrestee fails to make a decision, he will be advised that he has refused to submit to a test and MVA form DR-15A will be submitted to MVA in accordance with established procedure.
  - d) be permitted to have his attorney or a physician of his own choosing administer an additional test, utilizing privately owned equipment after submitting to the test administered at the direction of the arresting Deputy.
2. If a person is involved in a motor vehicle collision that results in the death or a life-threatening injury to another person and the Deputy has reasonable grounds to believe that the person has been driving or attempting to drive while under the influence of alcohol, while impaired by alcohol, or while impaired by drugs or by drugs and alcohol, the individual will be:
- i. advised of the charges being placed, or which may be placed
  - ii. advised that a test of breath or blood, as appropriate, is mandatory, that the person does not have a right to refuse a requested test, and that reasonable force may be used, if necessary, to obtain the test.
  - iii. upon request, granted an opportunity to communicate with an attorney as provided for in Subsection e1(c).
- f. The following will apply when a test is refused:
- 1. For violations of §21-902 not involving the death of or a life-threatening injury to another:
    - i. the arresting Deputy will complete the MVA form DR-15A and forward it to MVA within 72 hours of the apprehension. A copy will be provided to the arrestee.
    - ii. The individual should be charged with "driving while under the influence of alcohol" §21-902 a (1). Depending upon the advice and policy of the State's Attorney for the respective area, the individual may also be charged with "driving while impaired by alcohol" §21-902(b).



2. If a person is involved in a motor vehicle collision that results in the death of or life-threatening injury to another person and the Deputy has reasonable grounds to believe that the person has been driving or attempting to drive while under the influence of alcohol, driving while impaired by drugs or while impaired by drugs and alcohol.
  - i. The investigating Deputy should consult with the local State's Attorney for advice in obtaining the required test.
  - ii. The use of reasonable force to obtain the test required in subsection 16-205.1(c) of the Transportation Article is permitted.
  - iii. If the individual will not participate in the testing and ultimately no test is completed, the arresting Deputy will initiate the MVA form DR-15A, and forward to MVA within 72 hours of the apprehension.
  - iv. The appropriate charges, i.e., driving while under the influence of alcohol, impaired by alcohol, homicide by motor vehicle while driving under the influence of alcohol or homicide by motor vehicle while impaired by alcohol will be placed against the individual based on policy established with the local State's Attorney's office.
- g. If the individual agrees to take a test, the arresting Deputy shall notify the appropriate MSP installation of this fact so that qualified test personnel may be notified and be ready to give the test. All tests for alcohol, regardless of type, must be given within a period of two hours of the time of apprehension.
- h. If an individual fails to take any of the required alcohol tests within two hours, or a Drug Recognition Expert (DRE) requested drug test within four hours of the time of apprehension, and it is apparent that such failure to comply is the result of intentional subterfuge or delaying tactics, he shall be presumed to have "refused" and proper action shall be taken.
- i. All entries of results of breath tests will be completed by the breath test operator on both the Breath Test Operator Log (form MSP 36A) and Alcohol Program Testing Log (form MSP 36B), at the time of the test.
- j. In those cases where the arresting authority is an agency which is not approved to conduct breath tests, the testing MSP installation will record the arrest information on their form MSP 36B. The original of the testing forms will be given to the arresting Deputy and copies will be filed with the testing MSP installation.

**(CATEGORY B)**

## **12-605 BREATH TEST**

- d. Only a properly certified breath test operator will make the examination. The operator will be held strictly accountable for the determination of what alcoholic concentration is present and shall be prepared to testify in detail how this was determined.
- b. Driving Under the Influence of Alcohol Per Se
  1. When making an arrest for DUI and the defendant tests a 0.08 or higher, the individual should be issued a citation with the charge written in as follows:
    - i. Transportation Article Title 21-902 (a) (2) Driving Under the Influence of Alcohol Per Se printed on the Uniform Citation should be checked, along with the must appear block.

- ii. A second citation should also be issued for §21-902 a (1).
- 2. The results of Field Sobriety Tests and any other relevant evidence in the preparation of DUI cases for trial should be included. Each Deputy must be prepared in the event the defendant refuses the breath test or the test results are not available.
- c. If the results are 0.07 or more, but less than 0.08, the defendant should be charged only with "driving while impaired by alcohol," §21-902(b).
- d. If the results are more than 0.05, but less than 0.07, the defendant should be charged with Driving While Impaired by alcohol, §21-902(b). Results in this range may not give rise to any presumption that the defendant was or was not impaired by alcohol but may be considered with other competent evidence in determining the guilt or innocence of the defendant.
- e. If the results are below 0.07, and the defendant appears to be extremely intoxicated, a DRE should be requested to conduct a drug evaluation upon the individual. It is an established fact that a substantial number of drivers use drugs either alone or in combination with alcohol, which will significantly impair the individual's ability to operate a vehicle safely. If the defendant is found to be under the influence of drugs or a combination of drugs and alcohol, the defendant, consistent with the advice or policy of the State's Attorney for the respective area, should be charged with Driving While Impaired by Drugs or Drugs and Alcohol Combination, §21-902(c). KCSO Deputies can contact the MSP Headquarters' Duty Officer at 800-525-5555 to obtain the services of a certified DRE.
  - 1. If the defendant is found to be under the influence of a controlled dangerous substance, the defendant, consistent with the advice or policy of the State's Attorney for the respective area, should be charged with Driving While Impaired by a Controlled Dangerous Substance, §21-902 (d).
  - 2. If a DRE is not available, the arresting Deputy may still charge the defendant with these violations if sufficient evidence of drug use exists.
- f. If a DRE is not available, the results are 0.05 or below, and the individual appears to be extremely intoxicated, the individual should be examined by a physician to determine the reason for this physical and/or mental impairment. There are some physical infirmities which resemble alcohol and or drug intoxication. An examination by a physician will resolve the matter. If the individual arrested has tested less than 0.05, the individual should be charged with either driving while under the influence or driving while impaired, based upon the advice of the State's Attorney. Persons arrested for driving while under the influence or impaired shall not be released without being formally charged unless the local State's Attorney has been consulted with and given consent for the release.
- g. In every instance in which a driver under the age of 21 is suspected of operating a motor vehicle after consuming alcoholic beverages, a test for alcohol concentration should be requested. If the underage driver refuses the test, or takes the test with a result of 0.08 or more, the license may be confiscated in accordance with Administrative Per Se procedures. In cases where the young driver is charged with a §21-902 violation and there is a test result of 0.02 or higher, a charge for the alcohol restriction violation should also be placed.
- h. All breath tests will be conducted in accordance with procedures established by the Toxicologist, Postmortem Examiners Commission, State of Maryland, and adopted by the MSP. These procedures may be found in the "Regulations of the Toxicologist, Postmortem Examiners Commission, State of Maryland, Regarding Tests of Breath and Blood for Alcohol."
- i. The arresting Deputy and/or the breath test operator will make certain the accused does not eat, drink, or smoke, or take any type of medication for a period of at least 20 minutes prior to the test.

- j. Prior to testing an accused person, operators will ensure that the MVA form DR-15 has been read to the accused and that he acknowledges same. Prior to conducting a breath test for another department, the person responsible for conducting the test will be certain a citation has been written or a warrant has been issued for the person suspected of being intoxicated. The DR-15 will be executed in every case.
  - 1. If the person to be tested is willing to take the test but refuses to sign the waiver, the test will be administered and his refusal to sign will be noted on the waiver.
  - 2. A person's refusal to take the test will be recorded on form MSP 36B.
- k. The breath test operator will conduct the test utilizing testing methods approved by the Toxicologist Postmortem Examiners Commission.
- l. The person tested will be given a copy of the Notification to Defendant of Result of Test for Alcohol Concentration (form MSP 33). It is required by law that this information be furnished to the defendant. An original and three copies will be prepared and distributed to:
  - 1. KCSO file (Deputy's court copy)
  - 2. State's Attorney
  - 3. Defendant
  - 3. MVA (only if DR-15A is utilized)

**(CATEGORY B)**

**12-606            BLOOD TEST**

- a. The test of blood will be administered in accordance with the Courts and Judicial Proceedings Article, §10-305.
- b. Only the blood alcohol collection kit approved by the Toxicologist, Postmortem Examiners Commission will be used for the withdrawal of blood.
- c. Only those persons approved under the provisions of Courts and Judicial Proceedings, §10-304 (c) and/or the Toxicologist, Postmortem Examiners Commission, will be utilized to withdraw blood.
- d. The arresting Deputy should witness the withdrawal of blood to prevent the medical personnel from having to appear in court.
- e. The arresting Deputy will be responsible for properly filling out all forms used in conjunction with the blood alcohol collection kit.
- f. To assure prompt payment of medical personnel and provide for specimen analysis, Blood Analysis - Medical Personnel Payment Authorization (form MSP 34), will be completed by the arresting Deputy at the time of the blood withdrawal (including the social security number and signature of the medical personnel and the hospital federal tax identification number). The form will then be forwarded with the blood specimens, to the CTAU for approval and analysis. When forwarding blood specimens, procedures established by the CTAU will be followed. If the medical personnel are needed for court appearance, an additional copy of the form MSP 34 will be completed, referring to the original, and forwarded to the CTAU.

- g. The arresting Deputy will be responsible for sealing the blood kit and forwarding it to the CTAU via first class U.S. Mail unless the circumstances dictate personal delivery.

**(CATEGORY B)**

## **12-607 DWI DEFENDANTS INVOLVED IN FATAL OR LIFE-THREATENING MOTOR VEHICLE COLLISIONS/CRASHES**

- a. KCSO policy and procedures in obtaining blood specimens in conformance with Maryland Transportation Article, § 16-205.1 (c) "Compulsory Testing Law," Annotated Code of Maryland and the application of reasonable force to obtain the required chemical tests mandated by the Transportation Article for persons involved in a motor vehicle accident that results in the death of, or a life-threatening injury to another person shall be:
  - 1. KCSO sworn personnel investigating "...a motor vehicle accident that results in the death of, or a life-threatening injury to, another person and the person is detained by a Deputy who has reasonable grounds to believe that the person has been driving or attempting to drive while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, or in violation of Md. Transportation Article § 16-813..." (concerning the operation of Commercial Motor Vehicle) the Deputy shall be authorized to use reasonable force in obtaining the required specimen of blood in conformance with the Compulsory Testing Law. Md. Transportation Article, § 16- 205.1 (c) (2003 Supplement)
  - 2. When "...a person is involved in a motor vehicle accident that results in the death of, or a life-threatening injury to, another person and the person is detained by a Deputy who has reasonable grounds to believe that the person has been driving or attempting to drive while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, or in violation of § 16-813..." Md. Transportation Article, § 16-205.1 (c) (2003 Supplement).

The Deputy will:

- i. advise the driver of the charges being placed, or which may be placed, where death or a life- threatening injury to another occurred. Except where implied consent occurs, i.e. where the driver is unconscious.
- ii. advise the driver that they have been involved in a motor vehicle accident resulting in the death of, or life-threatening injuries to, another person, and that he/she is required by Maryland Law to submit to a test of breath or blood under certain circumstances for determining alcohol concentration of his/her blood. The primary chemical test for alcohol in a case involving death or life-threatening injury to another is a breath test; and
- iii. In Missouri v. McNeely, The U.S. Supreme Court ruled that a search and seizure warrant is required prior to obtaining a blood sample from certain suspected impaired driving suspects:

- Deputies will attempt to obtain a search and seizure warrant in all cases where a blood draw is required due to death or life-threatening injury to another person whether or not the driver voluntarily submits to the test.
  - if a search and seizure warrant cannot be obtained in a timely manner (prior to two (2) hours after arrest) the blood sample will still be obtained, and the Deputy will document all efforts made to obtain the search warrant.
  - advise the driver that refusing to submit to the required test shall warrant the use of reasonable force to obtain the blood specimen.
3. Deputies are permitted to employ only that level of non-deadly reasonable force necessary to restrain the person to obtain the required blood specimen. The application of reasonable force may only include reasonable physical force, hospital restraining devices, and other restraining methods prescribed by hospital protocol dealing with unruly patients. Reasonable force will be applied only until compliance is achieved.
4. Additionally, the Deputy will:
- i. advise the hospital staff, including nurses and doctors that restraining the person does not require their participation. The Deputy may request the assistance of hospital security personnel to assist with restraining the person.
  - ii. direct the qualified medical personnel to withdraw blood for the test enumerated by Transportation Article, § 16-205.1 (c) only after the person is immobilized and the test being performed on the person would not jeopardize the health or well-being of the person.
  - iii. follow established KCSO policy relating to reporting procedures for use of force as delineated in the KCSO Administrative and Operations Manual.
  - iv. upon consulting with the qualified medical person, the on-duty shift supervisor, and when practical, the Patrol Division Commander or Chief Deputy, cease all activities to obtain the blood specimen if the decision is made that the individual is so violent and combative that the safety of any persons involved is jeopardized. The Deputy shall treat this as a refusal of the person from whom a specimen was sought and follow all other established KCSO policies relating to violations of the Maryland Transportation Article § 21-902 involving the death or life-threatening injury to another.
  - v. in the event the qualified medical person is unwilling to obtain the required blood specimen from the arrested individual for medical reasons, immediately notify the on-duty shift supervisor who will notify the Patrol Division Commander or Chief Deputy in an effort to ensure that all viable options have been exhausted in attempting to obtain the required specimen.
  - vi. If the suspected intoxicated driver is transported to the University of Maryland's Shock Trauma Unit, the arresting Deputy should contact the Duty Officer at the MSP Golden Ring Barrack (410-686-3101) to have a trooper respond to Shock Trauma with a blood kit to have blood drawn from the violating driver.

**(CATEGORY B)**

## **12-608 DISCRETIONARY RELEASE OF VIOLATORS**

- a. Release may be authorized by the apprehending Deputy with approval of the shift supervisor if the shift supervisor is other than the apprehending Deputy. The apprehending Deputy will consider the following in the decision to release:

1. The degree of intoxication of the accused
  2. Whether the accused has previously been convicted of an alcohol related offense
  3. Whether the accused is mentally and physically suitable for release to responsible party
  4. Disposition of the accused's vehicle. Both the accused and the responsible party are to be specifically cautioned against returning to the vehicle and allowing the accused to drive until the accused's intoxicated condition has passed
  5. The accused will be required to accept or sign a citation in every case, prior to being released
  6. Whether the individual in whose custody the accused will be released is a sober, responsible adult or transported to a safe residence.
- b. Deputies and supervisory personnel, in exercising authority and discretion, should consider both the best interest of public safety and the desirability of minimizing time expended by law enforcement personnel.
  - c. Persons intoxicated beyond a condition suitable for release or displaying a combative or belligerent attitude will be processed as follows:
    1. Taken before the commissioner
    2. If a commitment is issued (temporary or otherwise) the accused will be taken to the Kent County Detention Center for incarceration
    3. If a medical examination is required prior to commitment, the KCSO will not be responsible for any medical examination costs incurred. KCSO personnel should caution hospital admitting authorities not to bill the KCSO for treatment/examination.

**(CATEGORY B)**

## **12-609            FORM DR-15A CONTROL**

- a. The Officer's Certification and Order of Suspension (MVA form DR-15A) will be issued and controlled in the following manner:
  1. DR-15A books will be controlled and issued by the KCSO Patrol Division Commander, and only to those personnel who perform duties that normally put them in enforcement contact with the motoring public.
  2. The Deputy to whom the book is issued will complete the DR-15A form book receipt and submit it to the Patrol Division Commander or designee upon issuance. The Patrol Division Commander or designee will record the issuance of DR-15A form books on the DR-15A Book Issuance Control Ledger.
  3. When a Deputy is no longer employed with the KCSO, the DR-15A form book and tally sheet will be forwarded to the MVA Administrative Per Se Unit.
  4. If it is necessary to void a DR-15A, the Patrol Division Commander will be responsible for forwarding the MVA copy (number 1 copy) to the MVA Administrative Per Se Unit, with the word "Void" written across the face of the form and accompanied by a brief explanation as to the reason for voiding the form. The Patrol Division Commander will also be responsible for destroying all subsequent copies of the voided DR-15A.

5. The arresting Deputy will submit the Law Enforcement copy of the completed DR-15A with the Alcohol Influence Report to the Patrol Division Commander or his/her designee.
6. Supervisors will review all DR-15A forms for accuracy and sufficiency before the MVA copy is mailed to the MVA and will ensure that the DR-15/DR-15A packet is mailed within the required 72 hours.
7. If a driver does not have a license in possession at the time of a DUI apprehension, and the MVA computer is out of service, a temporary license will not be issued by the arresting Deputy because of the inability to confirm whether or not the driver has a valid license. The driver will be advised to contact the Administrative Adjudication Office at the MVA headquarters in Glen Burnie, who can confirm the validity of the license and authorize a temporary license if warranted.
8. If the driver has a license in possession that appears to be valid, but the MVA computer is out of service, the driver's license will be confiscated, and a temporary license will be authorized.

**(CATEGORY B)**

**12-610      ADDITIONAL DEPUTY INFORMATION AND RESPONSIBILITIES**

- a. The arresting Deputy will at all times be responsible for completing the KCSO Alcohol Influence Report when an individual is charged with a violation of §21-902.
- b. As in all cases where it is necessary to incarcerate an accused, the transportation of the accused and the disposition of his vehicle are to be accomplished according to KCSO procedure. An arrest report utilizing CrimeStar will be completed by the arresting Deputy by the end of his/her shift. Consistent with other reporting requirements, the arresting Deputy will, within 3 days, submit the full DWI packet, including the Alcohol Influence Report, any citations issued, the DR 15 and DR 15A, and the MSP 33, to the Patrol Division Commander or his/her designee.
- c. Tests for alcohol concentration, whether they are breath or blood, should never be used by themselves in prosecuting a case. They supplement but do not supplant normal investigative procedure.
- d. The results of blood tests will not be immediately available; therefore, the defendant should be charged initially with §21-902(a)(1), unless the State's Attorney wishes an additional summons issued for §21-902(b). Upon receipt of the results of tests of less than 0.08, the State's Attorney will be contacted before the trial date reference amending the initial citation.
- e. The MVA form DR-15A will not be completed until the results of blood tests indicating 0.08 or higher are received and the driver is then contacted by the arresting Deputy, who will serve the suspension notice and confiscate the defendant's driver's license. Established procedure will be followed regarding return of the license and the State of Maryland Notification to Defendant of Result of Test for Alcohol Concentration (form MSP 33) to the MVA.
- f. If a driver who has been administered a blood test lives or works outside of Kent County and it is not practical for the Deputy to serve the DR-15A on the driver, the following procedure shall apply:
  1. It will be the responsibility of the arresting Deputy to coordinate the service of the DR-15A with the accused. The Deputy will be responsible for forwarding the MVA copy of the DR-15A, the DR-15 and the form MSP 33, along with any confiscated license, directly to the Motor Vehicle Administration immediately after service, but not later than 72 hours. To comply with the notice requirement in the Courts and Judicial Proceedings Article, §§10-304 and 10-306, the arresting

Deputy must have the defendant acknowledge receipt of both forms MSP 33 and 34.

2. If the driver cannot be located, or refuses to cooperate, the partially completed DR-15A will be forwarded to MVA with the notation "Unable to Serve" written on the form.
- g. For those initial MVA hearings at which a driver appears to show cause why his license should not be suspended, the Deputy and/or test technician will not be required to appear. However, the driver or driver's attorney may request the appearance of the Deputy or test technician, or both, to appear at a subsequent hearing. It is extremely important that the arresting Deputy provide as much descriptive information as possible in the "Reasonable Grounds" section of the DR-15A and ensure that all required paperwork is sent to MVA in a timely fashion.
- h. Transporting Minors While Under the Influence or Impaired by Alcohol.
  1. There are enhanced penalties for drivers convicted of transporting a minor while under the influence or impaired by alcohol. Whenever an individual is charged with a violation of §21-902 while they are transporting a minor in the vehicle, this should be clearly articulated on the KCSO Alcohol Influence Report, including name, address, age, and description of the minor.

**(CATEGORY B)**

#### **12-611            MIRANDA WARNING APPLIED TO TRAFFIC STOPS AND/OR INVESTIGATIONS**

- a. Any person who is in a custodial environment for a "must appear" violation of the motor vehicle code must be advised of their constitutional rights before the product of the Deputy's incriminating questions can be used in court.
- b. Any person who will receive a citation for a "payable" violation and who is not placed in a custodial environment, need not be advised of their rights under Miranda.
- c. The prime considerations before questioning in any criminal or motor vehicle investigation is whether or not a custodial environment exists and whether incriminating questions are asked. If these factors exist, a statement of rights and the waiver is necessary.

**(CATEGORY B)**

#### **12-612            SUMMONING OF WITNESSES**

The arresting Deputy will cause all essential witnesses to be subpoenaed to court by entering the witness in the Etix or by checking the witness block and completing the back of the # 1 copy of the Maryland Uniform Citation.

**(CATEGORY B)**

#### **12-700            TRAFFIC COLLISION/CRASH INVESTIGATION**

##### **12-701            CLASSES OF TRAFFIC COLLISIONS/CRASHES**

- a. Fatal collisions/crashes are those which cause the death of any person or a life-threatening injury (an injury which is likely to result in death).
- b. Serious collisions/crashes are:
  1. those resulting in incapacitating (but not life-threatening) injury.
  2. those resulting in extensive damage to vehicles or property.



3. hit-and-run collisions/crashes involving injury to any person.
  4. those involving KCSO vehicles.
  5. those involving potential criminal or civil liability for Kent County.
- c. Routine collisions/crashes are all other collisions/crashes not defined as fatal or serious collisions/crashes.

## **12-702 COLLISIONS/CRASHES INVESTIGATION - GENERAL POLICIES**

- a. KCSO is responsible for investigation of all motor vehicle collisions/crashes within Kent County which occur on the County Road system or involve a KCSO or any other County-owned vehicle. KCSO also has the authority, at the request of the Maryland State Police (MSP) to investigate a motor vehicle collision/crash on any road in Kent County.
- b. A Deputy will respond to every known or reported traffic collision/crash. The closest available Deputy will be dispatched, regardless of assignment. Responsibility for conducting the investigation will be assigned after the collision/crash scene has been stabilized.
- c. Patrol Supervisors may authorize alternative responses to minor property damage collisions/crashes during periods of intensely inclement weather, patrol personnel shortages, or high volume of calls for service. However, a Deputy will eventually respond to the scene of any collision/crash upon the request of a driver or owner.

**(CATEGORY A)(CALEA 61.2.1)**

## **12-703 COLLISIONS/CRASHES REQUIRING INVESTIGATION AND REPORT**

A Deputy will conduct an initial investigation and any necessary follow-up investigation and prepare a report for any traffic collisions/crashes occurring on a public thoroughfare or on private property open to the public when any of the following conditions exist:

- a. Death or injury is expected, imminent, or known to exist.
- b. Hit-and-run, except as noted below in §12-703.1b.
- c. An involved driver is believed to be intoxicated or under the influence of alcohol, drugs, or both.
- d. Damage to government-owned vehicles or property.
- e. Hazardous materials may be present.
- f. Extensive damage to any vehicle.
- g. 2 or more vehicles are involved.
- h. There is major traffic congestion as a result of the collisions/crashes.
- i. An owner, driver, or passenger who is a party to or involved in the collision/crash requests that an investigation/report be completed.
- j. There is probable cause to sustain a violation of the Transportation Article involving a “must appear” charge or when the investigating Deputy elects to place any charge.

**(CATEGORY A)(CALEA 61.2.1, 61.2.2)**

#### **12-703.1 HIT-AND-RUN COLLISIONS/CRASHES**

- a. All fatal or serious hit-and-run collisions/crashes will be fully investigated and reported.
- b. Routine hit-and-run collisions/crashes involving minor property damage will be investigated and reported unless insufficient evidence exists to enable the Deputy to conduct an investigation.

**(CATEGORY A)**

#### **12-704 ENFORCEMENT ACTION - FATAL COLLISIONS/CRASHES**

- a. It is the responsibility of the State's Attorney to review fatal collisions/crashes and place or authorize the placement of criminal and traffic charges against involved drivers.
- b. In cases of fatal collisions/crashes involving DWI/DUI, Deputies may place the alcohol-related charge only, to arrest the violator and conduct the mandatory Blood Alcohol Test. A Deputy may use reasonable force to accomplish the collection of test samples. Blood alcohol tests will be performed by qualified medical personnel only.
- c. If a person involved as a driver in a personal injury collision/crash dies after citations are issued, the investigating Deputy will notify the State's Attorney's Office to *Nolle Prosequi* the charges and review the collision/crash according to its fatal collision/crash review policy.

**(CATEGORY A)(CALEA 61.1.5)**

#### **12-705 ENFORCEMENT ACTION - NONFATAL COLLISIONS/CRASHES**

When a Deputy discovers or detects a violation of traffic law in a nonfatal collision/crash case, and all the elements of a violation are discernible, he or she may take enforcement action.

**(CATEGORY A)(CALEA 61.1.5)**

#### **12-705.1 DEER TAGS**

Deputies will keep in their vehicles a supply of deer tags to be used in motor vehicle collisions/crashes in which a deer is killed. The deer tag authorizes the bearer to have a deer butchered without a deer hunting license. The Deputy will give the top half of the tag to the operator of the vehicle which struck the deer and will complete and send the bottom half of the tag to the Department of Natural Resources.

**(CATEGORY A)**

#### **12-705.2 Roadkill Deer or Turkey Registration Procedure**

To receive a possession tag (confirmation number) for a roadkill deer or turkey, please instruct the person to visit the website: <https://compass.dnr.maryland.gov/>

#### **12-706 SAFEGUARDING PERSONAL PROPERTY**

A Deputy at the scene of a collision/crash will take possession of valuable personal property belonging to any victim unable to care for the property. The Deputy will ensure that the property is processed and stored as per Chapter 15 of this Manual.

**(CATEGORY A)(CALEA 61.2.3)**

## **12-707                    RESPONSIBILITY FOR COLLISION/CRASH INVESTIGATIONS**

- a. The Deputy assigned to the patrol sector where the collision/crash occurred is responsible for the collision/crash investigation and report and is in charge of the collision/crash scene, unless relieved by a Patrol Supervisor.
- b. If the Deputy assigned to the sector is unavailable, "KENT" will dispatch the nearest and/or next available Deputy to assume the responsibility. A Patrol Supervisor has the authority to countermand dispatch decisions in addition to the authority to assume total responsibility for a collision/crash investigation.
- c. An off-duty Deputy operating a KCSO vehicle will stop upon encountering a collision/crash that is not already being investigated. When an on-duty Deputy is available, he or she will respond and investigate the collision/crash. If there are no on-duty Deputies available to respond, the off-duty Deputy will stand by and/or investigate the collisions/crashes.
- d. Upon request of an investigating Deputy, the MSP will assign a Collision/Crash Reconstructionist to assist under any of the following conditions:
  1. Fatal, potentially fatal or severe injuries to any party involved;
  2. Collisions/crashes with potential liability consequences for County government;
  3. Collisions/crashes where circumstances exist requiring the expertise of a Collision/Crash Reconstructionist.
- e. The Deputy assigned to the call for service is responsible for the collision/crash investigation and report and is in charge of the scene unless relieved by a supervisor.

**(CATEGORY A)(CALEA 61.2.3)**

## **12-708                    RESPONSIBILITIES OF FIRST DEPUTY ON THE SCENE**

### **12-708.1                STABILIZE THE SCENE, CARE FOR THE INJURED, PROTECT PROPERTY**

The first Deputy on the scene will perform the following activities as needed:

- a. Ensure collision/crash scene safety by properly positioning the patrol vehicle and setting any needed flares or warning devices.
  1. When the scene has been cleared of vehicles and accompanying roadway debris, the Deputy will promptly remove all warning devices.
  2. If conditions are such that an extended closing of the roadway is anticipated, the Deputy should ask "Kent" to notify the Kent County Roads Department or the State Highway Administration to provide barriers, additional traffic cones, directional signs, or other appropriate devices.
- b. Administer emergency medical care and provide basic life support until relieved by emergency medical personnel.
- c. Notify "Kent", giving the exact location, number of injured persons, type and number of vehicles involved and have "Kent" summon emergency medical assistance and/or additional KCSO support.

- d. Notify "Kent" of any fire hazards, downed wires, or other evidence of utility service disruption and request appropriate assistance.
- e. Protect the scene and preserve short-lived evidence.
- f. Establish a safe traffic pattern around the scene.
- g. Secure and protect property of any victims at accident scenes.

**(CATEGORY A)(CALEA 61.2.2)**

## **12-708.2 COLLISIONS/CRASHES INVOLVING HAZARDOUS MATERIALS**

If a collision/crash involves fire hazards or hazardous materials, in addition to the steps identified above, the Deputy will:

- a. Notify "Kent" of the type, number, and characteristics of the hazardous materials (as indicated by the placards) and of the safest route to the scene.
- b. Make every effort to rescue injured or trapped persons and remove them from the immediate scene, but only if the Deputy can do so without undue risk to him or herself and the Deputy has specialized training/equipment for hazardous materials incidents.
- c. Restrict access to the incident by establishing safety lines at a radius of at least 1500 feet (1/4 mile).
- d. Evacuate nonessential personnel.

**(CATEGORY A)(CALEA 61.2.3)**

## **12-709 COLLISION/CRASH INVESTIGATION PROCEDURES**

### **12-709.1 MINIMUM INVESTIGATION PROCEDURES**

The responsible Deputy will:

- a. Interview involved individuals and witnesses and record collision/crash information.
- b. Examine and record vehicle and property damage.
- c. Examine and record effects of the collision/crash on the roadway.
- d. List all occupants of the vehicles involved and the injuries sustained.
- e. Ensure exchange of information among operators of the collision/crash.
- f. Attempt to verify that the operators involved have valid driver's licenses and that the vehicles are properly registered.
- g. Document the investigation on the State of Maryland Automated Crash Reporting System (ACRS)

**(CATEGORY A)(CALEA 61.2.3)**

## **12-709.2      ADDITIONAL REQUIREMENTS FOR SERIOUS COLLISIONS/CRASHES**

The responsible Deputy will:

- a. Obtain and record formal statements from drivers and witnesses.
- b. Ensure that measurements are recorded, photographs are taken, and that evidence is collected and preserved.
- c. Prepare and submit formal reports to the State's Attorney's Office and other affected agencies.
- d. When necessary, arrange for Collision/Crash Reconstructionist and/or vehicle mechanical inspection services.

**NOTE:** A fatal or serious collision/crash occurring on privately-owned property not open to the general public involving an ATV or other off-road vehicle will be investigated as a motor vehicle collision/crash. Off-road collisions/crashes involving farm equipment will not be investigated as motor vehicle collision/crash. They are considered industrial accidents.

**(CATEGORY A)**

## **12-709.3      ADDITIONAL REQUIREMENTS FOR FATAL COLLISIONS/CRASHES**

- a. Fatal collisions/crashes require the on-scene direction of a Patrol Supervisor. The supervisor will ensure that:
  1. All required statements are obtained, recorded, and included in the report.
  2. The scene is properly photographed, marked, sketched, and measured.
  3. Physical evidence is properly evaluated; recorded, and collected, including the position of the vehicles, victims, point of impact, nature of damage, skid marks, etc.
  4. A Collision/Crash Reconstructionist is requested from the MSP.
  5. Any deaths are verified, the Medical Examiner is advised, and the next of kin are notified.
  6. Notify the Sheriff and Chief Deputy as soon as practical
- b. The Patrol Supervisor will ensure that the following reports are completed within the required time frame:
  1. ACRS, vehicle inventory reports, and press release are completed by the end of the tour of duty.
  2. An Investigative Report (I.E. CIR, IR, AIR, depending on the circumstances of the crash), is completed within 5 days. Extensions may be granted by the Patrol Commander for good cause.
- c. If at any time during the course of a fatal accident investigation, facts or circumstances are revealed that are suspicious or abnormal, the Patrol Supervisor will notify the Commander of the Investigative Division and request assistance.
- d. The investigating Deputy will include the following reports with the final investigative report:
  1. ACRS
  2. Driver/Witness Statements

3. Medical Examiner's Report
4. Related Reports
5. Investigation Report
6. Collision/Crash Reconstructionist Report
7. Copy of Charging Document

Appendix 12-A, Detailed Crash Investigation Report (DCIR), provides additional guidance.

**(CATEGORY A)(CALEA 61.2.4)**

## **12-710 COLLISION/CRASH REPORT -VEHICLE REMOVED FROM SCENE**

- a. If a vehicle has been removed from the scene of a collision/crash, the KCSO will not prepare an ACRS report unless death or injury is expected, imminent, or known to exist.
- b. If the vehicle has been removed in all other circumstances the Deputy will:
  1. Respond to the location of the vehicle, as long as it is within Kent County, to inspect the damage to the vehicle.
  2. Open a call for service for the complaint, so long as damage to the vehicle is observed. The following information will be recorded: collision/crash location; vehicle registration information, including VIN, registration, and tag numbers; ownership information; driver information, if the driver is different from the owner; and a brief description of the damage to the vehicle.

**NOTE:** that this section does not apply to the circumstance in which a vehicle has been removed from the roadway for traffic safety purposes prior to the Deputy's arrival but remains on the scene. In that case, a normal investigation will be conducted.

**(CATEGORY A)(CALEA 61.2.1)**

## **12-711 YELLOW ALERT PROGRAM**

The KCSO will partner with MSP to participate in the "Yellow Alert" Program, which provides a system for the rapid dissemination of information to assist in locating and apprehending a missing suspect who fails to remain at the scene of a traffic collision/crash that might result in serious bodily injury or death.

### **Definitions:**

Missing Suspect: An individual whose whereabouts are unknown; who is suspected of a violation of the Maryland Transportation Article §20-102, relating to failing to remain at the scene of a traffic collision/crash that might result in serious bodily injury or death; and whose vehicle the reporting law enforcement agency is able to describe, including any information regarding the vehicle's registration plate.

Serious Bodily Injury: defined as that which creates a substantial risk of death; causes serious permanent or protracted disfigurement; causes serious or permanent protracted loss of function of any body part, or mental faculty; or causes serious permanent or serious protracted impairment of the function of any bodily member or organ.

- a. KCSO personnel who investigate a "hit and run" traffic collision/crash that involves a missing suspect who fails to remain at the scene of a traffic collision/crash that might result in serious bodily injury or death will promptly request an activation of a "Yellow Alert."

- b. "Yellow Alert" requests will be approved by the on-duty KCSO Patrol Supervisor after consultation with the KCSO Patrol Division Commander or his/her designee.
- c. A "Yellow Alert" will only be activated when there is substantial descriptive information about the missing suspect's vehicle involved in the collision to enable law enforcement to assist in the suspect's apprehension.
- d. A "Yellow Alert" will not be activated when releasing information to the media and/or public would compromise the integrity of the investigation.
- e. After KCSO approval, requests for the activation of a "Yellow Alert" will be made by the primary collision/crash investigator to the MSP Headquarters Duty Officer at 410-653-4200.
- f. The MSP Headquarters Duty Officer will be responsible to facilitate the request to the following:
  - 1. Maryland Joint Operations Center (MJO)
  - 2. Maryland Coordination and Analysis Center (MCAC)
  - 3. MSP Office of Media Communications; and
  - 4. SHA Statewide Operations Center
- g. The KCSO primary collision/crash investigator will within one (1) hour after making the "Yellow Alert" request, will confirm with the MSP Headquarters Duty Officer that the "Yellow Alert" has been activated.
- h. The KCSO primary collision/crash investigator will document in the KCSO CrimeStar "Calls for Service" associated with the traffic collision/crash investigation that a "Yellow Alert" was requested and activated.
- i. If the KCSO locates the missing suspect or discerns credible information from another law enforcement agency that the missing suspect or suspect vehicle has been located, the KCSO deputy receiving said information after consulting with the on-call KCSO Patrol Supervisor will notify the MSP Headquarters Duty Officer that the missing suspect or vehicle has been located. The MSP Headquarters Duty Officer will then be responsible to make the necessary notifications to deactivate the "Yellow Alert."
- j. If the missing suspect or suspect vehicle has not been located within 24 hours of activation, the "Yellow Alert" is self-cancelling.

**(CALEA 61.1.1)**

## **12-800                    AGENCY VEHICLE COLLISIONS/CRASHES**

An ACRS report shall be completed in all collision/crashes involving KCSO vehicles.

For these purposes, a KCSO vehicle includes any vehicle which is leased or borrowed for use by the KCSO and its personnel or any other vehicle operated in the performance of the employee's duties,

**(CATEGORY D)**

## **12-801                    NOTIFICATION OF INVOLVEMENT**

Agency personnel involved in collisions/crashes reportable under this section will:

- a. If a collision/crash occurs within Kent County, report the occurrence to the Sheriff and Chief Deputy.

- b. If the collision/crash occurs outside Kent County, report the occurrence to the police agency having jurisdiction at the location of the occurrence and notify the Sheriff and Chief Deputy.

**(CATEGORY D)**

## **12-802            RESPONSIBILITIES UPON NOTIFICATION**

Upon being notified of a collision/crash involving a KCSO vehicle, the Chief Deputy will,

- a. If the collision/crash occurred within Kent County:
  - 1. direct that the collision/crash be investigated by a sworn Deputy.
  - 2. in cases of fatal or life-threatening collisions/crashes, notify the County Attorney and the Kent County State's Attorney.
- b. If the collision/crash occurred outside Kent County:
  - 1. attempt to obtain, or have the involved personnel obtain, a copy of the police investigation and report.
  - 2. if the collision/crash occurred within a reasonable distance of Kent County, Maryland, respond to the scene to gather information and provide liaison between the investigating police agency and the KCSO;
  - 3. if the collision/crash involves death, personal injury, or there are unusual circumstances, if practical, visit the scene and meet with the investigating officers (in these cases, the Chief Deputy may designate a KCSO investigator to make a supplemental investigation in conjunction with the local investigating agency);
  - 4. in cases of fatal or life-threatening injury collisions/crashes, notify the County Attorney.

**(CATEGORY B)**

## **12-803            INVOLVED DRIVER'S REPORT**

A KCSO employee who is involved in a collision/crash while operating an Agency vehicle will submit a detailed written report of the circumstances of the collision/crash. This report will be submitted to the KCSO investigator, who will include it in the collision/crash report package submitted to the Chief Deputy.

**(CATEGORY B)**

## **12-804            DISPOSITION OF INOPERABLE AGENCY VEHICLES**

When an Agency vehicle is rendered inoperable as a result of a collision/crash and the collision/crash accident occurred:

- a. Within Kent County, the KCSO investigator will have the vehicle towed to KCSO Headquarters; or
- b. Outside Kent County, the Chief Deputy will decide whether to have the vehicle brought to Kent County for secure storage or make arrangements with the local police agency to have the vehicle stored at a secure location.

In any case, the Chief Deputy or a designee will assume the control of the inoperable vehicle until such time as repair or disposition is made of the vehicle.



## **12-805            VEHICLE EQUIPMENT**

Responsibility for the KCSO property and equipment carried within KCSO vehicles is the responsibility of the Agency driver of the vehicle. If the driver is unable to fulfill this responsibility because of injuries sustained in the collision/crash, the KCSO supervisor at the scene is responsible for making security arrangements. Lacking a KCSO supervisor on the scene, the KCSO investigator will assume responsibility for the security and disposition of property contained in the vehicle at the time of the collision/crash. If the collision/crash occurred outside Kent County, and the involved employee is unable to secure the KCSO property, the Chief Deputy will make arrangements to secure the property.

**(CATEGORY A)**

## **12-806            REPAIRS**

When an Agency vehicle has been damaged, and the vehicle is:

- a. In the custody of the Chief Deputy, he or she will secure estimates of the cost of repairs and have the vehicle repaired or replaced in a timely fashion; or
- b. In the custody of other KCSO personnel, the person in custody of the vehicle will obtain two estimates of the cost of repairs and forward them to the Chief Deputy before the end of the day following the accident. The Chief Deputy will authorize and direct repair or replacement in a timely fashion.

## **12-807            CONDUCT OF INVESTIGATION**

The investigator will conduct a thorough and accurate investigation. The assigned investigator will not have been involved in any event which led to or was connected to an event which led to the accident. Investigators will be responsible for assuring completion of the reports required, the gathering and preservation of any physical evidence pertaining to the accident, and all other relevant information which may have a bearing on the case.

### **12-807.1        INVESTIGATOR'S REPORT**

To facilitate the review of collisions/crashes, the investigator will make a formal report of investigation in addition to the ACRS report and provide it to the Chief Deputy. The investigator will include the following information in the report:

- a. Any information deemed pertinent to the collision/crash, which is not reported on the ACRS, including mileage on the Agency vehicle;
- b. Photographs of the vehicles and collision/crash scene;
- c. A Motor Vehicle Administration printout of the driving record of the Agency operator, or in the case of an unattended Agency vehicle, the last person responsible for the vehicle;
- d. The investigator's conclusions as to primary and any secondary causes and whether or not the collision/crash was preventable or non-preventable; and
- e. The insurance agent's name, telephone number and address for any vehicle involved in an Agency vehicle collision/crash.

If after the completion of the initial report, the investigator becomes aware of new information concerning the investigation, he or she will complete a supplemental report. Copies of the supplemental report will be forwarded in the same manner as the original.

## **12-807.2      LOCAL GOVERNMENT TRUST (LGIT) VEHICLE ACCIDENT REPORT**

A KCSO employee involved in a departmental vehicle collision/crash shall complete the Local Government Trust Vehicle Accident Report prior to the end of his/her shift when the departmental vehicle collision/crash occurred and provide same to the investigating KCSO supervisor. If the involved KCSO employee is incapable of completing the report, the investigating KCSO supervisor shall complete same for the involved employee. These forms are readily available on the shared drive.

The KCSO supervisor will forward his/her LGIT investigation report along with the involved KCSO employee's LGIT accident report to the KCSO Office Manager who shall forward a copy of the reports to LGIT and file a copy of the reports internally as per established agency procedures.

**(CATEGORY A)**

## **12-807.3      LOCAL GOVERNMENT TRUST (LGIT) SUPERVISOR'S ACCIDENT INVESTIGATION REPORT**

The KCSO supervisor investigating a KCSO departmental vehicle collision/crash shall complete the Local Government Trust Supervisor's Accident Investigation Report prior to the end of his/her shift when the departmental vehicle collision/crash occurred. These forms are readily available on the shared drive.

The KCSO supervisor will forward his/her LGIT investigation report along with the involved KCSO employee's LGIT accident report to the KCSO Office Manager who shall forward a copy of the reports to LGIT and file a copy of the reports internally as per established agency procedures.

**(CATEGORY A)**

## **12-807.4      DETERMINATION OF PREVENTABILITY**

As used in this section, a preventable collision/crash is one which occurred because the driver of any vehicle failed to take any action which would have prevented the damage and injury, or the driver of any vehicle took a course of action which was the cause of any damage or injury.

## **12-808      COLLISION/CRASH REVIEW**

The Chief Deputy will determine the preventability of a collision/crash and the appropriate disposition. The Chief Deputy may direct any employee to appear to clarify or provide additional information concerning a collision/crash.

### **12-808.1      DISPOSITION OF AGENCY COLLISIONS/CRASHES**

As a result of the Chief Deputy's review of the circumstances, determination of discipline will be made in accordance with the MD Statewide Police Disciplinary Matrix,

## **12-900      TRAFFIC STOP DATA**

The KCSO's policy on impartial policing is found in Chapter 1 of this manual: It is the policy of the KCSO that all investigative and enforcement traffic stops, field contacts, searches and asset seizures and forfeitures will be based upon articulable and constitutionally valid suspicions.

The Transportation Article of the Maryland Code, §25-113, Race-Based Traffic Stops, requires Maryland police agencies to gather specific items of information on certain kinds of traffic stops. This section describes the KCSO's means of complying with the statute.

#### **12-901            DEFINITION OF "TRAFFIC STOP"**

The Transportation Article section cited above defines very specifically the kind of traffic stop for which the traffic stop data must be documented. The method of documentation shall be via the Maryland State Police E-TIX system.

**Traffic Stop**, as defined by the law, means any instance when a law enforcement officer stops the driver of a motor vehicle and detains the driver for any period of time for a violation of the Maryland Vehicle Law. **It does not include:**

- a. A checkpoint or roadblock stop;
- b. A stop of multiple vehicles due to a traffic accident or emergency situation requiring the stopping of vehicles for public safety purposes;
- c. A stop based on the use of RADAR/LIDAR, laser, or VASCAR technology;
- d. A stop based on the use of license plate reader technology.

#### **12-902            DATA REQUIRED FOR TRAFFIC STOP REPORTING**

Traffic Stop Data will be collected for every traffic stop which meets the definition above, regardless of the

outcome of the stop as follows:

a. **AGENCY:**

KCSO

b. **GENDER:**

m = male  
f = female

c. **RACE:**

1 = Black  
2 = Caucasian  
3 = Asian  
4 = Hispanic  
5 = Other/Unknown

d. **STOP REASON:**

13 = Title 13  
21.2 = Title 21, Subtitle 2  
21.3 = Title 21, Subtitle 3  
21.4 = Title 21, Subtitle 4  
21.6 = Title 21, Subtitle 6  
21.7 = Title 21, Subtitle 7  
21.8 = Title 21, Subtitle 8  
21.9 = Title 21, Subtitle 9  
21.11 = Title 21, Subtitle 11  
21.13 = Title 21, Subtitle 13  
21.14 = Title 21, Subtitle 14  
22 = Title 22  
24 = Title 24  
99 = All other eligible traffic stops  
that do not fit into the above  
listed categories

e. **REGISTRATION:**

state of registration

f. **SEARCH:**

Person search only  
Property search only  
Person and property search

g. **SEARCH REASON:**

Consensual  
  
Incident to arrest  
Exigent circumstances  
Probable cause  
K-9 Alert  
Other-No listed

h. **DISPOSITION:**

Contraband  
Property only  
Both contraband and property  
None-Nothing found

i. **DISPOSITION OF SEARCH**

j. **OUTCOME:**

Warning  
Citation  
SERO  
Arrest

k. **ARREST REASON:**

Based on search  
Based on traffic stop  
  
All other reasons for arrest

## 12-903 DISPOSITION OF TRAFFIC STOP DATA

The Maryland State Police through the State of Maryland Electronic Ticket system (ETIX) is responsible for reporting the traffic stop data to the Governor's Office of Crime Control and Prevention annually no later than March 1 of the year following the year the data was collected.

# APPENDIX 12-A

## DETAILED CRASH INVESTIGATION REPORT

15. **POLICY.** A detailed crash investigation report (DCIR) will be submitted whenever a collision occurs which results in a fatality or a high probability of a fatal or serious personal injury. The DCIR will be completed and forwarded to the Patrol Commander within 30 days of the incident, unless and extension is granted by the Patrol Commander or a designee.

### (CATEGORY A)

16. **CONTENTS.** The typical contents of the DCIR will be:

- a. ACRS Report. The report will be typed or legibly written. Any related METERS messages and any supplemental reports to the initial ACRS report where a change to the original entries is made will be included in this section.
- b. Diagram. A detailed (not to scale) diagram will be included in this section. If a scale diagram has been completed by an Advanced Accident Investigator or an Accident Reconstructionist, it will be placed in this section.
- c. Driver/Witness Statements. Any driver/witness statements that have been obtained will be placed in this section. Each driver/witness statement will be reviewed, after completion, for completeness and signed by the person giving the statement. The statements will be signed by the Deputy who obtained the statement. If additional questions are asked by the investigating Deputy, they should be contained on a supplemental report and included in this section.
- d. Medical Examiner's Report. The autopsy report from the Office of the Chief Medical Examiner will be placed in this section as well as the Death Investigation Report. If the autopsy report has not been received at the time the DCIR is submitted, it should be noted that a copy of the autopsy report has been requested. A copy of the letter requesting the autopsy report should be included. Attachment A is a sample request for an autopsy report.
- e. Related Reports. Any additional reports relating to the investigation will be included here, such as Vehicle Storage Reports, Property Records, CIRs, DWI reports, A.S.E.D. or C.V.E.D., Inspection Reports, Crime Lab Reports.
- f. Investigation Report. The investigation will be typed on KCSO letterhead. For format and contents, see below.
- g. Accident Reconstructionist/Advanced Accident Investigation Report. Place in this section any report prepared by an accident reconstructionist or an advanced accident investigator. If these reports are not completed at the time of submission, the DCIR should state Accident being reconstructed by \_\_\_\_\_. Reconstructionist report to follow when completed.®
- h. Copy of Charging Documents. Include in this section the name of the State's Attorney or the Assistant State's Attorney who assisted in the preparation of the charging documents. A copy of the citations or other charging documents that may be issued by the court will also be included. A copy of the State's Attorney information declining charges will also be placed in this section.

### 3. INVESTIGATION REPORT FORMAT

- a. Deceased. Full name, date of birth, address, gender, race, driver's license number, class of license, CDL (yes/no), State issuing license and expiration date of license. Include known injuries, where transported and by whom. Explain whether and what types of safety equipment (lap belt, lap/shoulder combination, air bag, etc.) were available, in use and being used correctly. If safety equipment was available but not in use, indicate if its use would likely have lessened the injuries.
- b. Identify the vehicle and seating position by the assigned number on the ARS Report.
- c. Injured. The same information as provided for deceased persons should be provided for injured persons.
- d. Vehicles. Each vehicle will have a number as shown on the ACRS report. The vehicle will be identified by make, model, year, color, mileage, complete VIN number, (verified from the vehicle's VIN plate (not the registration card), vehicle tag number, state and expiration date, and the name and other identifying information of owner(s). List any insurance information available.
  1. List any added or altered equipment including, but not limited to, radar detectors, CB radios, cellular phones. Note the damage to the vehicle.
  2. If the vehicle is removed from the scene, indicate to where and by whom the vehicle was moved.
  3. If the vehicle has been inspected by ASER or CVED, list the name of the person who conducted the inspection. For commercial vehicles, the registered gross vehicle/ combination weight should be obtained from CVED.
- e. Drivers. Use the assigned vehicle number from the ACRS report and include all the information under Deceased above, unless it has already been reported. Indicate any physical or medical defects of the driver and his/her apparent sobriety.
- f. Passenger(s). Use the assigned vehicle number from the ACRS report and include all the information under "Deceased" above, unless it has already been reported. Indicate any physical or medical defects of the driver and his/her apparent sobriety. What relationships do the passengers have with the driver?
- g. Witness(es). Identify, each witness, his or her full name, DOB, gender, and race. Include where they were in relation to the accident, when it occurred, and the witness' relationship to any of those involved. Include a brief over-view of the statement.
- h. Accident Reconstruction. Who responded to the scene, the date of the meeting with the Sheriff or a designee to determine if a reconstruction will be completed. Include the status of the reconstruction.
- i. Scene Identification. Identify: location (intersecting roadways, direction of roadways, nearest city, or town); roadway composition (asphalt, concrete, dirt, etc.); number of lanes of travel, shoulders, lane markings, signage, or other traffic control devices; time of day and weather conditions at time of accident; roadway defects, obstructions or other unusual circumstances (e.g., prior accidents, roadway debris).
- j. Investigation. What the Deputy observed upon arrival at the scene: locations of vehicles and direction they were facing; locations of injured and relationship to vehicles; witnesses present and their locations at the time of the accident; all physical evidence observed; where and how injured were transported; where and when the Deputy contacted them and what was learned; whether

the Medical Examiner responded to the scene if there was a fatality, where and how anybody was removed.

**PHOTOGRAPHS WILL BE TAKEN AT ALL INCIDENTS REQUIRING A DCIR.**

- k. Conclusions. The Deputy's conclusions from the investigation as to the cause of the accident. The Deputy should make no conclusions here if a reconstruction report is attached.
- 4. All documents will be forwarded to the Chief Deputy for final review and stored in the shared drive DCIR folder.

## CHAPTER 13

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## **13-100 CRITICAL INCIDENTS-EMERGENCY OPERATION PLANS**

As the chief law enforcement officer of Kent County, the Sheriff is responsible for the management of law enforcement services during critical incidents and other unusual occurrences. A critical incident is any situation of an emergency nature which results from disasters, both natural and man-made, and civil disturbances. Disasters include floods, hurricanes, earthquakes, explosions, tornadoes, and releases of hazardous materials. Civil disturbances include riots, disorders, and violence arising from dissident gatherings and marches, rock concerts, political gatherings, or labor disputes.

In most disasters, the KCSO plays a support, rather than a lead role. The KCSO's responsibilities in these circumstances are fully described in the Kent County Emergency Operations plan, published, and maintained by the Kent County Emergency Management Agency.

In the case of a civil disturbances or a significant criminal activity (such as a hostage-taking or barricaded subject situation), the KCSO does take the lead role.

It shall be the responsibility of the Sheriff to ensure that all KCSO personnel are aware of the personal impact to employees and the potential impact to their families when engaged in the KCSO response to a critical incident of any description. Those persons adversely affected shall be provided with the appropriate assistance by the KCSO or by Kent County government.

**(CALEA 46.1.10, 46.1.12)**

### **13-100.1 MANAGEMENT**

The Chief Deputy is responsible for planning and coordinating the KCSO response to critical incidents. It is the responsibility of the Sheriff or Chief Deputy to invoke the KCSO Incident Command System.

**(CALEA 46.1.1)**

The Chief Deputy or a designee will create a list of agency equipment required for critical incidents and emergency situations and will inspect the equipment at least quarterly for operational readiness and complete the Quarterly Emergency Equipment Inspection. (KCSO Form #149)

**(CALEA 46.1.8)**

The Chief Deputy will ensure all KCSO sworn personnel attend initial ICS training as required by Federal Emergency Management Agency (FEMA) standards for their rank/position. Thereafter, all KCSO personnel will participate in KCSO "All Hazard" training annually. Additionally, the Chief Deputy will conduct an annual review of policy and training needs.

KCSO personnel receive entry- level training regarding response to crowd control situations and at least once every four (4) years thereafter.

Select KCSO personnel will participate in tabletop or full-scale exercises on a biennial basis to exercise the KCSO's capabilities with the "All Hazards Plan" and the Incident Command System

**(CALEA 46.1.9, 46.1.10, 46.1.12)**

### **13-100.2 REQUESTING FEDERAL OR NATIONAL GUARD ASSISTANCE**

In the event Federal law enforcement assistance is needed in an emergency situation, the Sheriff or the Chief Deputy will contact the Baltimore Field Division of the Federal Bureau of Investigation.

In the event National Guard assistance is needed in an emergency situation, the request is made to the Governor's Office by the Director of the Kent County Emergency Management Agency, or a designee. A request originating from the KCSO will be made by the Sheriff or the Chief Deputy (or a designee) to the KC-EMA Director.

**(CALEA 2.1.4)**

### **13-100.3 FIRST RESPONSE**

In the event of an emergency, the primary function of KCSO operations is to isolate and secure the area.

The first responding Deputies must approach the scene with care and:

- a. Be alert for survivors and render aid;
- b. Be alert for explosions that might occur from:
  1. Natural gas;
  2. Propane;
  3. Downed power lines;
  4. Other explosive or hazardous materials which may be in the area, such as aviation fuel, oxygen canisters, etc.

Upon arrival at the scene, the Deputy will:

- a. Relate clearly to "KENT" the conditions found upon arrival, ask that "KENT" notify the Sheriff or Chief Deputy, and request such additional assistance as may immediately be needed.
- b. Secure the area;
- c. Close access roads;
- d. Rope or tape off area as soon as possible;
- e. Ensure that deceased victims are not moved without the approval of the State or County Medical Examiner. In the event of an aircraft accident, ensure that the wreckage and deceased victims are not moved without the approval of National Transportation Safety Board (NTSB) investigators; Federal Aviation Administration (FAA) investigators; the military (if U.S. armed forces aircraft involved), and the State or County Medical Examiner.

The first KCSO Deputy to arrive on the scene becomes the incident commander and continues to play that role until relieved by a Deputy of higher rank. Upon relief, the first responder will give a full briefing including the current situation and all actions taken to date.

**(CATEGORY B)(CALEA 46.2.1, 46.1.10)**

### **13-101 CONTINUITY OF OPERATIONS (COOP)/CONTINUITY OF GOVERNMENT (COG) PLANS**

Disasters and emergencies could disrupt, paralyze, or destroy the capabilities to preserve government and perform essential governmental functions. Continuity of Operations (COOP) Planning is designed to develop and maintain a program that enables the KCSO to preserve and maintain their capability to function effectively in the event of a disaster or emergency, which could potentially disrupt critical operations and services. The primary objectives of this plan are to ensure the continuous performance of a department or agency's essential functions/operations during an emergency, protect essential facilities/equipment/ vital records / and other assets, reduce or mitigate disruptions to operation, Assess and minimize damage and losses, facilitate decision-making during an emergency, achieve a timely and orderly recovery from an emergency and resumption of full service to community.

A Continuity of Operations (COOP) Plan is an effort to ensure continuity of the KCSO essential functions during a disaster, emergency, or significant event. A COOP is one component of a comprehensive emergency management program that addresses the preparations for, response to, and recovery from all types of disasters. A COOP is designed to establish policy and guidance as well as provide vital KCSO specific information to help direct personnel during such events/incidents. To respond effectively to any emergency, it is critical that all KCSO employees understand their roles and responsibilities.

- a. An emergency or disaster may occur at any time of the day or night, weekend or holiday, with little to no warning.
- b. During an emergency or disaster, the KCSO Command Staff will coordinate with the leadership of other county departments to determine, prioritize, mobilize, and direct resource needs.
- c. Many normal county operations may be suspended or canceled so that resources may be redirected to save lives, relieve human suffering, and sustain survivors.
- d. KCSO Deputies may be called upon to support the county's broader emergency response efforts in addition to maintaining or resuming normal KCSO activities.
- e. All KCSO personnel will perform their normal duties unless otherwise directed by the Sheriff or designee.
- f. Non-essential functions of the KCSO may be suspended or reduced, depending on available resources and staffing.
- g. Even for essential functions, it may not be possible to maintain normal levels of service fully.
- h. As the COOP Action Plan is developed during COOP activation, feasible levels of service will be reassessed and reevaluated.
- i. All vital records and documents needed to restore and maintain essential functions will be maintained in such a way that they are accessible from alternative locations (e.g., hard copies kept at designated alternate locations and/or electronic records that can be accessed from other than primary locations).
- j. The succession of events in an emergency is not predictable, therefore published support and operational plans can be expected to serve only as guidance and checklists. These may require modification to meet the requirements of a given emergency.

**(CALEA 46.1.13)**

### **13-101.1        DEFINITIONS**

**Continuity of Operations (COOP) Plan:** A COOP plan addresses the preparation for, mitigation of, response to and recovery from disasters of all hazards. By focusing on efforts to continue the essential functions of the jurisdiction, COOP planning ensures that the government continues to operate - even in the wake of a major event.

- a. A COOP plan is designed to address the following events:
  1. Loss of access to a facility or building (disaster incident), forcing relocation to an alternate site;
  2. Loss or reduction of services due to a reduction in workforce (as in pandemic influenza); and
  3. Loss of services due to equipment or system failure (major utility outage).

- b. A COOP plan should:
  - 1. Identify mission-essential functions that absolutely must be maintained regardless of the challenges posed by an emergency or disaster situation;
  - 2. Determine the personnel, facilities, equipment, systems, information, and other resources necessary to support those essential functions; and
  - 3. Ensure the ability to maintain those essential functions with minimal disruption.
  - 4. Address COOP activation management and orders of succession;
  - 5. Compile information to facilitate quick and effective communication and decision- making in a crisis;
  - 6. Facilitate the recovery/resumption of normal operations (e.g., by identifying and safeguarding vital records and data).
  - 7. Detail procedures to implement actions to continue essential functions within the recovery time objectives established by the COOP Team to maintain essential functions for up to 30 days.
- c. It is important to understand that a COOP plan is not an evacuation plan, Emergency Operations Plan (EOP) or hazard mitigation plan. A comprehensive COOP program allows the KCSO to capture our day-to-day activities within a plan and to focus on those essential functions that will continue during and after the initial response to an emergency situation.

### **13-101.2 RESPONSIBILITIES**

The Sheriff is responsible for overseeing the KCSO response to any disaster or emergency. In the event of an incident that impedes routine operations, certain employees might be asked to relocate, take on additional or alternative functional responsibilities or take on other assigned duties as circumstances dictate. The COOP plan identifies specific pre- assigned positions and functions associated with activating and implementing the COOP plan. It also details functional activities that might be assigned to department personnel to support COOP plan implementation.

- a. Sheriff (or designee)
  - 1. Implement the COOP plan;
  - 2. Provide policy direction, guidance, and objectives during the implementation of the COOP plan;
  - 3. Consult with and advise appropriate officials during the implementation of the COOP plan;
  - 4. Serve as the point of contact for external parties and groups during the implementation of the COOP plan.
  - 5. Ensure the COOP plan has been distributed to KCSO Commanders;
  - 6. Ensure training has been provided to KCSO personnel with identified responsibilities;

7. Ensure the COOP plan has been shared with the local emergency response and management agencies, such as KCOES, the Fire Department, Office of Emergency Management, the MSP, Chestertown Police Department and the Rock Hall Police Department;
  8. If warranted by the situation, develop Incident Action Plans in collaboration with the KCOES;
  9. Identify Personal Protective Equipment (PPE) needs based on the nature of the emergency/disaster and whether chemical, biological, radiological, nuclear, and/or explosive (CBRNE) threats are present;
  10. In consultation with KCSO Command staff, initiate recovery of KCSO as part of reconstitution; identify through the COOP Plan essential functions to be performed when any part of the department is relocated, and those functions that can be deferred or temporarily terminated;
  11. Coordinate appropriate lodging, food and other arrangements with the alternate facility location, if appropriate, for personnel who are not commuting and need to remain overnight near the alternate facility location.
  12. Form a reconstitution team;
  13. Develop space allocation and facility requirements to support essential functions and collaborate with appropriate organizations to identify and secure an alternate location for key Department functions, if the primary facility is not available;
  14. Prepare site support plans to support the implementation of the COOP Plan;
  15. Develop a time-phased plan, listing functions and projects in order of priority for resuming normal operations based on the Department COOP Plan;
  16. Develop procedures, as necessary, for restructuring personnel; and
  17. Ensure the secondary building is structurally safe and that it meets all occupancy regulations.
- b. KCSO Command Staff
1. Ensure there is adequate staffing to ensure services are provided to the community.
  2. Teleworking decisions and reassignments of staff and their workloads will be undertaken when there is a need to limit exposure and enable the department to have a healthy reserve of sworn staff to respond to issues likely to develop.
  3. Complete a COOP for their respective division using the matrixes in the COOP template.
  4. Determine the need to modify the Department's internal enforcement posture in both patrol and investigations which may include:
    - i. suspending some activities in both areas to minimize the Deputy's exposure and ensure the continuation of an adequate first responder workforce.
    - ii. If necessary, develop new enforcement policies in specific areas involving mass gatherings, isolation orders, and quarantine.

c. KCSO Deputies

1. Understand their continuity roles and responsibilities within the department;
2. Know and be committed to their duties in a continuity environment;
3. Understand and be willing to perform in continuity situations to ensure the department can continue its essential functions.

**13-101.3        REGULAR BRIEFINGS**

The Sheriff, Chief Deputy and Commanders will determine the need for staff briefings and their frequency. Briefing topics should include:

- a. Weekly command staff availability
- b. Activity Schedule (e.g.; food distributions, other related issues)
- c. Intelligence
- d. Personnel Needs
- e. Equipment Needs & Supplies
- f. Public Affairs and External Communication
- g. Other Operational/Planning Issues
- h. Other related issues

**13-200        COOP PLAN ACTIVATION**

- a. The KCSO has identified the following as trigger points for the activation of their COOP plan:
  1. A portion or all of the department's operations are disrupted at one location, with limited displacement of operations to alternate facilities. There is limited impact on interdependencies between the department and other operations. The most likely cause of such a disruption are fire, system/mechanical failure, loss of utilities such as electricity, telephone, water, or steam.
  2. A catastrophic incident affects a geographic region, which causes a disruption of operations to a number of departments, leading to a massive and widespread displacement of the workforce and a disruption to multiple interdependencies between and among County departments. Disruption of normal business operations is assumed to be for an extended period of time.
  3. A pandemic-related disruption of the workforce that is indiscriminate as far as impact, and the infrastructure is affected only to the extent that systems maintenance and/or operation by a severely depleted workforce.
- b. The Sheriff or designee has the discretion to activate the COOP Plan when the ability to maintain the department's essential functions is challenged or compromised. Depending on the circumstances, COOP activation may mean any or all of the following:



1. Performing essential functions under abnormal conditions or by alternate means, possibly in a reduced capacity;
2. Suspending some or all non-essential programs and activities;
3. Redirecting/reallocating personnel and resources to support KCSO essential functions and/or other County-wide emergency response and recovery priorities;
4. Relocating essential functions to alternate facilities when/if the primary facilities are compromised, damaged, other otherwise inaccessible.

### 13-201 LEVEL OF EMERGENCY AND DECISION MATRIX

Level of Emergency	Category	Impact on Local Government	Decisions
I	Normal Operations	Local Government is operating normally	If an issue occurs, the Sheriff or Designee should notify the KCOES Director.
II	Monitoring	Local Government is monitoring a specific incident or event.	The Sheriff or designee should gather intelligence for situational awareness to make informed decisions.
II	Partial Activation	An actual event estimated to disrupt the operations of one or more essential functions or impact vital systems for more than three days.	Sheriff or designee alerts and instructs Command staff on the partial implementation of the COOP plan. May require the mobilization of resources, the activation of orders of succession, the movement of some personnel to an alternate facility location for more than three days but less than 14 days. The event requires command and control resources be applied to the issue.
IV	Full Implementation	An actual event that significantly disrupts the operations of three or more essential functions or to the full department that impacts multiple vital systems for more than seven days.	Sheriff or designee alerts and instructs Command staff on the full implementation of the COOP Plan. May require activation of orders of succession, the movement of a significant number of personnel to an alternate facility location for more than 14 days. The event requires command and control resources be applied to the issue and might require the complete mobilization of all resources.
V	Recovery	Activities that continue beyond the emergency response period to restore critical functions and begin to manage stabilization efforts.	Actions that the KCSO must take to return to normal day-to-day operations.

### 13-202 IDENTIFICATION OF ESSENTIAL FUNCTIONS

Essential functions can be identified through the following definitions and criteria for the Recovery Time Matrix (a part of the COOP Plan):

- a. **Tier I: 0 to 12 Hours – Immediate** - Tier I functions must be restored to a minimum level of services within 12 hours to ensure continuous operations;

- b. **Tier II: 12 to 72 Hours – Necessary** - Tier II functions must reach an operational status within 12 to 72 hours of implementation. Tier II functions must sustain operations for a minimum of 30 Days.
- c. **Tier III: 72 hours to One Week – Important** - Tier III functions support Tier I and II. It is not necessary for Tier III operations to reach full operations within the first week following an event.
- d. **Tier IV: One Week to 30 days – Postponed** - Tier IV include the functions that can be postponed until all functions in Tiers I, II, and III are fully operational.
- e. **Tier V: 30 + Days – Extended** - Tier V functions are those that can be postponed for more than 30 days, if necessary.

#### **13-203 KCSO COOP PLAN TEMPLATE**

The following template (located in Appendix 13-D) shall be used to assist with the development of the COOP Plan.

##### **13-203.1 KEY PERSONNEL AND ALTERNATE STAFFING STRATEGIES**

In some instances, it may be necessary to limit the number of staff members who report to work during an emergency or disaster situation. For example, if a normal work location is damaged or otherwise inaccessible, there may be a limited number of workstations available at a temporary alternate location. Alternately, the number of available personnel may be the limiting factor, as would likely be the case in the event of a disease outbreak.

It is critically important to identify the key personnel (positions/roles) required to perform and maintain an organization's essential functions. These are the individuals/positions that will be needed to report for duty if they are able. And these are the positions that will need to be covered by others if the individuals who normally fill the positions are not able to work. Equally important, therefore, is the identification of strategies and potential options to manage the staffing of these key personnel positions during times of high employee absenteeism.

The following table shall be used to list each key personnel position that must be filled in order to maintain the KCSO essential functions. Included among the key personnel positions identified for each essential function are administrative and other support positions that must be filled in order to perform the essential functions. It also further identifies potential strategies and options to manage the staffing of key personnel positions during times of high employee absenteeism. Definitions appear below the table.

Essential Function: (Insert essential function here)					
Key personnel Position & Minimum (# Needed): (Insert position, # of staff)					
	Strategies/options for filling position(s) in the absence of primary staff member(s) [see below for descriptions; mark all that apply]	Have SOPs, checklists, job aids been developed to facilitate the option/strategy? [Yes, No, N/A]	Have employees or volunteers been trained or cross-trained to facilitate the option/strategy? [Yes, No, N/A]	Have agreements, contracts, or policies been negotiated to facilitate the strategy? [Yes, No, N/A]	Is infrastructure in place to accommodate this strategy? [Yes, No, N/A]
	Substitutes				
	Inherent Redundancy (Five-Deep)				
	Multi-Tasking				
	Volunteers				
	Mutual Aid				
	Contractors				
	Shift Extension				
	Telecommuting				
	Reduced Service				
	Other				

### 13-203.2 DEFINITIONS

- a. **Substitutes-** KCSO employees not normally involved in this role and not otherwise engaged in supporting essential functions may be able to fill this position, with or without prior cross-training and/or the aid of SOPs, checklist, or other job aids.
- b. **Inherent Redundancy-** Routine/normal staffing levels provide more than the minimum number of qualified personnel needed to fill this specialized position in a COOP scenario.
- c. **Multi-Tasking-** KCSO employees not normally involved in this role may be able to fill this position while concurrently filling another key role, with or without prior cross-training and/or the aid of SOPs, checklist, or other job aids.
- d. **Volunteers-** Volunteers may be able to fill this position with or without prior training and/or the aid of SOPs, checklist, or other job aids.
- e. **Mutual Aid** Specially-skilled and/or certified individuals from other Departments, or other jurisdictions may be available to fill this position.
- f. **Contractors-** Specially-skilled and/or certified contract employees may be available to fill this position.
- g. **Shift Extension-** Shifts may be extended or altered for individuals who normally fill this position (e.g., shifts of 12-hours on and 12-hours off for 24-hour operations) in order to effect minimum staffing shift coverage with fewer than normal individuals.

- h. **Telecommuting-** Individuals may be able to perform the responsibilities of this position from home (e.g., while in isolation or quarantine, or while taking care of a sick family member).
- i. **Reduced Service-** Only specially-skilled and/or certified individuals may fill this position, and if insufficient numbers are available, reduction in service/standards of care may be required.
- j. **Other-** Additional options and strategies, which should be described in sufficient detail.

### 13-203.3 CRITICAL FACILITIES AND ALTERNATE LOCATIONS

The essential functions of the KCSO may be performed without the need for a specific physical facility. Police Headquarters is critical to the performance of the department's essential functions; however, we must recognize that normal operations may be disrupted and that there may be a need to perform essential functions at an alternate facility.

<b>Critical Facility Name/location: <i>(Insert name here)</i></b>	
<b>Essential Function(s) Housed: <i>(Insert essential functions)</i></b>	
Primary Alternate Location:	
Secondary Alternate Location:	
Third Alternate Location:	

### 13-203.4 CRITICAL SYSYEMS AND EQUIPMENT

The KCSO essential functions are dependent on specialized systems and equipment beyond normal telecommunication and office productivity systems and equipment (e.g., landline telephones, cell phones, fax machines, personal computers, internet access, and email).

Critical System	Essential Function(s) Supported	Response Protocols

### 13-203.5 CRITICAL SUPPLIES AND SERVICES

Resumption and maintenance of essential functions may require materials and/or services provided by outside agencies or private sector vendors. During an interruption that requires COOP activation, it is possible that alternative arrangements may have to be made in order to procure the required materials and/or services.

Critical Resource or Service	Essential Function(s) Supported	Primary Vendor/supplier & Contact Name/Number	Alternate Sources

### 13-203.6 VITAL RECORDS

Vital records include any information immediately necessary for performing essential functions, as well as records and documentation necessary for recovery and resumption of full operations. All vital records should be protected, backed up, and accessible via multiple means (e.g., hard copies and electronic copies) and in multiple locations.

Vital Record(s)	Associated Essential Functions (if Any)	Form of Record	Off-site Backup Location	Maintenance Frequency

(CALEA 46.1.13)

### 13-203.7 FINANCE/ADMINISTRATION SECTION

The Finance/Administration Section (FS), under the command of the FS Chief (FSC), is established when the incident is of a level of complexity that requires finance and other administrative support services.

Among the functions assigned to the FSC are:

- Identifying and recording the personnel involved in the incident as resources and tracking their hours, including overtime, to ensure accurate payments and/or reimbursements.
- Identifying and procuring additional financial resources needed for the resolution of the incident.
- In conjunction with the IC, OS, PS, and LS, monitoring and recording all expenses of the incident.
- Documenting personal injuries and damage to or loss of equipment in order to permit the subsequent settlement of liability issues.
- Preparing the appropriate reimbursement documents, if applicable

(CALEA 46.1.7)

### **13-203.8 COMMUNICATON PROTOCOLS**

#### **a. Staff Notification (Outbound Communication):**

In the case of an emergency or interruption that triggers the activation of the COOP Plan, the Sheriff (or designee) will notify the County Commissioner's Office, KCOES, and KCSO personnel of the COOP activation and/or their individual COOP assignments.

#### **b. Staff Check-in (Inbound Communication):**

In the event of a significant emergency or interruption that impacts the County, the KCSO, or employee's ability to report to work, employees will "check in" via pre-arranged contact procedures to report on their individual statuses and to ascertain whether and where to report to work. Such communication allows management to muster sufficient staffing to restore and/or maintain essential functions, as well as to complete a roll call following an emergency event to verify the safety of personnel. It is essential that each employee is familiar with the emergency check-in procedures, as well as likely duties in a COOP Plan activation.

#### **c. Public Communications**

1. If normal communications is disrupted, alternate modes of communication will be utilized to disseminate information. Website postings, fliers and media communications may be utilized to distribute information.
2. Under a COOP activation, as during normal operations, the Sheriff or designee is responsible for crafting and disseminating messages.

### **13-203.9 RECONSTITUTION**

Reconstitution focuses on restoring business operations to their normal state of affairs. Reconstitution is initiated once the emergency is over and is unlikely to cause additional disruptions. Basic planning for reconstitution should be done concurrently with COOP planning. Event-specific reconstitution planning should begin after the COOP plan is activated and the situation has been adequately assessed. Once the emergency-specific reconstitution plan is developed, the department needs to inform all personnel of the plan, its implementation schedule, and specific task assignment. Executing the reconstitution plan results in the transfer of personnel, supplies, equipment and essential functions from the relocation site if necessary or establishes it as the new primary site.

After receiving approval from the appropriate emergency services and/or utility company, the KCSO should begin salvage operations and plan for one of the following reconstitution options:

- a. Remaining at the relocation site because it now becomes the new primary site.
- b. Moving from the relocation facility back to the original site.
- c. Moving to a new primary site if the original is unable; or
- d. Moving to a temporary site while the original is rehabilitated, or a new facility constructed.

### **13-204 COOP PLAN MAINTENANCE AND TRAINING**

- a. COOP Plan Maintenance: The primary objective of COOP Plan maintenance is to keep the information in the plan current. The following COOP Plan maintenance activities will be conducted:

1. Annual review and update of the plan by the Sheriff and Command staff;
2. Interim updates of the plan when there are relevant changes, such as changes in the department's mission, procedures, or organization, personnel, equipment, data systems, communications systems, or essential functions.
3. Revision of the plan based on results of relevant tests and exercises, as well as lessons learned from any actual COOP activation incidents; and
4. Review of relevant policies, contracts, and MOA/MOUs, to ensure that they are up to date.

A copy of the COOP Plan should be provided to the KCOES.

- b. Training-in order for the KCSO's COOP Plan to be successfully implemented, KCSO personnel must be familiar with the plan and with the associated roles that they are expected to play. To this end, all KCSO personnel should receive orientation training on the KCSO's COOP Plan.

In addition, the Sheriff and command staff responsible for various activities identified as essential functions of the KCSO should actively engage in cross-training of individuals within other County departments, in order to ensure sufficient available staffing for essential functions in the event of a COOP activation. Cross-training helps to prepare for the unusual demands that may arise under emergency conditions and reduced staff.

- c. Testing & Exercises- The testing and exercising of COOP capabilities are essential in demonstrating and improving the ability of the KCSO to execute the COOP Plan. Tests and exercises serve to validate or identify for subsequent correction, specific aspects of COOP Plans, policies, procedures, systems, and facilities. Periodic testing also helps ensure that equipment and procedures are maintained in a constant state of readiness. COOP capability testing and exercising should include:
  1. Periodic testing or alternate facilities, interoperable communications and other capabilities;
  2. Exercising of COOP Plans and procedures every four years to ensure the ability to perform essential functions under abnormal conditions, such as staffing shortages, operating from alternate facilities, etc.;
  3. Smaller-scale testing or various components of the COOP Plan;
  4. Testing of alerting and notification procedures and systems for any type of emergency;
  5. Supporting and participating in interagency exercises;
  6. Conducting joint exercises with Police Department counterparts in neighboring jurisdictions, as possible and appropriate; and
  7. A corrective action program to revise the COOP Plan based on lessons learned from testing and exercises, as well as from real-world experiences.

### **13-205 CONTINUITY OF KCSO OPERATIONS**

During a critical incident it is imperative that the KCSO maintains operations to the best of its ability to ensure public safety and the wellbeing of all KCSO personnel. While it is impossible to pre-determine all critical incident events, ensuring that basic operations continued shall be mandatory. These operations shall include at the minimum:

- a. Patrol operations
- b. Investigation operations
- c. Administrative operations
- d. Communication with KCSO personnel, County Administrators and KCOES personnel
- e. Preservation of records

The KCSO shall maintain a line of succession to ensure the continuity of operations. The line of succession shall be:

- a. Sheriff
- b. Chief Deputy
- c. CID Commander
- d. Patrol Commander
- e. Sergeant with must seniority, through the rank
- f. Corporal with must seniority, through the rank
- g. Deputy First Class with must seniority through the rank
- h. Deputy Sheriff with must seniority

#### **13-205.1 PATROL OPERATIONS**

To ensure public safety the KCSO Patrol Commander shall ensure that there is adequate personnel to handle a critical incident. Deputies will only be required to work a 12 hour shift with 12 hours off. If additional resources are needed due to staff shortages, the KCSO has mutual aid agreements with neighboring law enforcement agencies for providing mutual law enforcement aid and assistance in emergency situations.

In the event the KCSO Administrative building becomes inoperable, the Patrol Division can be self-sufficient. Each Deputy is equipped with a laptop, take-home vehicle, phone and radio, allowing them to remain in the field during a critical incident.

#### **13-205.2 INVESTIGATIVE OPERATIONS**

Depending on the severity and nature of a critical incident, the Criminal Investigation Division may need to temporarily halt their day to day operations to focus on other critical needs. These needs could include assisting the patrol division in the field, investigating incidents directly related to the critical incident, assisting with administrative duties in the absence of the Office Manager or acting in the PIA role.

In the event the KCSO Administrative building becomes inoperable, the Criminal Investigation Division can be self-sufficient. Each Investigator is equipped with a laptop, take-home vehicle, phone and radio, allowing them to remain in the field during a critical incident.



### **13-205.3 ADMINISTRATIVE OPERATIONS**

During a critical incident, the KCSO shall make every effort to ensure that KCSO administrative operations continue. Should the administrative building located at 104 Vickers Drive, Chestertown, MD should become unusable, operations will be shifted to the back-up KCSO located in the Kent County Department of Public Works on Morgnec Road, Chestertown, MD. Most administrative staff have been provided with a laptop to continue working from any off site locations. Staff without an assigned laptop have been provided with logon credentials to the county server which stores all KCSO data. This access can be retrieved from any county facility.

If needed, alternative sites for administrative operations could include the Community Center, local fire department, a school building or other local government building.

At the Sheriff discretion certain administrative staff may be granted permission to telework or take leave. The Sheriff shall ensure that there is adequate staff to handle the necessary day to day operations of the KCSO.

### **13-205.4 COMMUNICATION OPERATIONS**

During a critical incident, the KCSO shall maintain communication with all KCSO personnel, the Kent County Commissioners and the Kent County Office of Emergency Services. All KCSO sworn personnel are provided with a laptop, cellular phone and radio. During the critical incident all KCSO shall remain in communication with the immediate supervisor, regardless of the work status. This will ensure all updates to the COOP plan and emergency situation are communicated in a timely manner.

The KCSO relies on the Kent County Office of Emergency Services (KCOES) for communications. The KCOES maintains an alternate location should operations fail at their current site. The KCOES is equipped with multiple communication networks composed of telephones, cell phones, web-based programs (such as WebEOC), amateur radios, Computer Aid Dispatch (CAD), and Kent County 800 MHz radios. If the KCOES is destroyed, severely damaged, or isolated by the loss of communications, all departments will utilize the virtual EOC by use of the WebEOC application.

### **13-205.5 PERSERVATION OF RECORDS**

To provide normal government operations during and after a critical incident vital records must be protected. The Kent County IT Department maintains the county-wide server which stores all KCSO files. The IT Department also maintains a backup server should the one become damaged or inoperable during a critical incident.

Hard copies of many files are also maintained in the KCSO. These files are secured in locked file cabinets in secure locations not readily accessible to the general public. Evidence and property is also secured in a locked room only accessible by key KCSO personnel.

### **13-300 KCSO "ALL HAZARD" PLAN FOR CRITICAL INCIDENTS**

The KCSO has adopted the protocols of the Federal Emergency Management Agency's Incident Command System (ICS) as its system for managing the response to major incidents for which it has primary responsibility. As noted above, in most natural disasters and many other kinds of emergencies, the Kent County Emergency Management Agency (or another agency, such as a County fire company), has the primary responsibility. Under those circumstances, the KCSO assumes a support role and performs the functions assigned to it in the managing agency's emergency response plan.

- a. The ICS has many advantages for critical incident management:
  1. It has been widely adopted by crisis management agencies and its protocols and nomenclature are identical nation-wide.
  2. It provides a clear point of control.
  3. It is scalable to the size and nature of the incident and can be expanded or contracted as the situation warrants.
  4. It provides for “unified command” as the incident evolves with the participation of myriad agencies.
- b. One of the hallmarks of ICS is the use of “Management by Objectives” (MBO). MBO represents an approach that is communicated throughout the entire ICS organization. This approach includes the following:
  1. establishing overarching objectives;
  2. developing and issuing assignments, plans, procedures, and protocols;
  3. establishing specific, measurable objectives for various incident management functional activities, and directing efforts to attain them, in support of defined strategic objectives; and
  4. documenting results to measure performance and facilitate corrective action.

Span of control is key to effective and efficient incident management. Within ICS, the span of control of any individual with incident management supervisory responsibility should range from three to seven subordinates. The type of incident, nature of the task, hazards and safety factors, and distances between personnel and resources all influence span-of-control considerations.

**(CALEA 46.1.2, 46.1.3)**

### **13-301            COMMAND FUNCTION**

It is the responsibility of the Command function to provide overall direction and control to the management of any incident. The Incident Commander is responsible for the management and successful resolution of the incident and for determining when the ICS structure needs to be expanded based on the nature of the emergency.

In the KCSO, the decision to activate the ICS is made by the Sheriff or the Chief Deputy and the Chief Deputy is the incident commander (IC), unless the Sheriff decides otherwise.

The first responsibility of the IC is to evaluate the situation and devise an initial response plan.

**(CALEA 46.1.3)**

### **13-302            COMMAND POST**

The IC will establish a command post for the incident. The command post will be located in close, but safe proximity to the incident.

**(CALEA 46.1.3)**

### **13-303            MOBILIZATION OF ADDITIONAL AGENCY PERSONNEL**

The IC will determine, based upon the nature of the incident, whether emergency mobilization of additional agency personnel is required and, if so, which personnel to mobilize.

Only the Sheriff or Chief Deputy may initiate an emergency mobilization.

### **13-303.1 NOTIFICATION**

- a. Each KCSO Deputy is issued a cellular telephone and a police radio. All KCSO staff's home telephone numbers are also maintained by the office manager. In the event of a mobilization, any of these means may be used to contact Deputies. Patrol Deputies may also be dispatched to contact staff if that should be necessary.
- b. When a mobilization is implemented, the Sheriff or Chief Deputy will advise "KENT" of the following information to be relayed to off-duty personnel:
  1. Nature of the emergency;
  2. Reporting location;
  3. Reporting time; and
  4. Whether to report in uniform.
- c. "KENT" will provide the Sheriff or Chief Deputy with the names of personnel who could not be reached, as well as the names of personnel responding.
- d. "KENT" will continue to try to make contact with Deputies who have not been reached until they have been contacted or the mobilization is canceled.
- e. Alternatively, the IC may direct a member of the Staff to conduct the mobilization or may conduct it him- or herself.

**(CALEA 46.1.8)**

### **13-303.2 MOBILIZATION PHASES**

To provide sufficient manpower to respond to unusual occurrences, the following stages have been established:

- a. Mobilization - Phase I: This is the first stage alert and announces a minor occurrence that can be handled by on-duty personnel, although they are alerted that their shifts may be extended.
- b. Mobilization - Phase II: The second stage alert applies to an occurrence that on-duty personnel cannot control. The Sheriff or Chief Deputy may authorize the next on-duty shift to assist, as well as call for mutual aid law enforcement assistance, if needed.
- c. Mobilization - Phase III: The highest stage alert applies when an occurrence threatens the safety of the jurisdiction for an indefinite period and requires the KCSO to make extensive modifications in operations.

### **13-303.3 MOBILIZATION PRIORITIES**

Deputies will generally be mobilized in the following order:

- a. Patrol Division: The second level of mobilization would consist of an on-coming shift being brought in early, or an off-going shift staying to work over. Increasing levels can involve the recall of off-duty Deputies, and cancellation of all leaves of absence. Phase III mobilization would consist of all patrol Deputies working shifts determined by the Sheriff or Chief Deputy.

- b. Criminal Investigation Division: Each plain-clothes Deputy will maintain at least one issue uniform shirt and pants. If the emergency is of such magnitude that detective personnel are needed, the situation will require their presence in uniform.
- c. Services Division: If the emergency is of such magnitude that Services Division personnel are needed, they will wear their uniforms.

In an actual mobilization crossing divisional lines, every attempt will be made to assign Deputies with their normal supervisors.

#### **13-303.4        DECREASE IN SERVICE LEVELS**

As each level of increased mobilization is reached, there is a corresponding decrease in the normal service level. "KENT" will be informed as this decrease occurs. This can range from an extended delay in answering routine calls, to response only when there is an actual or imminent threat to life or property. Normal follow-up investigations, warrant service, and other routine patrol activities may be suspended until the emergency has been terminated.

#### **13-303.5        ASSEMBLY**

When calling an alert of Phase II or Phase III, the Sheriff or Chief Deputy will designate an assembly area for responding units.

- a. The primary assembly area is KCSO headquarters. A secondary assembly area may be designated by the Sheriff or Chief Deputy:
  - 1. Large parking areas;
  - 2. Schools;
  - 3. Churches; or
  - 4. Other public buildings outside the immediate scene of the alert.
- b. In the event of a civil disorder, the location for assembly will be outside the area of the disorder. In the event of a natural or man-made disaster, the location for assembly will be as close to the scene as safely possible.
- c. The Sheriff or Chief Deputy will arrange for any special equipment required by the emergency to be marshaled at the assembly site.
- d. Regular Deputies will mobilize in their assigned KCSO vehicles. Reserve Deputies will report to KCSO headquarters to obtain their KCSO vehicles before assembling.
- e. At the assembly site, the Sheriff or Chief Deputy will make assignments and identify specific roles for key personnel. They will determine whether it is necessary to activate the KCSO Tactical Unit.
- f. Because it is difficult to distinguish employees responding to situations requiring the use of protective gear, each agency member shall be assigned an individual number or code that is marked on helmets used for such purposes.

**(CALEA 46.1.11)**

### **13-303.6 REHEARSAL**

The Chief Deputy will annually conduct a full-scale mobilization drill of the Patrol and Criminal Investigation Divisions. The Chief Deputy will report to the Sheriff the total time consumed in the call back and the percentage of successful contacts.

**(CALEA 46.1.8)**

### **13-304 OBTAINING SUPPORT FROM OTHER AGENCIES**

The IC determines whether support is required from other agencies.

- a. "KENT" has the ability to contact all Maryland State and local law enforcement, fire, emergency medical and other agencies.
- b. The KCSO has in place memoranda of understanding for requesting assistance from the Maryland State Police, the Cecil County Sheriff's Office, the Queen Anne's County Sheriff's Office, and the Chestertown and Rock Hall Police Departments. Those agreements describe procedures for requesting, providing, supervising, and paying for any assistance provided.
- c. As other agency resources report, they come under the control of the KCSO IC. When possible, units from other agencies will be used as teams under their own supervisory personnel.

**(CALEA 46.1.3, 46.1.10)**

### **13-305 STAGING AREA**

When required by the size of the incident, the IC will establish a staging area, usually in proximity to the MCP. The purpose of the staging area is to provide a location away from the incident itself where resources can report, assemble, and receive orders before responding to the incident scene.

The principal criteria to be considered in selecting the staging area are:

- Safety in relation to the incident scene;
- Ease of access to the incident scene; and
- Ease of access for the responding resources.

All resources dispatched to assist will report to the staging area unless directed to a specific post. No resources, including KCSO Deputies will respond to the scene unless dispatched or ordered by the IC.

**(CALEA 46.1.3)**

### **13-306 PUBLIC RELATIONS**

As the incident warrants, the IC will establish a public relations function.

In any emergency, a priority is to maintain contact with Kent County's communities and citizens and to keep the public informed of the ongoing state of affairs so that they may be aware of the circumstances and take appropriate steps to protect themselves. The active, timely provision of accurate information also helps to control the spread of rumors. It is particularly important under emergency conditions that only verified information be released, and that information come from a central, well-informed source.

In an incident of any significant duration, the IC will designate one or more individuals to carry out the public relations function. They serve as the focal point for the release and dissemination of accurate and information to the public and to the press.

All press and public inquiries will be referred to the public information function.

**(CALEA 46.1.3, 46.1.10)**

### **13-307 SAFETY FUNCTION**

Regardless of the size of the incident, the IC is responsible for the safety of victims, uninvolved persons, and all resources deployed. If the size of the incident warrants, the IC will designate a Safety Officer to coordinate the activities of all resources involved in the incident.

**(CALEA 46.1.3)**

### **13-308 AFTER ACTION REPORT**

The IC is responsible for the preparation of an after-action report regardless of the size of the incident. The after-action report will include a complete timetable of the incident, including the resources responding and deployed, the actions of major participants, and the activation, expansion, contraction, and termination of the ICS. The report will also include "lessons learned" from the incident which will serve as a guide for future planning. The report will also contain an assessment of any impact to the public trust along with any recommended actions for resolving same.

The after-action report will be provided to the Sheriff.

**(CALEA 46.1.2, 46.1.3)**

### **13-309 OTHER COMMAND FUNCTIONS**

The following sections describe the functions of various sections which may be established in an expanded ICS structure. During an incident, the IC will activate certain sections as needed.

Regardless of whether specific sections are activated, however, their functions, as necessary, are the responsibility of the IC. That is, in a small incident, the IC and a small staff may carry out the required functions of the Operations Section, a Planning Section, a Logistics Section, and a Finance/ Administration Section.

### **13-310 OPERATIONS SECTION**

This section is responsible for all activities focused on reduction of the immediate hazard, saving lives and property, establishing situational control, and restoration of normal operations.

The Operations Section Chief (OSC) is responsible for the management of all tactical operations directly related to the primary mission.

### **13-311 ESTABLISHING PERIMETERS**

As necessary, the OSC will establish an inner perimeter, outer perimeter, control zone, and traffic control points as necessary. The OS is responsible for directing and controlling traffic in the vicinity of the incident, including traffic direction and control in the event of and in support of an evacuation.

- a. Inner Perimeter: A containment area immediately surrounding the incident site that minimizes and controls the movement of a subject within that area. The inner perimeter should be sufficiently large to prevent immediate danger to anyone, but small enough to ensure control and management of the area.
- b. Outer Perimeter: A large containment area that completely surrounds the inner perimeter and prohibits unauthorized access to the inner perimeter. The outer perimeter should be positioned to afford protection and safety to anyone outside the perimeter boundaries.
- c. Control Zone: The space between the outer perimeter and the inner perimeter. Staff monitoring the outer perimeter may allow authorized persons into the control zone for restricted purposes as designated by the OSC.
- d. Traffic Control Points: Key intersections or other locations that restrict unauthorized access to the outer perimeter boundaries.

**(CALEA 46.1.4)**

### **13-312 EVACUATIONS**

Conducting evacuations of victims, uninvolved persons, and others is an OS responsibility.

The purpose of evacuation is to remove individuals safely from an area in which they face some danger to an area of greater safety or security.

- a. In the event of a hazardous materials spill, the OS will use the evacuation distances listed in the U.S. Department of Transportation emergency response guidebook.
- b. Depending on the geographic circumstances, unauthorized persons (bystanders, residents, merchants, and others) should be evacuated from or secured within the control zone.
- c. A number of different means may be used for giving an evacuation order, including verbal direction, media broadcast, reverse-911 (when available), and door-to-door notification.
- d. Evacuation may be by foot or by means of a variety of vehicles, depending on the circumstances.

**(CALEA 46.1.4)**

### **13-313 MAINTAINING COMMAND POST AND SCENE SECURITY**

The OS is responsible for traffic control into and security of the inner perimeter, the control zone, including the CP, and the outer perimeter. A system of barriers and control points will be established as necessary to ensure the security of the incident scene.

**(CALEA 46.1.4)**

### **13-314 DETAINEE TRANSPORTATION, PROCESSING, AND CONFINEMENT**

In the event that an incident involves the apprehension or detention of subjects, the OS is responsible for their transportation, processing, and confinement.

- a. In an incident involving a small number of arrests, the subjects will be transported, booked, and taken for arraignment in accordance with KCSO practices outlined in Chapter 9 of this manual.
- b. For an incident in which the IC believes there will be a number of arrests that cannot be handled practically with standard arrest procedures and staff, the following sections will be invoked. This

plan does not assign a specific number of arrests needed to be considered a “mass arrest.” Instead, it will rely on the experience of the Sheriff and IC.

### **13-314.1 PRIOR PLANNING**

Prior planning in mass arrest cases should greatly assist in the orderly processing of persons arrested. The OSC will develop an incident-specific written plan to:

- a. Arrange for transportation of prisoners;
- b. Coordinate with the State’s Attorney, the District Court Commissioners and the Department of Juvenile Justice;
- c. Advise the Maryland State Police and surrounding jurisdictions of the incident in the event additional manpower is required in accordance with MOUs already in place;
- d. Provide advanced warning of possible mass arrests to the Kent County Detention Center so that arrangements may be made for sufficient food, water, and sanitation;

The OSC will have at his/her disposal a list of all vehicles available for transport for mass arrests as well as a list of drivers licensed to operate any special vehicles which may be used.

### **13-314.2 FIRST RESPONSE**

Upon arrival at the scene of a demonstration, OSC will endeavor to identify the leader(s) and, thereafter, communicate with the mass of demonstrators through their leadership, if possible. The demonstration leader(s) will be advised of the laws pertaining to the free movement of pedestrian and/or vehicular traffic while demonstrating, and/or any other statutes that may be violated during their presence.

The OSC will direct that all violations be corrected immediately. If they are, no further enforcement action will be taken. The OSC will then determine what, if any, security measures will be taken at the scene to ensure order throughout the demonstration.

If the leader(s) do not comply with the directives, the OSC will publicly announce to the crowd through a voice amplification system the following announcement and dispersal order: “I am (name and rank) of the Kent County Sheriff’s Office.” “I hereby inform all persons assembled that you are in violation of (relate statute or ordinance or common law violated, in general terms).” “I command all of you here assembled to disperse.” “Failure to do so will subject each of you here to arrest and prosecution.”

The OSC will wait a reasonable length of time for compliance. If the crowd does not disperse, he/she will repeat the order.

If, after the second order, the members of the crowd do not disperse, the OSC may order the arrest of all persons remaining who are in violation of the law.

### **13-314.3 ARREST PROCEDURES**

Every effort will be made to arrest the person in charge of, or directing the crowd in, the disturbance, provided probable cause exists for the arrest. After receiving the arrest order from the OSC, the arresting and assisting Deputies will approach each person in violation of the law and proceed as follows:

- a. The arrestee will be advised, “You are under arrest for (whatever violation being committed). You are requested to stand up,” (if sitting or lying);



- b. If the arrestee declines to walk, he/she will be carried by the arresting Deputy and the assisting Deputy, one holding each arm;
- c. If the arrestee stands up and walks, he/she will be led from the crowd to the vicinity of the remainder of the arrest squad, which will be a short distance away;
- d. If the arrestee should resist arrest, the Deputy will use the minimum force which is necessary to effect and maintain the arrest.

All persons arrested will be searched to the extent necessary and handcuffed using handcuffs or flex cuffs in accordance with proper handcuffing guidelines within this Manual.

All weapons and property classified as evidence, contraband or recovered property will be removed from prisoner(s). The property will be appropriately tagged and documented by the arresting / recovering Deputy. Any large amount of recovered property will be photographed. The OSC will designate a Deputy to coordinate the recovery and documentation of all recovered evidence and property. This Deputy will become the custodian of the recovered property prior to its being returned or placed in KCSO's property held.

#### **13-314.4      PHOTOGRAPHS AND IDENTIFICATION**

Before an arrestee is placed in the transport vehicle, the arrestee will be photographed. If the arrestee refuses to provide his/her identity, the Deputy will list his/her physical description as well as his/her clothing description.

If time allows the arresting Deputy should complete an arrest report with the following information:

- a. name of accused;
- b. arresting Deputy;
- c. date and time of arrest; and
- d. charge.

#### **13-314.5      TRANSPORTATION AND SECURITY**

When a special transport vehicle is not available or circumstances do not require or permit waiting for the transport vehicle, traditional police vehicles may be used. Juvenile prisoners will be separated from adults prior to transport and will be transported separately.

If buses are available, prisoners will be transported in the following manner:

- a. seated 2 to a seat (bench type);
- b. front and rear seats will remain empty;
- c. Deputy posted in front near driver;
- d. Deputy posted in rear by exit door;
- e. operated by qualified driver;
- f. bus will be driven into a secured area for unloading; and

- g. prisoners will remain on the bus until the booking process begins.

#### **13-314.6 BOOKING/DETENTION FACILITIES**

Upon being transported from the scene of the disturbance, adult prisoners will be taken to KCSO Headquarters to be booked and processed. Juvenile prisoners will be taken to KCSO headquarters where booking stations will be set up in a similar manner as described in 13-124.8 of this policy for adults.

#### **13-314.7 BOOKING PROCEDURES**

The OSC will direct processing at the scene:

- a. Full adult arrest and booking procedures:
  - 1. fingerprinting;
  - 2. photographing;
  - 3. charging documents (Statement of Charges);
  - 4. taken before the District Court Commissioner.
- b. Adult processing will be conducted in accordance with procedures set forth in Chapter 9 of this Manual.
- c. All persons charged as juveniles will be processed in accordance with procedures set forth in Chapter 9 of this Manual.

#### **13-314.8 BOOKING STATIONS**

The following booking stations will be established in the intake area:

- 1. identification station;
- 2. fingerprinting station;
- 3. photographing station; and
- 4. charging station.

Arrestees will be removed from the transport vehicles one at a time and processed, starting at the identification station. The arrest report will accompany the arrestee throughout the processing procedure.

When a prisoner refuses to provide information for the arrest report, the Deputy will indicate same by noting "refused" or "unable to answer" in the appropriate block. When a prisoner's identity cannot be established, he/she will be carried on all paperwork as John/ Jane Doe.

**(CALEA 46.1.4)**

#### **13-315 POST-INCIDENT INVESTIGATION**

Once the immediate incident has been controlled, it is the responsibility of the OSC to oversee the investigation of any underlying criminal acts. In carrying out this function, the OSC will coordinate with the KCSO's CID Commander.

The OSC will need to be mindful during the incident of the need to preserve evidence that may be needed in any subsequent criminal prosecutions.

**(CALEA 46.1.4)**

### **13-316 PLANNING SECTION AND INCIDENT ACTION PLAN**

Incident Action Plans (IAPs) provide a coherent means of communicating the overall incident objectives in the contexts of both operational and support activities. The Planning Section (PS) is under the command of the PS Chief (PSC) and prepares the documented IAP on the basis of incident objectives developed by the IC. The IC approves the Incident Action Plan (IAP) and all requests pertaining to the ordering and releasing of incident resources.

The IAP also addresses tactical objectives and support activities required for one operational period, generally 12 to 24 hours. The IAP also contains provisions for continuous incorporation of "lessons learned" as incident management activities progress.

The typical components of an IAP are:

1. Incident Objectives
2. Organization List or Chart
3. Assignment List
4. Communications Plan
5. Logistics Plan
6. Responder Medical Plan
7. Incident Map
8. Health and Safety Plan

Other elements (e.g., evacuation plan or evidence recovery plan) may be added as required by the incident.

**(CALEA 46.1.5)**

### **13-317 INFORMATION AND INTELLIGENCE**

The PS directs the gathering of information and intelligence, which it disseminates through the IAP or other means. The PS serves as the focal point for the analysis of all information and intelligence gathered by any resource. The IC will ensure that all such information is reported through the chain of command to the PSC.

**(CALEA 46.1.5)**

### **13-318 POST-INCIDENT DEMOBILIZATION**

The orderly disposition of resources after an incident is a significant part of incident management. As appropriate to the situation, the PSC is responsible for developing a demobilization plan, based on the principals that:

1. No resource will be retained at the incident site any longer than it continues to serve a function related to the resolution of the incident; and
2. No resource will be released before its function related to the resolution of the incident is complete.

**(CALEA 46.1.5)**

## **13-400 PROCEDURES APPLICABLE TO SPECIFIC INCIDENTS**

This section describes issues related to the handling of specific types of incidents, which may be addressed through ICS or otherwise, depending on the nature of the incident.

### **13-401 HAZARDOUS MATERIALS INCIDENTS**

#### **13-401.1 DEFINITIONS**

- a. Hazardous material: Any substance or mixture of substances that presents a danger to public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that, in confinement, generates pressure through decomposition, heat, or other means. The following are examples of substances which, in sufficient quantity, may be hazardous: acids; alkalis; explosives; fertilizers; heavy metals such as chromium, arsenic, mercury, lead and cadmium; industrial chemicals; paints thinners; paints; pesticides; petroleum products; poisons; radioactive materials; sludge; and organic solvents.
- b. Hazardous condition: Any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance onto the land, into the water, or into the atmosphere, which creates an immediate or potential danger to the public health or safety or to the environment.
- c. HAZMAT: Hazardous materials response team staffed by fire fighters specializing in hazardous materials emergencies. The HAZMAT team is trained and equipped to make quick decisions, plan strategies, and initiate remedial actions.
- d. Department: Means the Maryland Department of Natural Resources (DNR).

#### **13-401.2 FIRST RESPONSE**

- a. The first Deputy responding to an incident involving the release or potential release of a hazardous material will exercise extreme caution and discretion prior to entering an affected area.

**Should conditions be such that the Deputy would be exposed to the extent that personal safety would be jeopardized, the Deputy will not enter the area. The Deputy will instead await the arrival of a properly equipped HAZMAT unit.**

- b. The Deputy will:
  - 1. Determine wind direction and stay upwind of the chemical spill/leak.
  - 2. Observe any spillage, fire, leakage, fuming, frost line damage to containers and try to determine the potential for explosion.
  - 3. Stay at least 1500 feet from the spill, if possible. If the type of chemical is known, use the evacuation distances listed in the DOT emergency response guidebook.
  - 4. Relate clearly to "KENT" the conditions found upon arrival, ask that "KENT" notify the Sheriff or Chief Deputy, and request such additional assistance as may immediately be needed.
  - 5. When chemical spills/leaks involve a train or truck, the Deputy will locate the train engineer/ conductor or truck driver to obtain shipping papers that will identify the chemical spill/leak and other hazardous materials cargo; the Deputy will not require the train engineer/ conductor or truck operator to retrieve the shipping papers if there is a risk to his/her safety.

c. The Deputy will not:

1. approach the container that is holding the chemical until the chemical spill/leak has been identified by the shipping papers or placards. If it is necessary to approach the container, the Deputy will do so from the side and stay away from the ends of the tanks.
2. use flares or flames in the hazard area or permit smoking. Vapors may be ignited by heat, sparks, or flame.
3. drive through, walk into, or touch any spilled materials.

d. The Deputy will:

1. keep away from visible vapor clouds or substances that can produce invisible vapors, dust or smoke and avoid inhalation of fumes, smoke, or dust.
2. approach the incident or vehicle from upwind (wind at the back), if absolutely necessary, to make a rescue.
3. keep out of low areas such as ditches or culverts where fumes naturally collect. Most vapors are heavier than air.
4. move victims to fresh air, giving artificial respiration if necessary.
5. isolate the immediate scene (at least 1500 feet from the spill/leak) and move people upwind. If the chemical is known, use the evacuation distances in the DOT emergency response guidebook.
6. if the substance can be identified by placard or label, refer to the current emergency response guidebook for guidance pertaining to potential danger and recommended evacuation distances.
7. establish traffic control points to keep vehicular and pedestrian traffic out.
8. clear people from the area inside the traffic control points.
9. detain persons near the scene for medical evaluation to determine if they have become contaminated.
10. wait for the HAZMAT unit to provide further guidance.
11. if it is apparent the transport vehicle had been leaking hazardous material while in transit, obtain the logbook so the affected jurisdictions can be notified by the Maryland DNR.

**(CATEGORY B)**

**13-401.3 DECONTAMINATION**

In the event of any incident which requires a HAZMAT response, all Deputies will be evaluated by the HAZMAT decontamination officer prior to going off-duty. If the fire department or HAZMAT unit does not have a decontamination officer, a physician will examine the Deputy.

Until the decontamination has been completed, Deputies **must not** eat, drink, smoke, touch their eyes or mouth, or urinate. Clothing and equipment, including handguns and radios, must be decontaminated. Clothing and equipment that cannot be decontaminated must be disposed of in accordance with the direction of the HAZMAT unit.

#### **13-401.4 SPECIFIC DANGERS**

KCSO Deputies are not equipped with the protective clothing and breathing apparatus afforded fire fighters. They must be alert to the dangers posed by hazardous materials:

1. Fire: The hazard with a chemical or pesticide fire is that the fire itself is often not hot enough to destroy or incinerate the substance, yet the chemical is vaporized and carried upward on the vapor to condense and fall back to the ground. People, crops, animals, and anything beneath the descending vapors may become contaminated.
2. Explosion: Compressed gases, liquids, and explosives are obvious explosion hazards. A particularly disastrous type of explosion is known as a "bleve" (blevee) or boiling liquid expanding vapor explosion. This is the type of explosion may cause large objects to be rocketed thousands of feet upward and create a fireball is hundreds of feet in diameter. Propane is the substance most associated with bleves, but most flammable liquids can cause the same reaction. Bleves may also occur with smaller containers of compressed gases similar to those found around houses and even the small cylinders found on barbecue grills or campers.
3. Poisoning: Many hazardous materials kill by poisoning. Vapors may be skin irritating while eye contact may cause blindness. Still others are neurotoxins that attack the central nervous system. Decontamination becomes extremely important in situations where the Deputy is exposed to poisonous substances. When instructions are given by officials on the scene or at a hospital concerning decontamination, they should be followed to the letter. If etiological agents (infectious substances) are present, isolation, extensive medical observation, and follow-up treatment may be required.
4. Asphyxiation and freezing: Leaks of hazardous gases, liquids or vapors may act to exclude available air and low areas may accumulate enough odorless material to kill. Certain hazardous materials (e.g., liquid nitrogen) are cryogenic in nature - having temperatures low enough to freeze body tissue instantly.

#### **13-402 CIVIL DISTURBANCES – FIRST RESPONSE**

When a Deputy encounters an unruly crowd and feels additional assistance is necessary, he or she will request backup through "KENT". The Deputy will give "KENT" a brief analysis of the situation including:

1. Approximate size of the crowd;
2. Nature of the disturbance;
3. Specific location of the incident; and
4. Approximate number of additional Deputies needed.

The Sheriff or Chief Deputy shall be notified. The Sheriff or Chief Deputy will determine whether to invoke the ICS.

**(CATEGORY B)**

### **13-403            EVACUATIONS – FIRST RESPONSE**

The first responding Deputy who arrives at a scene where an evacuation may be necessary will:

1. Communicate all pertinent information on the conditions to “KENT”;
2. Request that the Sheriff or Chief Deputy be notified;
3. Request additional units to assist in isolating the area;
4. If rescue of persons is imperative, quickly move endangered persons to safety if it can be done without undue hazard to the Deputy.

The Sheriff or Chief Deputy will determine whether to invoke the ICS or the Kent County EOP.

**(CATEGORY B)**

### **13-404            HOSTAGE / BARRICADED SUBJECTS - FIRST RESPONSE**

- a. Many hostage situations develop impulsively during the commission of other crimes. Deputies should consider immediate intervention if the hostage-taker has not gained physical control of the crime scene and victims. In such a case, Deputies must exercise extreme caution recognizing that their own safety and that of the victim(s) are paramount.
- b. Immediate intervention by patrol Deputies is not appropriate when a subject control the crime scene and the hostages. A law enforcement assault in this case would needlessly endanger the lives of Deputies and hostage(s). The patrol objective under these circumstances is to contain, analyze, and report on the situation.
- c. If the on-scene units determine that hostages have been taken and there is no apparent means by which to retrieve the hostages, or that a subject has barricaded him/herself in such a manner that approaching him/her would cause possible injury to Deputies or bystanders, the Deputies will notify “KENT” of the situation and request that the Sheriff and Chief Deputy be notified.

**(CATEGORY B)**

### **13-405            BOMB THREATS -- FIRST RESPONSE**

Deputies responding to or coming upon bomb threat situations will take the following immediate steps:

- a. Ensure that “KENT” has notified the Sheriff and/or the Chief Deputy, who will determine if the ICS will be activated.
- b. Portable and mobile radio transmitters will be turned off within 500 feet of the location of the alleged bomb until the scene is secured and determined to be safe. Necessary communications will be made by “land line” telephone (not cellular or portable phone) or by going a safe distance away from the scene to use the radio.
- c. Without unnecessarily endangering themselves or individuals occupying the threatened facility, conduct a thorough preliminary investigation to determine, among other things:
  1. The validity of the threat
  2. Layout of the threatened facility

3. Location of any suspect device(s)
4. Population of the threatened facility
5. What other resources, equipment, personnel, etc. may needed be to contain and control the incident.

The Deputy will report this information to "KENT" and ask that it be relayed to the Sheriff or Chief Deputy.

- d. Make reasonable efforts to identify and locate the owner, manager, or person otherwise in charge of the threatened facility and advise them that the decision to disregard the threat, search for a device and/or evacuate the premises is totally at the owner/agent's discretion, unless the Deputy has information that would require an evacuation and/or search.

**(CATEGORY B)**

### **13-500 SPECIAL EVENTS**

A special event is an activity such as a parade, athletic contest, fair, or public demonstration that results in the need for control of traffic, crowds, or crime. The Chief Deputy, division commanders or supervisors are responsible for planning for special events.

#### **13-501 PROCEDURE**

The Chief Deputy, division commanders or supervisors will develop a specific plan for each event, using the KCSO Special Event Operational Plan form. The plan will reflect, at a minimum, accomplishment of the following tasks:

- a. Designation of a single person or position as supervisor and coordinator for the event;
- b. Written estimate of traffic, crowd control, and crime problems expected for any given event;
- c. Contingency plan for traffic direction;
- d. Use of special operations personnel, if any;
- e. Logistical requirements;
- f. Coordination with other jurisdictions, with event planners, or others involved in the event, as well as with agency personnel.
- g. Preparation of an after-action report.

The Sheriff or his designee will concur with all Special Event Operational Plans prior to their implementation.  
**(CALEA 46.2.7)**

### **13-600 VIP SECURITY**

The Sheriff, Chief Deputy, or a designee will act as the supervisor of any security detail for a VIP. Hereafter the word supervisor will refer to the Sheriff or his designee.

- a. In the event the VIP has an accompanying security detail, the supervisor will work with the person in charge of that detail for a coordination of efforts.



- b. The supervisor will assign as many Deputies as necessary to provide adequate security of the VIP and his/her staff. If additional staff are needed, the supervisor may contact other area law enforcement agencies for assistance.

### **13-601            SPECIFIC SECURITY MEASURES**

The supervisor will develop a specific security plan for the visit, using the KCSO Special Event Operational Plan form. The plan will reflect, at a minimum, accomplishment of the following tasks:

- a. The supervisor will establish all area travel routes for the VIP. The supervisor will work closely with the VIP and/or his/her staff on these routes. The supervisor will keep in mind the needs of the VIP as well as timetables and public relations requirements. These routes should be pre-planned and pre-traveled to identify any hazards or problems that may arise. Alternate routes should be planned.
- b. The supervisor will evaluate the need for and make arrangements for obtaining any special-use equipment, including communications equipment, which may be needed during the visit.
- c. The supervisor will coordinate with "KENT" to establish specific communications protocols for the visit.
- d. The supervisor will make advance inspections of any sites or facilities to be visited or used by the VIP. Ingress and egress of the locations should be noted as well as any other problems of a security nature that the supervisor notices.
- e. When the VIP has his/her own security detail which keeps intelligence information on groups or persons that may be hostile towards the VIP, the supervisor will pass on any information the KCSO has regarding these groups or persons.
- f. If the visit of the VIP will entail travel and stays in jurisdictions in Kent County, such as Chestertown, the supervisor will work with the local police chief or his or her designee in planning to ensure a coordinated effort.
- g. It may be required that the supervisor arrange for an ambulance to be at each site that the VIP visits. Planning will also be made for the most direct route to the nearest hospital.
- h. If necessary, special identification (e.g., lapel pins) will be used to identify those who are armed law enforcement personnel and those who may be given unescorted access to the VIP or areas to be visited by the VIP.

**(CALEA 46.2.6)**

### **13-700            KCSO TACTICAL ENTRY TEAM**

The KCSO maintains a Tactical Entry Team composed of Deputies from various components of the agency. The Tactical Entry Team Supervisor shall be assigned by Sheriff.

The principal function of the Team is to make entry into premises in which search warrants are to be executed. The Team is also available for call-out to handle incidents such as hostage and barricaded person situations.

The Tactical Entry Team is subject to all the use of force policies set out in Chapter 8 of this Manual.

## **13-701 DEPLOYMENT**

The Tactical Entry Team will be deployed only at the direction of the Sheriff or the Chief Deputy. Units of the KCSO requiring assistance from the Tactical Entry Team will notify the Sheriff or Chief Deputy, who will alert the team Supervisor. The Tactical Entry Team Supervisor is in command of the team when it is deployed and has decision making authority.

Upon receipt of the request, the team Supervisor will determine whether the need is within the capability of the Tactical Entry Team.

- a. If the assignment is within Team capabilities, the Supervisor will mobilize the team, identifying for team members the mobilization point, the turn-out equipment and uniform, and turn-out time.
- b. If it is not, the Supervisor will mobilize the team for first response as indicated above but will contact the MSP for such additional assistance as may be needed.

**(CALEA 46.2.1)**

### **13-701.1 REPORTING REQUIREMENTS FOR ACTIVATION/DEPLOYMENT**

Maryland law requires law enforcement agencies that maintain SWAT to report information regarding the activation/deployment of said teams on a semi-annual basis to the Kent County Commissioners and the Governor's Office of Crime Control and Prevention no later than the 15<sup>th</sup> day of the month following the six (6) month period that is the subject of the report.

- a. The following information shall be included in the report as required by law:
  1. name of the county, municipality, and zip code where SWAT was activated/deployed.
  2. reason for the activation/deployment of SWAT.
  3. legal authority, including the type of warrant, if any, for each SWAT activation/deployment.
  4. number of arrests made, if any.
  5. whether property was seized.
  6. whether forcible entry by SWAT was made
  7. whether SWAT discharged a weapon; and
  8. whether a person or domestic animal was killed or injured by SWAT
- b. The KCSO Tactical Entry Team Supervisor shall be responsible to document the information on the KCSO Incident Report Form for each KCSO Tactical Entry Team activation/deployment. The KCSO Tactical Entry Team Supervisor shall forward said form to the Patrol Commander within three (3) days of the activation/deployment.
- c. By the 15<sup>th</sup> day of January and July on each calendar year the Tactical Entry Team Supervisor shall prepare and submit the KCSO Semi-Annual Activation/Deployment Report (KCSO Form #305), to the Governor's Office of Crime Prevention, Youth and Victim Services with a copy to the Sheriff. This form is located on the Shared Drive Form Fill-in (Miscellaneous).
- d. By the 15<sup>th</sup> day of January and July of each calendar year, the Sheriff will forward a copy of the KCSO Semi-Annual Activation/Deployment Report (KCSO Form #305) to the Kent County Administrator.

### **13-702 COORDINATION WITH OTHER COMPONENTS**

In any Tactical Entry Team deployment, the requesting component will prepare and brief the operational plan.

When a warrant is to be executed by the Tactical Entry Team, the affiant will take the Team Supervisor (or a designated member of the Team) to verify the location in advance of the execution of the warrant.

The Team Supervisor will develop the tactical plan, its timing and execution, and will oversee all operations until the scene has been secured. Other units will provide such assistance as the Team Supervisor may request. When the scene has been secured, the Supervisor will turn control over to the requesting component, providing such assistance as may be requested.

**(CALEA 46.2.1)**

### **13-703 SELECTION FOR TACTICAL ENTRY TEAM**

Deputies will be selected to serve on the Tactical Entry Team by the Supervisor, with the concurrence of the Chief Deputy and the Sheriff. Availability of positions on the team will be made known to the full KCSO staff so that Deputies may make their interest known. Membership on the Team is voluntary; a Deputy may request to be relieved of Team membership at any time.

Among the elements the Supervisor will consider in making selections for the Team are:

- a. **Experience.** A Deputy must have at least 3 years' experience with the KCSO to be considered for the Tactical Entry Team. The Sheriff may waive this requirement if circumstances warrant, at his discretion.
- b. **Physical Fitness.** Tactical Entry Team members must have and maintain sufficient physical fitness, as assessed through observation by the Supervisor, to perform strenuous physical activities.
- c. **Aptitude and Attitude.** A Deputy must have demonstrated, through successful completion of other assignments, the analytical skills needed to participate in potentially dangerous assignments; technical skill with special weapons; and the ability to work as a member of a team.

Upon selection, new members will receive initial training in basic special weapons and tactics for law enforcement officers.

**(CALEA 46.2.2)**

### **13-704 EQUIPMENT**

The Tactical Entry Team Supervisor will maintain and provide to each member of the Team, a list of the items of specialized equipment that the Deputy will maintain, in his or her KCSO-issued vehicle.

**(CALEA 46.2.3)**

### **13-705 CRISIS NEGOTIATION**

The KCSO does not have any trained crisis negotiators on staff, thus in the event there is a need to utilize the services of a trained crisis negotiator, the Sheriff or his designee shall request the services of a trained crisis negotiator from allied law enforcement agencies

**(CALEA 46.2.4)**

### **13-800            TACTICAL ENTRY TEAM VAN**

The KCSO has a van for use in transporting members of the Tactical Entry Team to the site of warrant execution. The anonymity of the van is an element of its tactical usefulness. It therefore is rarely used for other purposes.

KCSO tactical interventions employ a continuum of managed tactical resources that are designed to minimize the appearance of a military operation and avoid using provocative tactics and equipment that undermine civilian trust.

**(CALEA 41.1.3)**

### **13-801            DESCRIPTION**

The Tactical Entry Team Van is painted a nondescript color and has no permanent external markings, to maintain its anonymity. For the same reason, it has license tags from a neighboring State. It has tinted windows so that the occupants cannot be seen.

### **13-802            STORAGE**

When it is not in use, the Tactical Entry Team Van is stored at a clandestine location, where it will not be seen by the public.

### **13-803            MAINTENANCE AND OPERATION**

Routine maintenance of the van is the responsibility of the Tactical Entry Team Supervisor.

The van deploys with the Tactical Entry Team, as authorized by the Sheriff or Chief Deputy; the van may be deployed in other circumstances at the direction of the Tactical Entry Team Supervisor.

When it is deployed, the van may be operated by any KCSO Deputy designated by the Team Supervisor. No specialized training or other qualifications are required to operate the van.

### **13-804            EQUIPMENT**

The following equipment is available for deployment with the Tactical Entry Team Van. The equipment to be taken on any specific deployment will be determined by the Tactical Entry Team Supervisor:

1. ballistic shields (2)
2. rams (2)
3. pry bars
4. bolt cutters
5. magnetic commercial vehicle markings

The Tactical Entry Team Supervisor is responsible for ensuring that the equipment is maintained in a state of readiness.

**(CALEA 41.1.4)**

## **13-900 HOMELAND SECURITY**

### **13-901 LIAISON AND REPORTING INFORMATION**

The CID Commander is responsible for the KCSO's homeland security program.

- a. The KCSO through the CID Commander maintains a regular liaison with select federal, state, and legal agencies regarding homeland security issues.
- b. In the regular course of business, the CID Commander reviews all Criminal Investigative Reports and Field Interview Reports and is alert for any information or data which may have a bearing on homeland security issues. Additionally, the Patrol Commander or his designee reviews all incident reports and relays to the CID Commander any information or data which may have a bearing on homeland security.
- c. The Maryland State Police and the FBI have established a clearinghouse for homeland security matters. The Maryland Coordination and Analysis Center (MCAC) is operational 24-hours per day. The Sheriff, Chief Deputy, Patrol Division Commander, CID Commander and KCNTF Supervisor all have access to receive and disseminate information to and from MCAC regarding homeland security related issues.
- d. The KCSO provides terrorism preparedness information to the public in coordination with other county agencies.

**(CALEA 46.3.1, 46.3.2, 46.3.3)**

### **13-902 CBRN AWARENESS LEVEL GUIDELINES**

The KCSO's awareness level guidelines for events involving chemical, biological, radiological, and nuclear weapons (CBRN) are found in Appendix 13-A. Awareness level guidelines for hazardous materials are found elsewhere in this Chapter.

### **13-903 CBRN TRAINING**

Annually, all sworn personnel will be required to review Appendix 13A CBRN Awareness Level Guidelines. Annually, all sworn personnel will be trained on CBRN awareness.

**(CALEA 46.3.4)**

### **13-904 FIRST RESPONDER EQUIPMENT**

The KCSO follows the U.S. Department of Homeland Security's Science and Technology Division standards for first responder CBRN equipment.

**(CALEA 46.3.4)**

# APPENDIX 13-A

## CBRN AWARENESS LEVEL GUIDELINES

### 13A-001 PURPOSE

The following information is designed to provide all members of the Kent County Sheriff's Office (IKCSO) with awareness level guidelines for events involving (CBRN) chemical, biological, radiological, nuclear weapons, and hazardous materials.

### 13A-100 CHEMICAL ATTACK

Chemical agents are poisonous vapors, aerosols, liquids, and solids that have toxic effects on people, animals, or plants. They can be released by bombs or sprayed from aircraft, boats, and vehicles. They can be used as a liquid to create a hazard to people and the environment. Some chemical agents may be odorless and tasteless. They can have an immediate effect (a few seconds to a few minutes) or a delayed effect (2 to 48 hours). While potentially lethal, chemical agents are difficult to deliver in lethal concentrations. Outdoors, the agents often dissipate rapidly. Chemical agents also are difficult to produce.

A chemical attack could come without warning. Signs of a chemical release include people having difficulty breathing; experiencing eye irritation; losing coordination; becoming nauseated; or having a burning sensation in the nose, throat, and lungs. Also, the presence of many dead insects or birds may indicate a chemical agent release.

### 13A-101 FIRST RESPONSE

A Deputy who arrives at a scene where there may have been a chemical event will exercise extreme caution and will, without endangering him- or herself:

- a. Notify "KENT" of all details of the event and request that appropriate responders be notified.
- b. Request that the Sheriff and Chief Deputy be notified.
- c. Evacuate persons to a safe distance and decontaminate self and others, if necessary.

### 13A-102 DECONTAMINATION GUIDELINES

- a. Decontamination is needed within minutes of exposure to minimize health consequences. A person affected by a chemical agent requires immediate medical attention from a professional. If medical help is not immediately available, the Deputy should take self-decontamination measures and assist in decontaminating others.
- b. Use extreme caution when helping others who have been exposed to chemical agents.
- c. Remove all clothing and other items in contact with the body. Contaminated clothing normally removed over the head should be cut off to avoid contact with the eyes, nose, and mouth. Put contaminated clothing and items into a plastic bag and seal it.
- d. Decontaminate hands using soap and water.

- e. Remove eyeglasses or contact lenses. Put glasses in a pan of household bleach to decontaminate them, and then rinse and dry.
- f. Flush eyes with water.
- g. Gently wash face and hair with soap and water before thoroughly rinsing with water.
- h. Decontaminate other body areas likely to have been contaminated. Blot (do not swab or scrape) with a cloth soaked in soapy water and rinse with clear water.
- i. Change into uncontaminated clothes. Clothing stored in drawers or closets is likely to be uncontaminated.
- j. Proceed to a medical facility for screening and professional treatment.

## **13A-200      BIOLOGICAL ATTACKS**

Biological agents are organisms or toxins that can kill or incapacitate people, livestock, and crops. The three basic groups of biological agents that would likely be used as weapons are bacteria, viruses, and toxins. Most biological agents are difficult to grow and maintain. Many break down quickly when exposed to sunlight and other environmental factors, while others, such as anthrax spores, are very long lived. Biological agents can be dispersed by spraying them into the air, by infecting animals that carry the disease to humans and by contaminating food and water. Delivery methods include:

- a. Aerosols - biological agents are dispersed into the air, forming a fine mist that may drift for miles. Inhaling the agent may cause disease in people or animals.
- b. Animals - some diseases are spread by insects and animals, such as fleas, mice, flies, mosquitoes, and livestock.
- c. Food and water contamination - some pathogenic organisms and toxins may persist in food and water supplies. Most microbes can be killed, and toxins deactivated, by cooking food and boiling water. Most microbes are killed by boiling water for one minute, but some require longer. Follow official instructions.
- d. Person-to-person - spread of a few infectious agents is also possible. Humans have been the source of infection for smallpox, plague, and the Lassa viruses.

## **13A-201      FIRST RESPONSE**

A Deputy who arrives at a scene where there may have been a biological event will exercise extreme caution and will, without endangering him- or herself:

- a. Notify "KENT" of all details of the event and request that appropriate responders be notified.
- b. Request that the Sheriff and Chief Deputy be notified.
- c. Evacuate persons to a safe distance and decontaminate self and others, if necessary.

## 13A-202 DECONTAMINATION GUIDELINES

- a. Remove and bag your clothes and personal items. Follow official instructions for disposal of contaminated items.
- b. Wash yourself with soap and water and put on clean clothes.
- c. Seek medical assistance. You may be advised to stay away from others or even quarantined.

## 13A-300 RADIOLOGICAL ATTACKS

- a. Terrorist use of a Radiological Dispersion Device (RDD)—often called “dirty nuke” or “dirty bomb”—is considered far more likely than use of a nuclear explosive device. An RDD combines a conventional explosive device—such as a bomb—with radioactive material. It is designed to scatter dangerous and sub-lethal amounts of radioactive material over a general area. Such RDDs appeal to terrorists because they require limited technical knowledge to build and deploy compared to a nuclear device. Also, the radioactive materials in RDDs are widely used in medicine, agriculture, industry, and research, and are easier to obtain than weapons grade uranium or plutonium.

The primary purpose of terrorist use of an RDD is to cause psychological fear and economic disruption. Some devices could cause fatalities from exposure to radioactive materials. Depending on the speed at which the area of the RDD detonation was evacuated or how successful people were at sheltering-in-place, the number of deaths and injuries from an RDD might not be substantially greater than from a conventional bomb explosion.

The size of the affected area and the level of destruction caused by an RDD would depend on the sophistication and size of the conventional bomb, the type of radioactive material used, the quality and quantity of the radioactive material, and the local meteorological conditions—primarily wind and precipitation. The area affected could be placed off-limits to the public for several months during cleanup efforts.

While the explosive blast will be immediately obvious, the presence of radiation will not be known until trained personnel with specialized equipment are on the scene. It would be safer to assume radiological contamination has occurred—particularly in an urban setting or near other likely terrorist targets—and take the proper precautions. As with any radiation, avoid or limit exposure. This is particularly true of inhaling radioactive dust that results from the explosion. As you seek shelter from any location (indoors or outdoors) and there is visual dust or other contaminants in the air, breathe through the cloth of your shirt or coat to limit your exposure. If you manage to avoid breathing radioactive dust, your proximity to the radioactive particles may still result in some radiation exposure.

If the explosion or radiological release occurs inside, get out immediately and seek safe shelter.

- b. Contamination from an RDD event could affect a wide area, depending on the number of conventional explosives used, the quantity and type of radioactive material released, and meteorological conditions. Thus, radiation dissipation rates vary, but radiation from an RDD will likely take longer to dissipate due to a potentially larger localized concentration of radioactive material.
- c. Nuclear Attack. A nuclear blast is an explosion with intense light and heat, a damaging pressure wave, and widespread radioactive material that can contaminate the air, water, and ground surfaces for miles around. A nuclear device can range from a weapon carried by an intercontinental missile launched by a hostile nation or terrorist organization, to a small portable nuclear device transported by an individual. All nuclear devices cause deadly effects when exploded, including blinding light,



intense heat (thermal radiation), initial nuclear radiation, blast, fires started by the heat pulse, and secondary fires caused by the destruction.

- d. Hazards of Nuclear Devices. The extent, nature, and arrival time of these hazards are difficult to predict. The geographical dispersion of hazard effects will be defined by the following:
  - 1) Size of the device. A more powerful bomb will produce more distant effects.
  - 2) Height above the ground the device was detonated. This will determine the extent of blast effects.
  - 3) Nature of the surface beneath the explosion. Some materials are more likely to become radioactive and airborne than others. Flat areas are more susceptible to blast effects.
  - 4) Existing meteorological conditions. Wind speed and direction will affect arrival time of fallout; precipitation may wash fallout from the atmosphere.
- e. Radioactive Fallout. Even if individuals are not close enough to the nuclear blast to be affected by the direct impacts, they may be affected by radioactive fallout. Any nuclear blast results in some fallout. Blasts that occur near the earth's surface create much greater amounts of fallout than blasts that occur at higher altitudes. This is because the tremendous heat produced from a nuclear blast causes an up draft of air that forms the familiar mushroom cloud. When a blast occurs near the earth's surface, millions of vaporized dirt particles also are drawn into the cloud. As the heat diminishes, radioactive materials that have vaporized condense on the particles and fall back to Earth. The phenomenon is called radioactive fallout. This fallout material decays over a long period of time and is the main source of residual nuclear radiation.

Fallout from a nuclear explosion may be carried by wind currents for hundreds of miles if the right conditions exist. Effects from even a small portable device exploded at ground level can be potentially deadly.

Nuclear radiation cannot be seen, smelled, or otherwise detected by normal senses. Radiation can only be detected by radiation monitoring devices. This makes radiological emergencies different from other types of emergencies, such as floods or hurricanes. Monitoring can project the fallout arrival times, which will be announced through official warning channels. However, any increase in surface build-up of gritty dust and dirt should be a warning for taking protective measures.

In addition to other effects, a nuclear weapon detonated in or above the earth's atmosphere can create an electromagnetic pulse (EMP), a high-density electrical field. An EMP acts like a stroke of lightning but is stronger, faster, and shorter. An EMP can seriously damage electronic devices connected to power sources or antennas. This includes communication systems, computers, electrical appliances, and automobile or aircraft ignition systems. The damage could range from a minor interruption to actual burnout of components. Most electronic equipment within 1,000 miles of a high-altitude nuclear detonation could be affected. Battery-powered radios with short antennas generally would not be affected. Although an EMP is unlikely to harm most people, it could harm those with pacemakers or other implanted electronic devices.

## **13A-301      FIRST RESPONSE**

A Deputy who arrives at a scene where there may have been a radiological event will exercise extreme caution and will, without endangering him- or herself:

- a. Notify "KENT" of all details of the event and request that appropriate responders be notified.
- b. Request that the Sheriff and Chief Deputy be notified.

- c. Evacuate persons to a safe distance and decontaminate self and others, if necessary.
- d. The following are guidelines for what to do in the event of a nuclear explosion:
  - 1) Take cover as quickly as you can, below ground if possible, and stay there until instructed to do otherwise.
  - 2) Listen for official information and follow instructions.
  - 3) Do not look at the flash or fireball - it can blind you.
  - 4) Take cover behind anything that might offer protection.
  - 5) Lie flat on the ground and cover your head. If the explosion is some distance away, it could take 30 seconds or more for the blast wave to hit.
  - 6) Take shelter as soon as you can, even if you are many miles from ground zero where the attack occurred - radioactive fallout can be carried by the winds for hundreds of miles. Remember the three protective factors: Distance, shielding, and time.

**Distance** - the more distance between you and the fallout particles, the better. An underground area such as a home or office building basement offers more protection than the first floor of a building. A floor near the middle of a high-rise may be better, depending on what is nearby at that level on which significant fallout particles would collect. Flat roofs collect fallout particles, so the top floor is not a good choice, nor is a floor adjacent to a neighboring flat roof.

**Shielding** - the heavier and denser the materials - thick walls, concrete, bricks, books, and earth - between you and the fallout particles, the better.

**Time** - fallout radiation loses its intensity fairly rapidly. In time, you will be able to leave the fallout shelter. Radioactive fallout poses the greatest threat to people during the first two weeks, by which time it has declined to about 1 percent of its initial radiation level.

Remember that any protection, however temporary, is better than none at all, and the more shielding, distance, and time you can take advantage of, the better.

## **13A-401 HAZARDOUS MATERIALS**

Agency response to incidents involving other hazardous materials will be carried out as described in Chapter 13 of this manual.

## **13A-501 CBRN EQUIPMENT**

All CBRN equipment acquired by the KCSO will meet the standard for the U.S. Department of Homeland Security's Science and Technology Division standards for first responder CBRN equipment.

**(CALEA 46.3.4)**

# **APPENDIX 13-B**

## **KCSO PANDEMIC INFLUENZA RESPONSE PLAN & PROCEDURES**

### **A. Introduction**

#### **1. Definitions and Acronyms**

- a. “Pandemic” - Epidemic over a wide geographic area and affecting a large portion of the population
- b. “KCSO” - Kent County Sheriff’s Office
- c. “KCHD” - Kent County Health Department
- d. “KCOES” - Kent County Office of Emergency Services
- e. “Contact” - People who have had close physical contact (less than one yard) or confined airspace contact with an infected person, within four days of that person developing symptoms. These are likely to include family members and/or other living companions, workmates (if in close contact situations or confined airspace environments), and some recreational companions. People, who have not been in close proximity nor have shared a confined airspace with a sick person within four days of that person developing symptoms, are not considered to be a contact. Note that the definition of a contact is likely to change once the nature of the pandemic strain is known.

#### **2. Purpose**

- a. The purpose of this plan is to manage the impact of an influenza pandemic on personnel and operations of the Kent County Sheriff’s Office (KCSO). The two main strategies:
  - (1) Containment of the disease by reducing spread within the operational structure of the KCSO and its regional partners.
  - (2) Preserving the continuity of operations and continue to provide essential services if containment is not possible.

#### **3. Background**

- a. Severe infectious disease events much like influenza pandemics represent one of the greatest potential threats to the public’s health. Pandemics are distinct from seasonal influenza epidemics that happen nearly every year, causing an average of 36,000 deaths annually in the United States. Seasonal influenza epidemics are caused by influenza viruses which circulate around the world. Over time, people develop some

degree of immunity to these viruses, and vaccines are developed annually to protect people from serious illness. Pandemic influenza refers to a worldwide epidemic due to a new, dramatically different strain of influenza virus. A pandemic virus strain can spread rapidly from person to person and, if severe, can cause high levels of disease and death around the world.

- b. Pandemic viruses develop in two main ways. First, wild birds are the reservoir for all influenza viruses. Most avian influenza viruses do not infect or cause significant disease in humans. However, new pandemic influenza viruses can arise when avian influenza viruses acquire the ability to infect and cause disease in humans, and then spread rapidly from person to person. Second, all influenza viruses experience frequent, slight changes to their genetic structure over time. This necessitates a change in annual vaccines to protect against seasonal influenza. Occasionally, however, influenza viruses undergo a major change in genetic composition through the combination of an avian and human virus.
- c. There are several characteristics of pandemic influenza that differentiate it from other public health emergencies. First, it has the potential to suddenly cause illness in a very large number of people, who could easily overwhelm the health care system throughout the nation. A pandemic outbreak could also jeopardize essential community services by causing high levels of absenteeism in critical positions in every workforce. It is likely that vaccines against the new virus will not be available for six to eight months, following the emergence of the virus. Basic services, such as health care, law enforcement, fire, emergency response, communications, transportation, and utilities, could be disrupted during a pandemic. Finally, the pandemic, unlike many other emergency events, could last for several weeks, if not months.

## **B. Assumptions**

- 1. An influenza pandemic will present a massive test of any emergency preparedness and response system.
- 2. Advance planning for the KCSO's emergency response and preparedness could protect our personnel and citizens of Kent County.
- 3. The KCSO may not be able to rely on mutual aid resources, local, State, or Federal assistance to support local response efforts.
- 4. Although pandemic influenza has emerged mostly from areas of Eastern Asia, variants with pandemic potential could emerge in Kent County or elsewhere in the United States.
- 5. Many geographic areas within Kent County and its neighboring jurisdictions may be affected simultaneously.

6. The level of service that KCSO provides to jurisdictions and organizations will be affected.
7. A pandemic will pose significant threats to staffing levels required for critical community services (in health and non-health sectors) due to widespread absenteeism.
8. Effective preventive and therapeutic measures (vaccines and antiviral medications) may be in short supply. This may adversely affect the KCSO personnel and cause civil unrest.
9. There may be critical shortages of health care resources such as medical facilities and training staff, morgue capacity, temporary holding sites with refrigeration for storage of bodies and other resources may also be in short supply.
10. Assuming that prior influenza vaccination(s) may offer some protection (even against a novel influenza variant) the annual influenza vaccination program, supplemented by pneumococcal vaccination when indicated, will remain a cornerstone of prevention.
11. The Federal government will likely not assume the costs for purchase of vaccines, antiviral medications, and related supplies.
12. Social distancing strategies aimed at reducing the spread of infection such as closing schools, community centers, and other public gathering points and cancel public events may be implemented during a pandemic.
13. Some persons will be unable or unwilling to comply with isolation directives. For others, social distancing strategies may be less feasible (for example, homeless populations who live in congregate settings.) It will be important to develop and disseminate strategies for infection control appropriate for these environments and populations.
14. An effective response to an influenza pandemic will require the coordinated efforts of a several of organizations – these should include private as well as public, and health as well as non-health related.
15. Shortages of supplies may occur because of increased demand during the pandemic (i.e. cleaning supplies, tissues, masks). Pandemic planning should consider the need for ensuring adequate availability of essential supplies.
16. Shortages of health-related goods and other essentials may also occur because of disruptions in transportation systems or the inability of suppliers to meet demands because of their own staff shortages.

### **C. Activation of the Pandemic Influenza Annex**

1. The World Health Organization (WHO) has developed a global influenza preparedness plan that includes a classification system for guiding planning and response activities for an influenza pandemic. This classification system is comprised of six phases of increasing public health risk associated with the emergence and spread of a new influenza virus subtype that may lead to a pandemic. The Director General of WHO formally declares the current global pandemic phase and adjusts the phase level to correspond with pandemic conditions around the world. For each phase, the global influenza preparedness plan identifies response measures WHO will take and recommends actions that countries around the world should implement.
2. In accordance with the Department of Health and Human Services Pandemic Influenza Strategic Plan, HHS will determine and communicate the pandemic phase level for the U.S. based on the global pandemic phase and the extent of disease spread throughout the country.

Pandemic Phases	Public Health Goals	Law Enforcement Goals
<p><b><u>Inter-Pandemic Period</u></b></p> <p><b>Phase 1</b> – No new influenza virus subtypes detected in humans. An influenza virus subtype that has caused human infection may be present in animals. If present in animals, the risk of human infection or disease is considered low.</p> <p><b>Phase 2</b> – No new influenza virus subtypes detected in humans. However, a circulating animal influenza virus subtype poses substantial risk of human disease.</p>	<p>Strengthen influenza pandemic preparedness at all levels. Closely monitor human and animal surveillance data.</p> <p>Minimize the risk of transmission of animal influenza virus to humans; detect and report such transmission rapidly if it occurs.</p>	<p>During Pandemic Phases 1,2, and 3 where Kent County is not directly affected, the Kent County Sheriff’s Office will maintain normal operations</p>
<p><b><u>Pandemic Alert Period</u></b></p> <p><b>Phase 3</b> – Human infection(s) are occurring with a new subtype, but no human-to-human spread, or at most rare instances of spread to a close contact.</p> <p><b>Phase 4</b> – Small cluster(s) of human infection with limited human-to-human transmission but spread is highly localized suggesting that the virus is not well adapted to humans.</p> <p><b>Phase 5</b> – Larger cluster(s) of human infection but human-to-human spread is localized, suggesting that the virus is becoming increasingly better adapted to humans, but may not yet be fully transmissible (substantial pandemic risk).</p>	<p>Ensure rapid characterization of the new virus subtype and early detection, notification, and response to additional cases.</p> <p>Contain the new virus within limited foci or delay spread to gain time to implement preparedness measures, including vaccine development.</p> <p>Maximize efforts to contain or delay spread to possibly avert a pandemic, and to gain time to implement response measures.</p>	<p>The Kent County Sheriff’s Office will assess, evaluate, and update their plan as needed</p> <p>Assess whether to activate the sections of the Pandemic Influenza Plan</p> <p>Based on guidance of the Kent County Health Officer, the KCSO will activate the COOP protocols.</p>
<p><b><u>Pandemic Period</u></b></p> <p><b>Phase 6</b> – Pandemic is declared. Increased and sustained transmission in the general population.</p>	<p>Implement response measures including social distancing to minimize pandemic impacts</p>	<p>The Kent County Sheriff’s Office will activate all parts of the Pandemic Influenza Annex</p>

#### **D. Concept of Operations**

1. The Kent County Sheriff's Office may adjust its operations based on the phases of pandemic influenza to maintain basic law enforcement services and support the needs of the overall direction and control of the Kent County Office of Emergency Services (KCOES) during the event.

#### **E. General Responsibilities During an Influenza Pandemic**

1. The Kent County Sheriff's Office role and responsibilities during an infectious disease event includes:
  - a. KCSO is mandated by law to provide law enforcement services for Kent County and for all municipal jurisdictions if they are unable to provide law enforcement services;
  - b. Supporting the KCHD by conducting specific response activities during an influenza pandemic. See Specific Responsibilities during an Influenza Pandemic for details;
  - c. Supporting the needs of the overall direction and control of the KCOES during the event.

#### **F. Specific Responsibilities during an Influenza Pandemic**

1. KCHD by law is the lead department in the preparedness, prevention, response, and recovery of an infectious disease response. Law enforcement support to the event will be limited to continuing essential law enforcement services and supporting the needs of the overall direction and control of the KCOES during the event.
  - a. The following are potential response events that may require a KCSO response during an influenza pandemic:
    - (1) civil unrest;
    - (2) providing security to medical care facilities;
    - (3) protecting supply and distribution of vaccines or other medications.
  - b. Possible death investigations as a result of the pandemic influenza

#### **G. Essential Services**

1. The Kent County Sheriff's Office may adjust its operations based on the phases of pandemic influenza to maintain essential law enforcement services. Each Division of the KCSO provides various support functions that are critical to providing essential services. In the event of an influenza pandemic, the following would be considered essential services:
  - a. death investigations;
  - b. major case investigations: assault, kidnap, missing person, robbery (screened on case-by-case basis);



- c. in-progress calls for service, with priority given to felonies and domestic violence;
- d. fatality/personal injury accidents;
- e. mutual aid requests involving the above listed incidents;
- f. court security details.

## **H. Continuity of Operations**

1. The Kent County Sheriff's Office has a responsibility to maintain staffing levels in order to maintain essential services during a pandemic influenza.
2. Each KCSO Division provides various functions that are critical to essential services. Based on those functions each division will provide essential law enforcement services within their area of responsibility. Each KCSO Division Commander will be responsible to provide personnel whenever practical and appropriate to provide essential police services.

## **I. Sheriff's Office Line of Succession**

1. Sheriff
  - a. In the event of influenza pandemic that causes the Sheriff to be absent or unavailable, the administrative command in the Kent County Sheriff's Office shall be assumed by the Chief Deputy. The command shall be assumed by the following line of succession:
    - (1) First Alternative: The Commander of the KCSO Patrol Division;
    - (2) Second Alternative: The Commander of the KCSO Criminal Investigation Division;
    - (3) Third Alternative: The Assistant Commander of the KCSO Criminal Investigation Division;
    - (4) Fourth Alternative: The Supervisor of KCNTF;
    - (5) Fifth Alternative: The senior on-duty KCSO Shift Supervisor

## **J. KCSO Communications Procedures**

1. A KCSO shift supervisors' briefing will be held at the KCSO to triage priority issues and staffing needs at the beginning of each shift unless impractical or unwarranted due to the severity of the pandemic influenza.
2. All KCSO personnel will be responsible for accessing CrimeStar on a daily basis prior to and at the end of their shift for pandemic influenza information updates.
3. Supervisors may record updated information messages on their KCSO telephone or cellular telephone voicemail, which personnel can call to obtain needed information.

4. KCSO personnel can also contact KCOES to make inquiries regarding pandemic influenza information or updates.
5. Assignment changes for KCSO personnel will be conducted via telephones, cellular telephones, or e-mail if direct personal contact is impractical or unwarranted due to the severity of the pandemic influenza.
6. All KCSO personnel must notify their supervisors ASAP should they be unable to come to work during a pandemic.
7. KCSO personnel shall contact their supervisor prior to leaving work to maintain accountability.

#### **K. KCSO Containment Strategies and Activities**

1. The main strategies that the KCSO will implement will include:
  - a. restricting workplace entry of people with influenza symptoms;
  - b. practicing good personal hygiene and workplace cleaning habits;
  - c. increasing social distancing (e.g. avoid face-to-face contact);
  - d. managing staff that become ill at work;
  - e. managing family members of KCSO that exhibit influenza symptoms.

**Summary of Influenza Protection Measures**

<b>Protection measure</b>	<b>Where applicable</b>
Hand hygiene, cough etiquette, ventilation	Everyone, all the time
Organizational policies	Every organization, all the time
Social distancing	Everyone, whenever practical
Protective barriers	In situations where regular work practice requires unavoidable, relatively close contact with the public
Disposable surgical mask	Personnel who may be in close contact with the public. Also, as a possible adjunct to protective barriers
Disposable particulate respirator masks, eye protection, gloves, gowns / aprons	Personnel directly in close contact with persons who are infected and when there is a high risk of contact with respiratory secretions, particularly via aerosols (mostly inpatient settings).

## **L. Influenza Manager**

1. The KCSO Chief Deputy is the Influenza Manager. If the Influenza Manager becomes ill, the Commander of the Patrol Division will be the Influenza Manager.
2. The Influenza Manager will manage all worksite health related activities. The Influenza Manager will be responsible for the following:
  - a. track absenteeism of personnel and manage pandemic influenza cases of KCSO personnel;
  - b. set up prominent notices at all entry points to the KCSO facility, advising staff and visitors not to enter if they have symptoms of influenza;
  - c. set up key general influenza control (basic hygiene and hand hygiene) notices at the KCSO (including entrances, notice boards, meeting rooms and bathrooms);
  - d. ensure that there are adequate supplies of tissues, hand hygiene products, and cleaning supplies as well as masks for people who become ill at work;
  - e. ensure that personnel communications include pandemic influenza fact sheet and information on key general infection control notices and social distancing.

## **M. Restrict Workplace Entry of People with Influenza Symptoms**

1. On activation of Phase 6 of the Pandemic Influenza, the KCSO will post notices at all KCSO facility entry points advising staff and visitors not to enter if they have influenza symptoms.
2. KCSO employees will be advised not to come to work if they are feeling ill, particularly if they are exhibiting any influenza symptoms. It may be helpful to inform staff of the differences in symptoms between influenza and a common cold. Ill KCSO employees will also be advised to see a physician. Personnel who are ill should stay at home until symptoms resolve.
3. Use normal communication methods to ensure that all KCSO personnel receive the advisories. Additionally, KCSO personnel will be provided with further information regarding wellness during an influenza pandemic.
4. Track ill KCSO employees and make sure they have completed any required quarantine period and are healthy before allowing them to return to work.
5. Note that staff who have recovered from the pandemic influenza are unlikely to be re-infected (they will have natural immunity) and should be encouraged to return to work as soon as they are well.

## **N. Social Distancing**

1. Social distancing refers to strategies to reduce the frequency of contact between people. Generally, it refers to mass gatherings, but the same strategies can be used in

the workplace settings. The social distancing procedures are as follows:

- a. KCSO supervisors will send information on social distancing to personnel by telephone or email;
- b. the KCSO Chief Deputy shall post notices at the KCSO;
- c. KCSO personnel may be authorized to handle calls for service from home or an alternate location depending on the severity of the pandemic influenza. KCSO Divisions may be encouraged to work from different work locations to avoid cross infection.
- d. for KCSO personnel other than Patrol Division personnel, if alternate schedules are used and when operationally allowed, shift changes should be managed as follows: when one shift goes off duty, there should be an interval before the next shift begins so that the worksite can be thoroughly ventilated (either opening all doors and windows or turning up air conditioning or heating system).

2. Social distancing strategies include:

- a. a distance of at least 1 meter should be maintained between persons wherever possible. Greater distances are more effective;
- b. avoid meeting people face to face. Use the telephone, cellular telephones, or e-mail to conduct business as much as possible, even if it seems more convenient to talk face to face;
- c. avoid any unnecessary travel and cancel or postpone non-essential meetings, gatherings, workshops and training sessions;
- d. if possible, KCSO employees will report to calls for service from home or work flex hours to avoid unnecessary contact at the KCSO;
- e. KCSO employees should provide meals from home and eat away from others or introduce staggered lunchtimes so numbers of people eating at the same place and time are reduced;
- f. do not congregate in break rooms or other areas where people socialize. Do what needs to be done and then leave the area;
- g. if a face-to-face meeting with people is unavoidable, minimize the meeting time, choose a large meeting room and sit at least one meter away from each other if possible; avoid shaking hands;
- h. encourage staff to avoid recreational or other leisure activities where they might come into contact with infectious people;
- i. all internal spaces should be well ventilated, preferably with fresh air, by opening windows, or with properly designed and maintained air-conditioning systems.

3. Facilities to achieve social distancing should address the following:
  - a. identify alternate facilities with individual workspaces to achieve social distancing. The facility should be based on the function of the Divisions involved;
  - b. the facility should be equipped with the necessary equipment based on the function of the Divisions involved:
    - (1) computer workstations and network connections,
    - (2) 800 MHz communications equipment
    - (3) another telecommunications equipment
    - (4) temporary detention areas, if necessary

#### **O. Personnel Protective Equipment**

1. Using masks
  - a. People with respiratory infection symptoms should use a disposable surgical mask to help prevent exposing others to their respiratory secretions;
  - b. Any mask must be disposed of as soon as it becomes moist or after any cough or sneeze, in an appropriate waste receptacle, and hands must be thoroughly washed and dried after the used mask has been discarded.
2. Protective Barriers
  - a. Protective barriers in the form of Perspex or glass may provide useful protection for people such as front-counter staff or personnel whose duties require them to have frequent face-to-face contact with members of the public where social distancing is either not possible or not practical.

#### **P. Personal Hygiene**

1. Basic personal hygiene measures should be reinforced, and people should be encouraged to practice them to minimize potential influenza transmission:
  - a. cover nose and mouth when sneezing and coughing (preferably with a disposable single use tissue);
  - b. immediately dispose of used tissues;
  - c. adopt good hand washing / hand hygiene practices, particularly after coughing, sneezing or using tissues;
  - d. keep hands away from the mucous membranes of the eyes, mouth, and nose.
2. Ensure that adequate supplies of hand hygiene products are available. This is a high planning priority as there may be interruption to the supply or shortages of soap and hand towels.

3. Communicate hand and personal hygiene information to staff and visitors as follows:
  - a. hygiene notices should be posted in all workplace entrances, washrooms, hand washing stations and public areas.
  - b. use brochures, newsletters, global emails, employee notice boards to inform KCSO personnel of the importance of hand hygiene and environmental cleaning during a pandemic.

## **Q. Workplace Cleaning**

1. Office cleaning should be stepped up during the pandemic period.
2. Filters of the air conditioning systems should be cleaned and anti-bacteria solution applied.
3. Telephone sets in common areas should be cleaned daily.
4. Anti-bacteria solutions should be applied to all common areas, counters, railings, washbasins, toilet bowls, urinals, and septic tanks (where these are present) daily.
5. Details of suitable cleaning solutions can be found in table below.

<b>Disinfectants</b>	<b>Recommended use</b>	<b>Precautions</b>
Sodium hypochlorite: 1000 parts per million of available chlorine, usually achieved by a 1 in 5 dilution of hospital grade bleach.	Disinfection of material contaminated with blood and body fluids.	Should be used in well-ventilated areas. Protective clothing required while handling and using undiluted bleach. Do not mix with strong acids to avoid release of chlorine gas. Corrosive to metals.
Granular chlorine: E.g. Det-Sol 5000 or Diversol, to be diluted as per manufacturer's instructions.	May be used in place of liquid bleach if it is unavailable.	Same as above.
Alcohol : e.g. Isopropyl 70%, ethyl alcohol 60%.	Smooth metal surfaces, Table tops and other surfaces on which bleach cannot be used.	Flammable and toxic. To be use in well ventilated areas. Avoid inhalation. Keep away from heat sources, electrical equipment, flames, and hot surfaces. Allow it to dry completely, particularly when using diathermy, as this can cause diathermy burns

## **R. Supplies or Products Store and/or Needed During a Pandemic Influenza**

### **Event**

1. approved respiratory masks
2. disinfectant spray
3. bleach
4. granular chlorine
5. alcohol
6. paper towels
7. alcohol disinfectant hand gel
8. food and water supplies
9. rubber gloves
10. extra ammunition
11. disposable Tyvek suits
12. boots and boot covers
13. medical eye goggles

## **S. Managing Fear**

1. It is likely there will be anxiety regarding the pandemic situation, and this is likely to contribute to increased work absence and/or increased distress to staff. The suggested ways to manage this is to:
  - a. communicate as soon as possible the possibility of a pandemic and the KCSO's plan to manage the event;
  - b. have a comprehensive incident management plan in place which is clearly communicated to personnel;
  - c. provide clear, timely and proactive communications to KCSO personnel and their families when things are changing;
  - d. provide clear communications to the public on how the KCSO is handling the situation if the pandemic does occur;
  - e. provide support to KCSO personnel and their families through the KCSO Victim Witness Service Provider, KCSO Chaplains, local clergy and/or other qualified personnel in the event of deaths of KCSO personnel and/or their family.

## **T. Management of Pandemic Influenza Cases at Work**

1. The Influenza Manager or designee will post information regarding what to do if employees become ill at work.
2. The KCHD will provide advice to the Influenza Manager or designee regarding managing employees that become ill and modify the process outlined below as appropriate.
3. If a KCSO employee feels ill, or if someone observes that another person is exhibiting symptoms of influenza at work, they are to contact the Influenza Manager immediately by the safest means of contact available.
4. The Influenza Manager should:
  - a. avoid visiting the KCSO employee if it can be avoided – manage the process over the phone);
  - b. check if the KCSO employee has or is exhibiting any of the influenza symptoms;
  - c. be aware, that if the KCSO employee does not have any influenza symptoms; they are unlikely to have influenza, and should be reassured but advised to call the Influenza Manager again later or to contact their physician if they are still concerned;
  - d. be aware, that if the KCSO employee does have influenza symptoms, they should be treated as a “suspect case.” The Influenza Manager should complete the staff influenza notification form, including details of any staff and/or visitors the person has been in contact with;
  - e. inform the KCSO employee where they can find a surgical mask and instructed to wear it immediately. This is to help protect other KCSO personnel;
  - f. direct the KCSO employee to leave work immediately and advise them to contact their physician by telephone for a review. The KCSO will assist the KCSO personnel with transportation, if necessary;
  - g. notify the KCSO supervisor of the suspect case is unavailable to perform his or her duties and has left work;
  - h. advise the Sheriff and appropriate Division Commander as well as addressing the following issues:
    - (1) identify any contacts (once a KCSO employee is suspected to be infected);
    - (2) advise any contacts by the safest available means that that they have been in contact with a person suspected of having influenza;
    - (3) advise any contacts to go home and stay at home until advised otherwise.



ensure that the suspect case's workstation is cleaned and disinfected, as indicated in the section on Workplace Cleaning;

- j. advises the suspect case and their contacts regarding their return to work status:
  - (1) advise the KCSO employee how long to stay away from work (the KCHD will have advice on this once the characteristics of a pandemic are known);
  - (2) check on the KCSO employee during his/her absence from work. This will facilitate treatment, contact tracing, etc., if they become ill;
  - (3) advise the KCSO employees to have written documentation from a physician that they are well prior to their returning to work.

## **U. Authorities**

1. Various state and local public officials have "authority" with regard to protecting public health and safety. The Governor of the State of Maryland, the Secretary of the Maryland State Department of Health and Mental Hygiene, the Kent County Health Officer, and the President of the Kent County Board of Commissioners each can implement authorities within the scope of their jurisdiction aimed at protecting public health, including increasing social distancing by closing public or private facilities. During a pandemic, the presence of overlapping authorities will necessitate close communication and coordination between elected leaders and the Kent County Health Officer to ensure decisions and response actions are clear and consistent. The Kent County Sheriff and Kent County Sheriff's Office Deputies have authority to enforce law, rules, and regulations related to the pandemic.

### **a. The Governor of the State of Maryland**

- (1) The Governor has authority to proclaim that a state of a Catastrophic Health Emergency (CHE) exists under the Public Safety Article, Title 14, subtitle 3A-01, when a situation in which extensive loss of life or serious disability is threatened imminently because of exposure to a deadly agent.
- (2) Title 14, Subtitle 3A-02: If the Governor determines that a CHE exists; the Governor may issue a proclamation under regarding the nature of the CHE, the areas threatened or affected, the conditions that led to the CHE or the conditions that led to the termination of the CHE.
- (3) Title 14, subtitle 3A-03: After the Governor issues a Proclamation under this subtitle, the Governor may issue orders directing the Secretary of the

Maryland Department of Health and Mental Hygiene or other designated official to do the following:

- (a) seize immediately anything needed to respond to the medical consequences of the CHE and work collaboratively, to the extent feasible, with health care providers to designate and gain access to a facility needed to respond to the CHE;
- (b) to control, restrict, or regulate the use, sale, dispensing, distribution, or transportation of anything needed to respond to the medical consequences of the CHE;
- (c) if medically necessary and reasonable to treat, prevent, or reduce the spread of the disease or outbreak, the Governor may order the Secretary or other designated official to require individuals to;
  - i. submit to medical examination or testing;
  - ii. require individuals to submit to vaccination or medical treatment unless the medical treatment or vaccination will cause serious harm to the individual
  - iii. establish places of treatment, isolation, and quarantine
  - iv. require individuals to go to and remain in places of isolation or quarantine until the Secretary or other designated official determines that the individuals no longer pose a substantial risk of transmitting the disease or condition to the public.
- (d) may order a health care provider who does not voluntarily participate, to participate in disease surveillance, treatment or suppression efforts or otherwise comply with the directives of the Secretary or other designated official;
- (e) may order the evacuation, closing or decontamination of any facility;
- (f) may order individuals to remain outdoors or refrain from congregating.

b. The Secretary of the Maryland State Department of Health and Mental Hygiene

- (1) Title 14, subtitle 3A-04: The Secretary of the Maryland State Department of Health and Mental Hygiene has authority to isolate or quarantine individuals after refusal to be tested or treated.
- (2) Title 14, subtitle 3A-05: The Secretary of the Maryland State Department of Health and Mental Hygiene or other designated official has authority to issue a directive to require an individual

or groups of individuals to go to and remaining places of isolation or quarantine.

- (3) Title 18, subtitle 1-101: The Secretary of the Maryland State Department of Health and Mental Hygiene shall do the following:
  - (a) investigate the causes of diseases, particularly epidemics;
  - (b) investigate the causes of mortality;
  - (c) investigate the locality, employment, habit, and other conditions on health.
- (4) Title 18, subtitle 1-102: The Secretary of the Maryland State Department of Health and Mental Hygiene shall adopt rules and regulations to prevent the following:
  - (a) the introduction of an infectious or contagious disease into the State or other disease that endangers the public health;
  - (b) the spread of an infectious or contagious disease or other disease that endangers public health in the State.

b. The Kent County Health Officer

- (a) Title 14, subtitle 3-306: The Health Officer shall perform and investigation or other duty or function directed by the Secretary of DHMH or the county board of health;
- (b) Title 14, subtitle 3-307: The Health Officer shall have the authority to enter and inspect a private house or a place of business or employment in the performance of an official duty;
- (c) Title 14, subtitle 5-506: The Health Officer may take control of a dead body that is being kept in a room where an individual life and that is in a condition that endangers an individual in the house where the body is kept;
- (d) Title 18, subtitle 1-208: The Health Officer shall investigate disease and act properly to prevent the spread of disease;
- (e) Title 18, subtitle 1-211a: The Health Officer may have an individual moved to a suitable place for the reception of the sick;
- (f) Title 18, subtitle 1-211c: A person may not willfully disobey an order or obstruct the carrying out of an order of the health officer to move an individual;

(g.) Title 18, subtitle 1-208: The Health Officer shall have the authority to disinfect a house or part of a house and destroy any article in the house to prevent the spread of communicable disease.

c. The President of the Kent County Commissioners

(1) Title 14, subtitle 1-111: The Principle Executive Officer of a political subdivision may declare a state of emergency;

(2) Kent County Emergency Operations Plan, Concept of Operations, A. Response: If necessary, the President of the Kent County Board of Commissioners may declare a Local State of Emergency implementing the Kent County Emergency Operations Plan which will be coordinated by the local Director of Emergency Management.

d. The Kent County Sheriff and Kent County Sheriff's Office

(1) Title 14, subtitle 1-305: Each law enforcement agency, fire company or rescue squad of the State, a county or municipal corporation within an emergency area shall operate under the direction of the person designated by the Governor.

e. Kent County Sheriff's Deputies

(1) Title 14, subtitle 1-113: Each law enforcement officer of the state or of a political subdivision shall execute and enforce the orders, rules and regulations made by the Governor.

**U. Cooperative Protocols**

1. In the event of a pandemic influenza epidemic, the Kent County Sheriff's Office will function in a cooperative manner with all federal, state, county, local and private agencies, and organizations as well as the citizens of Kent County to manage the epidemic efficiently and effectively.

## SUB-APPENDIX 13B-1

### SYMPTOMS OF INFLUENZA AND HOW IS IT SPREAD

#### What are the Symptoms of Influenza?

Influenza is a highly contagious viral disease of the respiratory tract.

Influenza is characterized by rapid onset of respiratory and generalized signs and symptoms including: a high fever, headache, muscle aches and pains, fatigue, cough, sore throat, or a runny nose.

#### What is the Difference between Influenza and a Common Cold?

SYMPTOM	INFLUENZA	COMMON COLD
Fever	Usual, sudden onset 100 F-102 F and lasts 3-4 days.	Rare
Headache	Usual and can be severe	Rare
Aches and pains	Usual and can be severe	Rare
Fatigue and weakness	Usual and can last 2-3 weeks or more after the acute illness	Sometimes, but mild
Debilitating fatigue	Usual, early onset can be severe	Rare
Nausea, vomiting, diarrhea	In children < 5 years old	Rare
Watering of the eyes	Rare	Usual
Runny, stuffy nose	Rare	Usual
Sneezing	Rare in early stages	Usual
Sore throat	Usual	Usual
Chest discomfort	Usual and can be severe	Sometimes, but mild to moderate
Complications	Respiratory failure; can worsen a current chronic condition; can be life threatening	Congestion or earache
Fatalities	Well recognized	Not reported
Prevention	Influenza vaccine; frequent hand- washing; cover your cough	Frequent handwashing, cover your cough

#### How is Influenza Spread?

Influenza is spread from person to person in the respiratory droplets generated by coughs and sneezes. It can also be spread when a person comes into contact with the respiratory droplets of another person by touching items on which droplets are present, and then touches their own eyes, mouth or nose before washing their hands. The virus may enter through the eyes or more commonly through the nose or mouth, and into the throat and lungs where it begins to multiply. The time from first exposure to when symptoms begin is one to four days.

## **SUB-APPENDIX 13B-2**

### **BASIC HYGIENE NOTICES**

#### **PROTECTING YOURSELF AND OTHERS AGAINST RESPIRATORY ILLNESS**

- ❖ **HANDWASHING IS THE MOST IMPORTANT THING YOU CAN DO TO PROTECT YOURSELF**
- ❖ Cover your nose and mouth when coughing or sneezing
  - Use a tissue and dispose of this once used in the waste
  - Always wash hands after coughing and sneezing or disposing of tissues.
- ❖ Keep your hands away from your mouth, nose and eyes.
- ❖ Avoid contact with individuals at risk (e.g. small children or those with underlying or chronic illnesses such as immune suppression or lung disease) until influenza-like symptoms have resolved.
- ❖ Avoid contact with people who have influenza-like symptoms.
- ❖ Ask people to use a tissue and cover their nose and mouth when coughing or sneezing and to wash their hands afterwards.

#### **HAND HYGIENE**

**The most important thing you can do to keep from getting sick is to wash your hands!**










Handwashing is the single most important measure to reduce the risks of transmitting infection from one person to another.

Hand washing with soap and water, alcohol-based hand rub, or antiseptic handwash should be performed regularly. Hands should be thoroughly dried, preferably using disposable tissues or towels. Use the disposable towel to open the door.

Hand washing and drying should always be done after coughing, sneezing or handling used tissues or after touching objects, materials or hard surfaces that may have been contaminated by someone else with the infectious illness.

Hand-to-face contact such as can occur during eating, normal grooming, or smoking presents significant risks because of the potential for transmission of influenza from surfaces contaminated with wet respiratory droplets. Handwashing should always be carried out before and after eating, grooming, smoking or any other activity that involves hand-to-face contact.

## SUB-APPENDIX 13B-3 HAND HYGIENCE NOTICE

Hand Hygiene with Soap and Water		
<b>1. Remove jewelry. Wet hands with warm water</b> 	<b>2. Add soap to palms</b> 	<b>3. Rub hands together to create a lather</b> 
<b>4. Cover all surfaces of the hands and fingers</b> 	<b>5. Clean knuckles, back of hands and fingers</b> 	<b>6. Clean the space between the thumb and index finger</b> 
<b>7. Work the finger tips into the palms to clean under the nails</b> 	<b>8. Rinse well under warm running water</b> 	<b>9. Dry with a single- use towel and then use towel to turn off the tap</b> 
Minimum wash time 10-20 seconds.		

## Hand Hygiene with Alcohol-based Hand Sanitizer

**1. Remove jewelry. Apply enough product to open palms.\*\***



**2. Rub hands together palms to palms**



**3. Rub in between and around fingers**



**4. Cover all surfaces of the hands and fingers**



**5. Rub backs of hands and fingers. Rub each thumb.**



**6. Rub fingertips of each hand in opposite palm**



**7. Keep rubbing until hands are dry.**

**\*\*The volume required to be effective varies from product to product. Enough product to keep hands moist for 15 seconds should be applied.**

Do not use these products with water. Do not use paper towels to dry hands.

**Note: Wash hands with soap and water if hands are visibly dirty or contaminated with blood or other body fluids. Certain manufacturers recommend washing hands with soap and water after 5-10 applications of gel.**



# **SUB-APPENDIX 13B-4 SUSPECT INFLUENZA CASE AT WORK NOTIFICATION FORM**

## **SUSPECTED INFLUENZA CASE AT WORK NOTIFICATION FORM**

### **Details of Affected Staff**

Name:	Worksite:	Location of Isolation:
Job title:	Nationality if Visitor to Site:	Date of birth:
Address:		
Telephone no: _____ (W) _____ (H) _____ (M)		
<b>Symptoms noticed:</b>  Fever <input type="checkbox"/> Body aches <input type="checkbox"/> Headache <input type="checkbox"/> Fatigue <input type="checkbox"/> Dry cough <input type="checkbox"/> Others <input type="checkbox"/> Details: _____ Cold <input type="checkbox"/>  Time of fever on-set: _____ Time of isolation: _____  Travel history over the past 8 days:  Countries visited _____ Flights taken: _____  Where referred:  Contact List (See separate page)		

### **Details of Reporter**

Name:
Job title:
Telephone no: _____ (W) _____ (H) _____ (M)

## SUB-APPENDIX 13B-5

### INFLUENZA CONTACT LIST FORM

Contact is defined as people who have had close physical contact (less than one yard) or confined airspace contact with an infected person, within four days of that person developing symptoms. These are likely to include family members and/or other living companions, workmates (if in close contact situations or confined airspace environments), and some recreational companions. People, who have not been in close proximity nor have shared a confined airspace with a sick person within four days of that person developing symptoms, are not considered to be a contact. Note that the definition of a contact is likely to change once the nature of the pandemic strain is known and should refer to KCHD during a pandemic for further guidance.

Develop this list and provide it to the KCOES upon request.

[illegible]

# APPENDIX 13-C

## Active Assailant Policy

### A. INTRODUCTION

In many circumstances, it is appropriate for patrol personnel to contain a suspect within a secure perimeter and wait for the arrival of a tactical entry team. A tactical entry team (TET) generally will have sufficient time to deploy their personnel without serious concern of the suspect(s) escaping. Once a suspect has been contained and isolated, patrol and/or tactical personnel have sufficient time to formulate and implement a structured and deliberate plan of action.

However, these and other scenarios require that patrol personnel act immediately and deploy rapidly prior to the arrival of TET. In these instances, often involving on-going incidents of "shots fired" or "downed Deputy/citizen rescue," delayed deployment can have catastrophic consequences and may demand that law enforcement personnel take immediate and rapid action to contain, neutralize and/or prevent the escape of an armed and dangerous person(s).

In recent years, our nation has experienced a growing trend of mass violence committed by individuals. These episodes, described as "active assailant" incidents, are unique in that the suspect or suspects' behavior differs from that typically associated with other violent attacks. These suspect(s) generally begin to shoot at, injure, and kill numbers of people without warning. The motives for these behaviors can range from rage to vengeance or may be a result of mental dysfunction.

The active assailant incidents experienced across the country suggest that the traditional law enforcement response of containment, isolation, and negotiation may not be adequate or appropriate. This realization has forced law enforcement to rethink the **"wait and see"** approach used in the past as, unlike most criminals, active assailants are likely to continue to employ deadly physical force until intervention occurs or until the assailant decides to stop. Once law enforcement recognizes that the intentions of these individuals, is not to take hostages and to kill or seriously injure occupants, containment and isolation are no longer adequate responses. In such a scenario, law enforcement's first responders cannot take a passive stance but must initiate a counter-offensive and aggressively confront the suspect or suspects.

The tactical response by a first responder to an active assailant represents a shift in patrol response tactics, equipment needs, and command protocol. These situations require the initial police responders arriving on the scene to have the authority and capability to take action without waiting for command staff to provide over-sight or for the arrival of tactical response teams/hostage negotiators.

The KCSO, being the primary law enforcement agency for areas outside the jurisdictions of Chestertown and Rock Hall, may initially respond and act in the event of an active assailant incident and/or may utilize the resources of other allied law enforcement agencies through Mutual Aid Agreements enacted for "emergency" situations. (See Chapter 6 of the KCSO Administrative and Operations Manual regarding Mutual Aid Agreements).

## B. POLICY:

It is policy of the Kent County Sheriff's Office (KCSO) to empower initial responding Deputies with the authority and responsibility to take immediate action, consistent with their training and experience, to contain and, if necessary, to neutralize active assailants. It is the goal of the KCSO to intervene in active assailant situations to neutralize the threat by preventing access to potential victims and to rescue injured persons and potential victims. Deputies responding to an active assailant incident shall accomplish this goal by immediately using any legal means at their disposal to make contact with the active assailant and stop him/her as soon as possible. This may include arrest, containment, or use of deadly force. This policy recognizes that the active assailant must be stopped before he/she can take any more innocent lives. This shall be the duty and responsibility of the initial responding Deputies, and they shall use all legal means to accomplish it. The prioritization of activities, in their order of importance is:

1. Stop the active assailant;
2. Rescue the victims;
3. Provide medical assistance; and
4. Preserve the crime scene.

**NOTE: While it is important to provide medical treatment to the wounded, it is our duty to first protect all innocent life by stopping the actions of the active assailant.**

## C. DEFINITIONS:

1. **ACTIVE ASSAILANT:** One or more subjects who are participating in an ongoing, random, or systematic shooting spree, demonstrating their intent to continuously harm others. Their overriding objective appears to be that of mass injury or murder, rather than other criminal conduct, such as robbery, hostage taking, etc. For the purposes of this policy, the term "weapon" shall include, but not be limited to, any deadly weapon (firearm, knife, club, bow & arrow, and explosives) used to inflict death or great bodily harm systematically or randomly.
2. **BARRICADED SUSPECT(S):** A static situation involving an armed suspect, (with or without hostages), who has demonstrated or voiced violence and has fortified a position of advantage in a room or building.
3. **ACTIVE ASSAILANT TEAM(S):** The AAT's primary function is to initiate immediate pursuit and confrontation with the active assailant(s). Their mission is to make contact as soon as possible and to stop the active assailant by arrest, containment, or use of deadly force. The first arriving Deputies (up to four) shall form a contact team. The team must recognize that they are subject to 360-degree vulnerability upon entry into the facility and will not be responsible for initiating a thorough clearing of the facility at this point in time. They will continue on past victims or harmless distractions in search of the active assailant(s). They may relay the location of victims they come across to the rescue team.
4. **DYNAMIC SITUATION:** The active assailant situation is frequently dynamic in that it is fluid, evolving and changing with constant movement, frequently numerous victims, discovery of IEDs (Improvised Explosive Devices) and other tactical changes.

5. **INCIDENT TRANSITION:** The change in tactics from active assailant team in response to the circumstances surrounding the incident.

6. **RESCUE TEAM(S):** The RT's primary function is to locate and remove victims from within the facility to a safe location or directing victims to a safe passage from the facility. The second set of four Deputies arriving on the scene will form a rescue team. RT members should remember that uninjured victims may nonetheless be in shock, or paralyzed with fear, and may not respond to regular verbal commands. RT members are to remain constantly vigilant as the rapidly changing dynamics of the incident may put them in contact with the suspect and that they too are subject to 360-degree vulnerability.

7. **STATIC SITUATION:** The suspect(s) stop moving and appear to be contained.

Multiple suspects can create simultaneous static and dynamic situations and uncontained static situations can become dynamic without notice.

#### **D. CHARACTERISTICS OF AN ACTIVE ASSAILANT:**

The following is a list of characteristics commonly associated with active assailant suspects. The list is compiled from descriptions of past active assailants and not meant to be a comprehensive list describing all active assailants, as each active assailant incident is unique.

1. Active assailants usually focus on assaulting persons with whom they come into contact. Their intention is usually an expression of hatred, rage, or revenge rather than the commission of a crime.
2. An active assailant is likely to engage more than one target. Active assailants may be intent on killing a number of people as quickly as possible.
3. Generally, the first indication of the presence of an active assailant is when he/she begins to assault victims.
4. Active assailants often go to locations where potential victims are close at hand, such as schools, theaters, concerts, or shopping malls. Active assailants may act in the manner of a sniper, assaulting victims from a distance or may engage multiple targets while remaining constantly mobile.
5. Tactics such as containment and negotiation, normally associated with standoff incidents, may not be adequate or appropriate in active assailant events. Active assailants typically continue their attack despite the arrival of emergency responders.
6. Active assailants are often better armed than the police, sometimes making use of explosives, booby traps and body armor. Active assailants are not limited to the use of firearms in accomplishing their attacks on victims. They may use bladed weapons, vehicles, or any tool that, in the circumstance in which it is used, constitutes deadly physical force.
7. Active assailants may have a planned attack and be prepared for a sustained confrontation with the police. Historically, active assailants have not attempted to hide their identity or conceal the commission of their attacks. Escape from the police is usually not a priority of the active assailant.
8. Active assailants may employ some type of diversionary tactics.

9. Active assailants may be indiscriminate in their violence or they may seek specific victims.
10. Active assailants may be suicidal, deciding to die in the course of their actions either at the hand of others or by self-inflicted wound.
11. Active assailants usually have some degree of familiarity with the building or location they choose to occupy.
12. Active assailant events are dynamic and may go in and out of an "active" status; a static incident may turn into an active assailant event or an active assailant may go "inactive" by going to a barricaded status without access to victims.

#### **E. PROCEDURES:**

These incidents are sufficiently unique in that their effective handling cannot be totally reduced to standardized and generic procedures. These procedures are not meant to limit conventional law enforcement tactics appropriate to a crisis situation. The significant factors regarding these tactics are that they represent a means of intervention available to Deputies in order to prevent injury/death to innocent persons while complying with the KCSO Administrative and Operations Manual, Chapter 8, Use of Force. Additionally, under these guidelines, the first responding Deputy arriving at the scene of an active assailant incident is authorized to intervene prior to the arrival of command personnel and specialized units. The first responding Deputy or Deputies shall:

1. **ASSUME TACTICAL RESPONSIBILITY**: One of the first arriving Deputies **must take charge** of the active assailant incident. Assumption of incident scene responsibility may be based on rank, expertise, or seniority. However, it must be made immediately clear to **all**, (i.e. law enforcement personnel. Kent County Office of Emergency Services dispatch personnel, herein after identified as "KENT" and in the event of an incident at a school, school personnel and students), who is in charge. A Deputy of superior rank who is on scene and fully briefed may ultimately assume scene command. "KENT" and responding Deputies and other law enforcement personnel must be advised of any change in the incident command.

2. **SITUATIONAL ANALYSIS**: The Deputy taking charge must, based on all information available, make a situational analysis. The analysis will be continuous, taking into account new information from "KENT" and observations from Deputies, other law enforcement personnel, victims and citizens. The analysis must lead to a decision as to whether the situation is an active assailant incident, whether an opportunity exists for immediate intervention leaning to accomplishment of one of the goals listed above, and how responding resources should be deployed at the scene.

3. **INCIDENT COMMAND**:

- a. Incident Command shall be implemented in accordance with NIMS/ICS Training.
- b. No action will be taken that is unplanned or without controls.
- c. The first Deputy on the scene who is not part of an AAT or RT will assume the role of IC; initiate situational analysis to determine the best deployment tactics of responding resources and establish a command post site. The Deputy shall remain as incident commander until a higher-ranking Deputy assumes the role of IC. At least one person possessing all available information on tactical plans and actions taken will remain at the command post to brief arriving personnel. He/she shall:

1. Establish Communications and Control
  2. Identify Inner Perimeter “Hot Zone” and restrict access.
  3. Establish Outer Perimeter
  4. Establish Command Post (CP)
  5. Establish Staging Areas:
    - a) Law Enforcement
    - b) Fire Rescue/EMS and “Triage Center”
    - c) Media – Contact Office of Media Communications
    - d) Family Members
    - e) Medical Examiner
  6. Form additional AATs/RTs, as necessary;
  7. Post additional responding personnel to protect the crime scene;
  8. Call for appropriate follow-up investigative services (detectives, crime lab, etc.) and any other appropriate resources to bring the incident to a conclusion.
  9. Ensure that the scene integrity is protected for crime scene processing.
  10. Start a chronological listing (Timeline) of the incident.
- d. Command personnel en-route to the incident will monitor the radio to gain information, but shall not obstruct on-going intervention. Command personnel must be on scene and fully briefed before assuming incident command.
  - e. It is essential that the Incident Commander designates personnel at the Staging Area to credential and track the arrival and departure of all personnel to and from the Scene

**4. FIRST RESPONDER TACTICAL INTERVENTION:** It is critical that all Deputies, supervisors, and command personnel are familiar with the definition of an active assailant as well as the tactics deemed appropriate for active assailant response. The traditional uniform responses of contain, isolate, evacuate and wait for a KCSO TET (Tactical Entry Team) or negotiator response, may not be adequate or appropriate in an active assailant incident. The incident commander will need to consider the following:

- a. **AAT/RT(s):** First responder intervention will be based on opportunity. These teams will be in the form of law enforcement with an identified element leader. Team movement will be in a controlled and disciplined tactical manner under the control and direction of the team leader consistent with active assailant training. If a TET, MSP S.T.A.T.E. or another assigned agency S.W.A.T. member is on either the AAT or RT, he/she will assume the role as Team Leader. The Team Leader will ensure the Command Post is notified of the team’s progress, location, location of victims and locations of explosives or booby traps. Where available, helmets, patrol rifles and shotguns should be deployed. Initial responding personnel as well as contact and rescue team members should always be cognizant of maintaining a minimum distance of two (2) feet from walls, in order to minimize ricochet from incoming rounds.

- b. **Containment:** Dedicated security elements should always be a component of intervention teams. Individual action is discouraged, as it is usually counterproductive to the overall coordinated, focused responses needed in an active assailant incident. Site containment will be left to the discretion of the first Deputy on scene that assumes incident command responsibility and initiates the situation assessment. Containment of an active assailant incident may take the form of Deputies serving in an "observe and report" capacity.
5. **ACTIVE ASSAILANT –SITE SECURITY:** No location associated with an active assailant will be considered secure until the TET, S.T.A.T.E. or other assigned agency S.W.A.T. Commander declares it as such. Deputies assigned to security functions will maintain positions until properly relieved.
6. **S.W.A.T. DEPLOYMENT:** - When TET, S.T.A.T.E. or other assigned agency S.W.A.T. is prepared to deploy, the initial responding Deputies may be relieved by these specialized units or they may be redeployed. It is the responsibility of the IC to notify and account for all deployed personnel.
7. **SUSPECT'S ARREST or INCAPACITATION:** If the suspect is arrested or incapacitated, standard operating procedures will be followed regarding the treatment of the suspect(s), investigation of the incident, and scene/evidence preservation.
8. **SUSPECT'S CONTAINMENT – NON-ACTIVE ASSAILANT STATUS:** If the AAT contains the suspect, and the suspect is no longer considered to be an "active assailant," (static situation) the incident commander will request the appropriate tactical response team (S.W.A.T.) to respond and be deployed. Trained negotiators will be utilized to attempt to contact the suspect(s) to negotiate and to affect surrender.
9. **EXPLOSIVE DEVICES:** If either team encounters a suspected explosive device, the Team Leader will make the determination whether to evacuate or proceed to the threat. The scene shall be handled appropriately in terms of the explosive devices.
10. **ENTRY LOCATIONS:** Deputies should consider making entry at a location other than the main entrance, if possible, as this is the place where a suspect might logically set up barricades, explosives, or an ambush. Current floor plans for all Kent County Schools have been installed on the KCSO server, "P" drive and shall be downloaded to the KCSO Mobile Data Terminals (MDTs) in all KCSO vehicles for reference and tactical deployment purposes in the event of an incident at a Kent County school.
11. **RADIO USAGE:** During the course of the event, all personnel are to restrict their use of the radio for emergency traffic only and the IC shall consider the use of tactical radio channels.
12. **WITNESS/HOSTAGE DEBRIEFING:** If time permits, witnesses and escaped hostages should be debriefed to determine the number of suspects, weapons used, booby traps and the last known suspect location. The number of hostages, their location, injuries and/or deaths should also be obtained.
13. **LOCKDOWN or EVACUATION:**
- a. In response to the active assailant, the facility may be under lockdown or the facility management or administration may have ordered evacuation. Once law enforcement is called to and arrives on scene, law enforcement has the authority to reassess the situation. The IC shall immediately determine if the facility has undergone any degree of evacuation or if it is under lockdown. Such information is important for the following reasons:



- 1) If evacuation has taken place (to any degree), vital intelligence information can be obtained via law enforcement interviews of those who have been evacuated. The intelligence includes, but is not limited to suspect descriptions (physical and clothing), suspect identities, type of weaponry the suspect(s) have, location last seen, comments made by the suspect(s), locations of victims (injured and non-injured), type/description/location of possible planted explosive devices, etc.
  - 2) AATs and RTs need to know if lockdown has taken place as this means that they are likely to encounter a larger number of victims as they transverse the facility and it may impact upon the tactics employed by the Teams.
  - 3) Those evacuated need to be compared to the facility manifest to make sure all occupants are accounted for.
- b. If a lockdown has occurred prior to their arrival, the IC will determine whether to order a law enforcement-supervised evacuation or leave it in lockdown mode. If the IC determines that an evacuation is appropriate, several techniques are available. Once the AAT has completed their search in a specific area, the rescue team can fall in behind them and evacuate these areas. Or, if the whereabouts of the active assailant(s) is known, and other sections of the facility can be evacuated by law enforcement with a reasonable degree of safety, this action may be taken. All evacuees shall be removed from the scene to an area that takes them out of harm's way and debriefed.

#### **F. NEWS MEDIA:**

1. Unless otherwise authorized by the Sheriff, the KCSO will not issue any press releases or grant interviews with the media.
2. Access to the scene will be restricted to emergency personnel. Upon scene stabilization, the KCSO may allow news media access to the scene for photo opportunities. However, said access shall be restricted and controlled by law enforcement. The Sheriff or his designee or if the KCSO is not the lead investigating agency, the ranking on-scene member of the lead investigatory agency shall make the decision to authorize access, as well as the degree of access allowed.
3. TACTICAL FLIGHT RESTRICTIONS (TFRs): Should an event occur (e.g., Active Assailant) whereby tactical operations are in progress and there is a real concern that the suspect(s) may possess the capabilities of observing said real-time operations on television, thereby putting at risk the safety of law enforcement personnel and/or innocent victims, or that such broadcast may impede/interfere with law enforcement operations at an on-going event, the KCSO may pursue a TFR by contacting FAA Potomac Approach 1-540-349-7526

#### **G. AFTER ACTION ACTIVITIES:**

1. KCSO personnel involved in the event shall submit applicable CrimeStar Reports delineating their assignments as well as detailed descriptions of their actions during the event.
2. The KCSO IC will conduct an after-action review with all involved parties and prepare an After-Action Report for inclusion with the investigative file.
3. Within 30 calendar days after the incident, the IC will submit the investigative file to the

Sheriff for review. The investigative file will include copies of the CrimeStar Criminal Investigative Report, CrimeStar Incident Reports, Response to Resistance Reports, Injury to Prisoner Reports, the After Action Report and any other documentation that may be deemed germane or beneficial to the incident by the IC, to include reports from other participating agencies where available

4. The Sheriff will review, endorse, and return the entire investigative file for retention.
5. Access to the contents of the investigative file for prosecution purposes or other dissemination purposes will be conducted as per KCSO Administrative and Operations Manual, Chapter 18, Records and Reports.

## **APPENDIX 13-D**

### **KCSO Continuity of Operations Plan Template**

As the chief law enforcement officer of Kent County, the Sheriff is responsible for the management of law enforcement services during critical incidents and other unusual occurrences. A critical incident is any situation of an emergency nature which results from disasters, both natural and man-made, and civil disturbances. Disasters include floods, hurricanes, earthquakes, explosions, tornadoes, and releases of hazardous materials. Civil disturbances include riots, disorders, and violence arising from dissident gatherings and marches, rock concerts, political gatherings, or labor disputes.

In most disasters, the KCSO plays a support, rather than a lead role. The KCSO's responsibilities in these circumstances are fully described in the Kent County Emergency Operations plan, published, and maintained by the Kent County Emergency Management Agency.

In the case of a civil disturbances or a significant criminal activity (such as a hostage-taking or barricaded subject situation), the KCSO does take the lead role.

It shall be the responsibility of the Sheriff to ensure that all KCSO personnel are aware of the personal impact to employees and the potential impact to their families when engaged in the KCSO response to a critical incident of any description. Those persons adversely affected shall be provided with the appropriate assistance by the KCSO or by Kent County government.

Disasters and emergencies could disrupt, paralyze, or destroy the capabilities to preserve government and perform essential governmental functions. Continuity of Operations (COOP) Planning is designed to develop and maintain a program that enables the KCSO to preserve and maintain their capability to function effectively in the event of a disaster or emergency, which could potentially disrupt critical operations and services. The primary objectives of this plan are to ensure the continuous performance of a department or agency's essential functions/operations during an emergency, protect essential facilities/equipment/ vital records / and other assets, reduce or mitigate disruptions to operation, Assess and minimize damage and losses, facilitate decision-making during an emergency, achieve a timely and orderly recovery from an emergency and resumption of full service to community.

A Continuity of Operations (COOP) Plan is an effort to ensure continuity of the KCSO essential functions during a disaster, emergency, or significant event. A COOP is one component of a comprehensive emergency management program that addresses the preparations for, response to, and recovery from all types of disasters. A COOP is designed to establish policy and guidance as well as provide vital KCSO specific information to help direct personnel during such events/incidents. To respond effectively to any emergency, it is critical that all KCSO employees understand their roles and responsibilities.

- a. An emergency or disaster may occur at any time of the day or night, weekend or holiday, with little to no warning.
- b. During an emergency or disaster, the KCSO Command Staff will coordinate with the leadership of other county departments to determine, prioritize, mobilize, and direct resource needs.
- c. Many normal county operations may be suspended or canceled so that resources may be redirected to save lives, relieve human suffering, and sustain survivors.
- d. KCSO Deputies may be called upon to support the county's broader emergency response efforts in addition to maintaining or resuming normal KCSO activities.

- e. All KCSO personnel will perform their normal duties unless otherwise directed by the Sheriff or designee.
- f. Non-essential functions of the KCSO may be suspended or reduced, depending on available resources and staffing.
- g. Even for essential functions, it may not be possible to maintain normal levels of service fully.
- h. As the COOP Action Plan is developed during COOP activation, feasible levels of service will be reassessed and reevaluated.
- i. All vital records and documents needed to restore and maintain essential functions will be maintained in such a way that they are accessible from alternative locations (e.g., hard copies kept at designated alternate locations and/or electronic records that can be accessed from other than primary locations).
- j. The succession of events in an emergency is not predictable, therefore published support and operational plans can be expected to serve only as guidance and checklists. These may require modification to meet the requirements of a given emergency.

## Record of Changes

Date of change	Individual making change	Description of change
5/15/2023	Sheriff Hickman	Update plan

## Mission Essential Functions

During a critical incident it is imperative that the KCSO maintains operations to the best of its ability to ensure public safety and the wellbeing of all KCSO personnel. While it is impossible to pre-determine all critical incident events, ensuring that basic operations continued shall be mandatory. These operations shall include at the minimum: Patrol operations, Investigation operations, Administrative operations, Communication with KCSO personnel, County Administrators and KCOES personnel and Preservation of records.

To ensure public safety the KCSO Patrol Commander shall ensure that there is adequate personnel to handle a critical incident. Deputies will only be required to work a 12 hour shift with 12 hours off. If additional resources are needed due to staff shortages, the KCSO has mutual aid agreements with neighboring law enforcement agencies for providing mutual law enforcement aid and assistance in emergency situations.

Depending on the severity and nature of a critical incident, the Criminal Investigation Division may need to temporarily halt their day to day operations to focus on other critical needs. These needs could include assisting the patrol division in the field, investigating incidents directly related to the critical incident, assisting with administrative duties in the absence of the Office Manager or acting in the PIA role.

<b>Functions that must be performed given a <u>one-day</u> disruption.</b> (please rank highest priority to lowest priority)	<b>Responsible Organization</b> (And number of individuals needed for essential function to continue)	<b>Support Organizations</b> (and number of individuals needed for essential function to continue)
PATROL OPERATIONS	PATROL COMMANDER	MINIMUM OF 2 DEPUTIES PER SHIFT
ADMINISTRATIVE OPERATIONS	SHERIFF	MINIMUM OF 2 EMPLOYEES DAYSHIFT
COMMUNICATIONS	SHERIFF	KCOES AND IT NEED TO COLLABORATE WITH KCSO

[illegible]

[illegible]

## Risk Assessment

Hazard			Risk Score (Probability x Average Impact)	Hazard-Specific Mitigation Actions
	Probability	Potential Impact (consider impacts to Infrastructure, Life, Economy, & the Environment)		
FLOOD	MED/HIGH	COUNTYWIDE-ALL	22.5	LOST OF FACILITY, ROAD BLOCKAGES
HURRICANE	MED/HIGH	COUNTYWIDE-ALL	20.5	LOSS OF FACILITY, LOSS OF POWER
TORANDO	MED/LOW	COUNTYWIDE-ALL	13.5	LOSS OF FACILITY, LOSS OF EQUIPMENT, LOSS OF POWER
SNOW/ICE STORM	MED	COUNTYWIDE-ALL	17	LOSS OF POWER, HAZARD ROAD CONDITIONS
SEVERE STORMS	HIGH	COUNTYWIDE-ALL	25	LOSS OF POWER, LOSS OF FACILITY
HIGH WINDS	MED/HIGH	COUNTYWIDE-ALL	22	LOSS OF POWER, LOSS OF FACILITY, HAZARD ROAD CONDITIONS
EARTHQUAKE	MED/LOW	COUNTYWIDE-ALL	14	LOSS OF FACILITY, LOSS OF POWER
INFECTIOUS DISEASES	HIGH	COUNTYWIDE-ALL PERSONNEL	27	LOSS OF STAFF, STAFF SAFETY
ACTIVE ASSAILANT		COUNTYWIDE		LOSS OF STAFF, STAFF SAFETY
CBRN ATTACK		COUNTYWIDE		LOSS OF STAFF, STAFF SAFETY
CYBER ATTACK		COUNTYWIDE		LOSS OF COMMUNICATION, LOSS OF DATA
STRUCTURE FIRE		ADMINISTRATIVE OFFICE/KCSO		



## Continuity of Operations Teams

### Planning Team

These individuals will be responsible for ensuring that this plan remains current, and that individuals receive training and exercise on this plan. Each agency should have at least 1 representative on the Planning Team.

NAME	AGENCY	CONTACT #	EMAIL
DENNIS HICKMAN, SHERIFF	KCSO	410-	DHICKMAN@KENTGOV.ORG
CAPTAIN HARRY KETTNER	KCSO		HKETTNER@KENTGOVE.ORG
LT SCOTT DUHAMELL	KCSO		SDUHAMELL@KENTGOV.ORG

## Relocation Team

[illegible]

## Essential Personnel

[illegible]

## Facilities

<b>Agency</b> (include contact name and 24/7 phone number)	<b>Primary Facility</b> (include physical address, # of staff that location can fit, and resources at that location)	<b>Alternate Facility</b> (include physical address, # of staff that location can fit, and resources at that location)
Kent County Dept of Public Works	709 Morgnec Rd, Chestertown, MD	Local Fire Departments, School Buildings, or other county buildings
Mike Moulds, Director 410-778-2600	KCSO Administrative and Command Staff	
	Access to Servers, Radio Communication	

## Alternative Workplan Strategies

During a critical incident, the KCSO shall make every effort to ensure that KCSO administrative operations continue. Should the administrative building located at 104 Vickers Drive, Chestertown, MD should become unusable, operations will be shifted to the back- up KCSO located in the Kent County Department of Public Works on Morgnec Road, Chestertown, MD. Most administrative staff have been provided with a laptop to continue working from any off site locations. Staff without an assigned laptop have been provided with logon credentials to the county server which stores all KCSO data. This access can be retrieved from any county facility. If needed, alternative sites for administrative operations could include the Community Center, local fire department, a school building or other local government building.

At the Sheriff's discretion certain administrative staff may be granted permission to telework or take leave. The Sheriff shall ensure that there is adequate staff to handle the necessary day to day operations of the KCSO.

### Vital Records, Equipment, Systems, and Databases

Record, Equipment, System or Database	Description	Associated Mission Essential Function(s)	Where is it located? Who can access it?	Can it be accessed off site?
Crimestar	database that stores all records		On server; accessed by all KCSO Employees	Yes
Hard copies of records	Records stored in KCSO office		In KCSO accessed by all KCSO Employees	No
Electronic copies of records	records stored on server		On servers accessed via computers	Yes

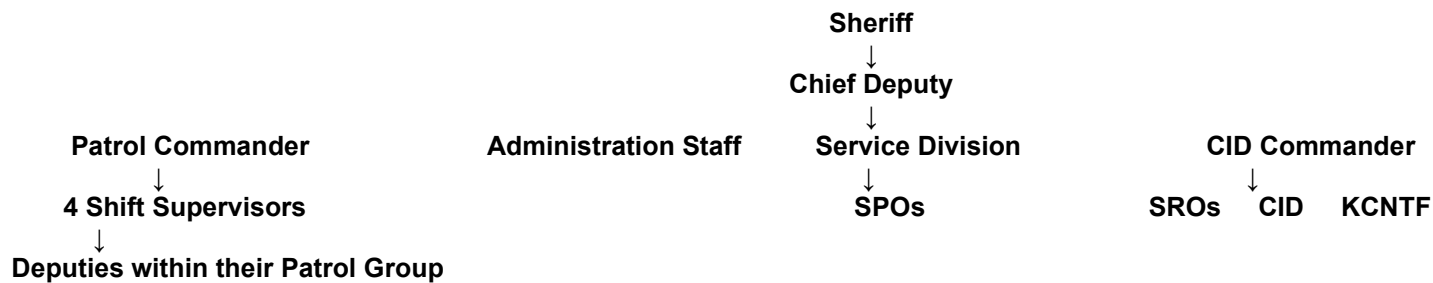
## Plan Activation

### Activation Triggers

Events which could trigger the activation of the KCSO COOP include, but are not limited to severe storms which could cause flooding and high winds; Hurricanes, Tornadoes, Earthquakes and Snowstorms. Other non-nature triggers could include, but are not limited to infectious diseases, CBRN attacks, cyber-attacks, infectious disease outbreaks and structure fire of the KCSO Administrative Offices or Patrol Fleet.

### Activation During Office Hours

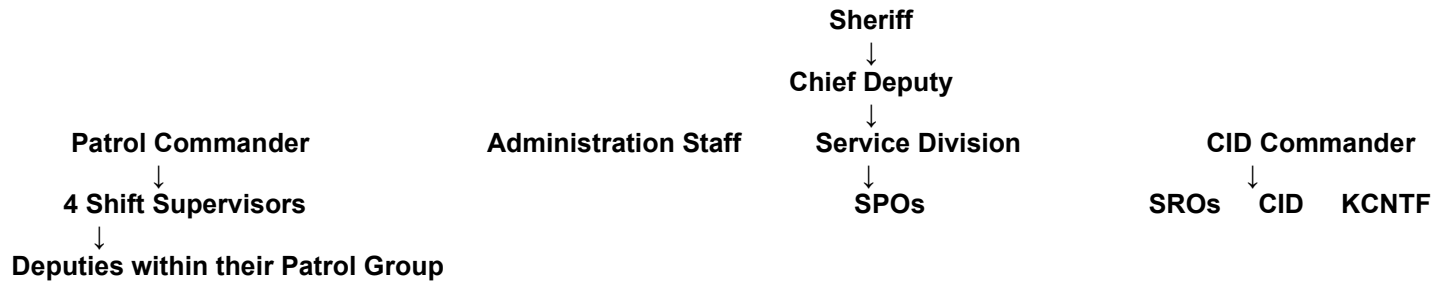
In the event the KCSO COOP plan needs to be activated during office hours, the Sheriff or designee shall notify the command staff of the activation and phase. Notification to the staff shall be made in accordance with below:



The Sheriff or designee shall be responsible to notify the director of KCOES, the Kent County Commissioners, CPD, RHPD, MSP, Kent County Office of Public Works and any other county/state/federal agency depending on the event and severity.

### **Activation After Office Hours**

In the event the KCSO COOP plan needs to be activated after office hours, any KCSO employee who determines the need for activation, (IE: fire at Administration Office) shall immediately notify the Sheriff. The Sheriff or designee shall notify the command staff of the activation and phase. Notification to the staff shall be made in accordance with below:



The Sheriff or designee shall be responsible to notify the director of KCOES, the Kent County Commissioners, CPD, RHPD, MSP, Kent County Office of Public Works and any other county/state/federal agency depending on the event and severity.

## **Orders of Succession**

The KCSO shall maintain an order of succession to ensure the continuity of operations. The line of succession shall be:

- a. Sheriff
- b. Chief Deputy
- c. CID Commander
- d. Patrol Commander
- e. Sergeant with must seniority, through the rank
- f. Corporal with must seniority, through the rank
- g. Deputy First Class with must seniority through the rank
- h. Deputy Sheriff with must seniority

## **Delegations of Authority**

Delegations of Authority shall follow the order of succession. Only the Sheriff or designee shall have the authority to enact the COOP plan, move offices or staff, authorize purchases or rescind any orders.

## **Reconstitution**

In the event of a natural occurrence, the Sheriff or designee will order the return to regular operations following the all clear from the Director of the KCOES. In the event of an infectious disease outbreak, the Sheriff or designee will rely on information from the Kent County and State Health Departments. For cyber-attacks, the Sheriff or designee will remain in communication with the Kent County IT Department. For CBRN attacks and Active Assailants., the Sheriff will rely on police intelligence reports.

Many factors will need to be considered before the Sheriff or designee will begin the process of reconstitution and eventual all clear to return to normal operations.



# **CHAPTER 14**

## **CRIMINAL INVESTIGATION DIVISION**

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## **14-001 CRIMINAL INVESTIGATION**

The purpose of a criminal investigation is to clear the innocent, recover stolen property, and present the accused to a court of law for determination of guilt or innocence based upon facts and evidence developed during the investigation. In most cases, a criminal offender is not apprehended during the commission of the crime. The majority of crimes are solved through a combination of thorough preliminary and follow-up investigations. This chapter relates to the criminal investigation function as performed by both patrol Deputies and Deputies assigned to the Criminal Investigation Division.

### **14-100 CRIMINAL INVESTIGATION DIVISION**

The KCSO has a Criminal Investigation Division (CID) to provide effective management of specialized investigations. The CID is responsible for investigating the matters identified in Chapter 2 of this Manual.

Because Deputies report directly from their homes, the KCSO does not conduct traditional “roll call” or shift briefings. However, the Sheriff convenes staff meetings of the entire Office as needed for the purpose of disseminating information of general interest to the staff. At these meetings, CID investigators brief patrol Deputies on developments in their area. Additionally, CID investigators periodically distribute information to all patrol Deputies concerning investigatory issues.

**(CALEA 42.2.4)**

### **14-101 AVAILABILITY**

The CID will be available on a 24-hour basis. The Division Commander or his or her designee will ensure that a 24-hour investigative capability is maintained and will publish an on-call investigator duty roster which will be provided to “Kent” and the Commander of the Patrol Division.

In the absence of an on-duty detective, the on-call detective will be called out when serious felonies or major events occur.

**(CALEA 42.1.1)**

### **14-102 NOTIFICATION**

- a. A Deputy responding to the scene of a serious felony will immediately ask “KENT” to notify the CID Commander. In the absence of the CID Commander, the Chief Deputy will be notified.
- b. Upon notification of a serious felony or major event, CID Commander or Chief Deputy will give approval for notifying the detective to respond to the scene or the KCSO to begin the investigation.
- c. The detective will immediately respond to the scene or Sheriff’s Office.
- d. If the on-call detective needs additional detective assistance, the CID Commander or Chief Deputy will call out as many Deputies as necessary to investigate the crime in an expeditious manner.

**(CATEGORY A)**

### **14-200 CASE MANAGEMENT AND PRELIMINARY INVESTIGATION**

The KCSO uses the following system to control and manage criminal investigations using a report form structure, solvability factors, case screening, continuous monitoring, and prosecutor feedback.

## **14-201            IMPORTANCE OF THE PRELIMINARY INVESTIGATION**

The preliminary investigation is the critical stage of any investigative effort. The search for facts and evidence is translated into solvability factors that are relevant to the investigation and can assist in its appropriate disposition. A solvability factor is information about a crime which can provide the basis for identifying and apprehending the criminal. Simply stated, a solvability factor is a lead or a clue as to who committed the crime.

Not all crimes can be solved no matter how much investigative effort is expended. Law enforcement resources are limited; therefore, it makes sense that the effectiveness of investigations will be increased if resources are allocated to those occurrences which have a good chance of solution. To direct resources to crimes which have little chance of solution is both wasteful and unproductive. Without a solvability factor, the chances of solving a crime are small; when one or more solvability factors are present, there is a reasonable chance for a solution.

A preliminary investigation involves twelve solvability factors. The Deputy's job is to determine which, if any, of these solvability factors exist:

- a. Witnesses;
- b. Suspect's name;
- c. Suspect's location;
- d. Suspect's description;
- e. Suspect's identification;
- f. Suspect previously seen;
- g. Traceable property;
- h. Significant method of operations;
- i. Significant physical evidence;
- j. Description of suspect's vehicle;
- k. An opportunity for one person to have committed the crime;
- l. Uniqueness of the crime.

### **14-201.1            PATROL DEPUTY'S ROLE**

Preliminary investigations frequently fall to the patrol Deputy. The patrol Deputy must be given adequate time to conduct a complete and thorough investigation, using structured report forms to improve the collection of data predicting the solvability of the crime.

The patrol Deputy will determine the status of the case based on the information developed.

## **14-202            CASE SCREENING**

The goals of case screening are to identify serious crimes that have a high potential for solution and to assign them appropriately. Appropriate assignment means that patrol Deputies are permitted to follow up on less serious crimes with a good potential for solution, while more complex cases are assigned to detectives from the CID. Predictably unsolvable cases are identified for early suspension.

#### **14-202.1 CASE SCREENING PROCEDURE**

- a. Case screening starts with the Patrol Deputy's determination as to case status at the completion of the preliminary investigation.
- b. The Patrol Commander or designee provides input in his or her review of the preliminary investigation, supplying additional insight to the status and assignment of the investigation.
- c. The CID Commander is the deciding official in case screening. Based on information contained in the preliminary report of investigation and the opinions and input of the patrol Deputy and first-line supervisors, the CID Commander will assign a case to the patrol Deputy or to the CID.
- d. The CID Commander will also review all the cases that the State's Attorney's Office declines to prosecute or dismisses because of potential KCSO mishandling of the investigation and/or official misconduct

#### **14-202.2 CASE STATUS**

Cases will be classified as open, suspended, cleared by exceptional means, cleared by arrest, or unfounded.

##### **14-202.2.1 OPEN CASES**

All cases that are assigned for investigation and are under active investigation are "open" cases. While every case will be open upon initial assignment, each Deputy, in conjunction with his or her supervisor, will prioritize assigned cases. The priority will be based upon the nature or seriousness of the crime and the number of solvability factors present.

A case will be open if:

- a. there are accused or suspected individuals listed and there are legitimate reasons why these individuals are either accused or suspected;
- b. it appears to have good solvability factors present to develop additional leads; or
- c. it involves circumstances (e.g., widespread publicity and strong public opinion) which argue in favor of its investigation.

Unless a case is cleared by arrest, every case will remain open for at least 15 days pending new developments. There will be a 15-day follow-up on every open case by the investigating Deputy.

**(CATEGORY A)**

##### **14-202.2.2 SUSPENDED CASES**

A case will be suspended if:

- a. there is little or no chance of its being successfully investigated; or
- b. the crime is reported so long after the offense that, in all probability, there is little chance of successful investigation.

### **14-202.2.3 CASES CLEARED BY ARREST**

A case is cleared by arrest when a suspect is apprehended through an on-view arrest or an arrest on a warrant and charged.

### **14-202.2.4 CASES CLEARED BY EXCEPTIONAL MEANS**

A case is cleared by exceptional means when an accused has been identified but criminal charges are not pursued.

### **14-202.2.5 UNFOUNDED CASES**

A case is unfounded if it is determined on investigation that there was no merit to the initial report.

### **14-202.2.6 VICTIM NOTIFICATION IN CHANGE OF CASE STATUS**

When a change in the status of a case occurs, the assigned Deputy will notify the victim of that change. The victim, if a Kent County resident, will be notified by telephone or in person. Out of county victims will be notified by either telephone or mail. If after multiple unsuccessful attempts to contact a Kent County victim, then the Deputy may notify the victim by mail. If the notification is made by mail, the Deputy will place a copy of the letter in the case file. If the notification is made by telephone or in person, the Deputy will file a supplemental report listing the date and time of the contact, documenting the name of the person the Deputy spoke with, and a brief explanation of the content of the conversation.

**(CATEGORY A)(CALEA 42.1.2, 42.1.4)**

## **14-203 DISCOVERY OF EXCULPATORY EVIDENCE**

It is the policy of the KCSO to identify and immediately provide to the prosecution any Potential Exculpatory and Impeachment Evidence following the initiation of any criminal case in state or federal court.

### **DEFINITIONS**

#### **a. Potential Exculpatory Evidence**

1. Evidence that is favorable to the defendant because it may disprove the guilt of the defendant or may show the defendant should receive less severe punishment.
2. Examples of Potential Exculpatory Evidence include, but are not limited to:
  - i. Information that tends to disprove the defendant's guilt concerning any count in a criminal case.
  - ii. Information that tends to cast doubt on the admissibility of evidence that the government plans to offer and that could be subject to a motion to suppress or exclude. For instance, information that tends to undermine probable cause for an arrest or a search, or information related to the mishandling of physical evidence.
  - iii. The failure of any eyewitness to make a positive identification of a defendant or an eyewitness's identification of another individual as the perpetrator.



- iv. Any statement made by any person that is inconsistent with the testimony of a potential witness for the government regarding the alleged criminal conduct of the defendant, whether or not the inconsistent statement was written or recorded.
- v. Information that tends to diminish the degree of the defendant's culpability, the severity of the offense charged, or the severity of the defendant's sentence. For instance, information about a defendant's intellectual or behavioral health disability or minor role in the offense compared to the roles of co-defendants.

b. Potential Impeachment Evidence

1. Evidence that is favorable to the defendant because it may cast doubt on the credibility of a potential witness for the government, including but not limited to a police officer, an eyewitness, or an informant.
2. Examples of Potential Impeachment Evidence include, but are not limited to:
  - i. Any criminal record or criminal case pending against any anticipated witness for the government.
  - ii. Any formal or informal offer of leniency or favorable treatment made by the government to an anticipated witness in any existing or potential criminal case against that witness. For instance, an offer of immunity, non-prosecution, reduced charges, or a reduced sentence.
  - iii. Any formal or informal request for leniency or favorable treatment made by an anticipated witness in any existing or potential criminal case against that witness. For instance, a request for immunity, non-prosecution, reduced charges, or a reduced sentence.
  - iv. Any benefits, formal or informal, provided by the government to an anticipated witness.
  - v. Information that tends to cast doubt on the credibility or accuracy of an anticipated witness for the government.
  - vi. An inconsistent statement made by any anticipated witness for the government, whether or not that statement was written or recorded.
  - vii. Information regarding any mental or physical impairment of any anticipated witness for the government that tends to cast doubt on the witness's ability to testify accurately and truthfully at trial.
  - viii. Any allegation of misconduct in any court of competent jurisdiction that reflects on the truthfulness, integrity, motive or bias of any KCSO Deputy or any other individual who is anticipated to be called as a witness for the government, regardless of the outcome of the proceeding or investigation addressing such allegation.
  - ix. Evidence of untruthfulness, dishonesty, lack of integrity, motive or bias of any KCSO Deputy who is anticipated to be called as a witness.
  - x. Evidence that an anticipated witness for the government, including any KCSO Deputy, has a racial, religious, or personal bias against a defendant individually or as a member of a group.

#### **14-203.1 PROCEDURES**

- a. In any criminal case in which a KCSO Deputy is involved shall provide all known Potential Exculpatory and Impeachment Evidence to the relevant prosecuting authority, whether it be the Office of the State's Attorney, the United States Attorney's Office or another prosecutor's office.
- b. The KCSO Deputy shall immediately notify the relevant prosecutor of such evidence.
- c. The KCSO Deputy shall complete a Supplemental Report outlining the details of the known evidence. Information to be included in the report shall be:
  - a. When the information was received
  - b. Who received the information
  - c. Full details of the information received
- d. The State's Attorney will make the final decision on dismissing the charges or moving forward with the case.

**(CALEA 42.1.6)**

#### **14-204 HABITUAL/SERIOUS OFFENDERS**

If a suspect is identified as a habitual or serious offender, the CID Commander will notify the State's Attorney's office and, if necessary, seek that office's assistance in case preparation. It will be noted in the case file that the suspect is a habitual /serious offender.

A habitual offender is defined by Maryland Criminal Law, Section 101. which deals with subsequent convictions of certain crimes of violence and related mandatory sentencing guidelines

**(CALEA 42.1.5)**

#### **14-205 SUSPECTED CHILD ABUSE AND NEGLECT**

If a Deputy receives notice of suspected abuse or neglect of a child, the deputy shall immediately report the information to the on-call CID Investigator. The on-call CID Investigator will notify the Department of Social Services and complete a joint investigation. A preliminary report shall be submitted to the State's Attorney's Office within 10 days of receiving knowledge of the suspected abuse or neglect. Within 5 business days after completion of the investigation of suspected child abuse or neglect, the Department of Social Services or the CID Investigator shall make a complete written report of its findings to the State's Attorney's Office.

**(CATEGORY B)**

#### **14-206 CASE FILE MAINTENANCE**

All cases are classified using the criteria and nomenclature identified above.

The CID Commander maintains two manual logs of open cases -- one showing all cases and one showing just those assigned to the CID. The log shows the date the case was initiated, the complaint number, the complainant, they type of incident, the case status, the follow-up due date, and the Deputy assigned to the case.

While a case is under active investigation, the case file will be maintained by the investigator. The file will include all original investigative reports, statements, results of examinations of physical evidence, status reports, and other reports and records. Only the assigned investigator and the CID commander will have access to open investigation files.

When a case is suspended or cleared, all original reports will be maintained in a case file in the CID office. The files are maintained indefinitely.

**(CALEA 42.1.3)**

## **14-207 CONDUCTING THE PRELIMINARY INVESTIGATION**

The preliminary or initial investigation is the KCSO's first response to a report that a crime has occurred. It is generally the responsibility of a patrol Deputy to conduct the preliminary investigation. The Deputy will obtain as much information as possible during the initial steps of the preliminary investigation. The CID will be notified as provided above, as appropriate.

**(CALEA 42.2.1)**

### **14.207.1 OBJECTIVES OF THE PRELIMINARY INVESTIGATIONS**

The primary objective of the preliminary investigation is to identify as many of the solvability factors as possible to determine who committed the crime and to apprehend the criminal. The preliminary investigator is responsible for:

- a. Observing all conditions, events, and remarks;
- b. Locating and identifying witnesses;
- c. Maintaining the crime scene and protecting the evidence;
- d. Interviewing the complainant and the witnesses;
- e. Interrogating the suspect;
- f. Arranging for the collection of evidence;
- g. Effecting the arrest of the criminal; and
- h. Reporting the incident fully and accurately.

The Deputy should remember that he/she is an investigator and his/her work in the early stages will often uncover the majority of the useful information about the case.

**(CATEGORY B)**

### **14-207.2 SPECIFIC GUIDELINES FOR THE PRELIMINARY INVESTIGATION**

The success of an investigation that involves a definable crime scene depends heavily on the initial observations and actions of the first Deputy to arrive on the scene. The underlying intent of all actions taken to protect the scene of a crime is to preserve the physical evidence, so it may be reviewed and examined in detail. It is critical to avoid and prevent unnecessary walking about, moving items, disturbing the bodies of deceased persons, touching items or surfaces that are likely to yield fingerprints, or allowing any item to be removed from the scene without permission from the supervisor in charge of the scene.

The crime scene will be protected until the investigation is complete or until the preliminary investigator or supervisor has released the crime scene. While the circumstances of a particular case will naturally govern the actions taken by the Deputy to protect and preserve the physical evidence, the following are valid guidelines:

- a. If injured persons are discovered at the scene of the crime, giving them aid is first priority.
- b. If sufficient law enforcement personnel are available, measures to protect the crime scene should proceed simultaneously with giving aid to the injured.
- c. Immediate protection measures include roping off entrances and exits, posting guards to control spectators around areas expected to contain physical evidence and covering areas and items that could be affected by smoke, rain, snow, or direct sun.
- d. In extreme cases it may be necessary to move evidence from areas where it could be destroyed or drastically affected by the elements. However, movement of evidence prior to the time it has been fully examined and processed should be avoided whenever possible.
- e. Arresting suspects, detaining witnesses, and requesting assistance when needed are integral actions that are necessary by the first Deputy on the scene.
- f. When time permits, the Deputy should immediately note the following details:
  1. Time of arrival on the scene;
  2. Weather conditions;
  3. Persons present at the time of arrival; and
  4. Other important circumstances that will aid in the investigation.
- g. The Deputy assuming initial responsibility for the crime scene or assisting Deputies will cooperate with the detectives who may later search and process the scene.
  1. The Deputies will make all of their information immediately available to the detective summoned to the scene to assist, to take charge of the investigation, or to conduct a search.
  2. If an item is touched or moved by a Deputy, that Deputy will notify the detective.
- h. Determine the identity of the suspect(s) and make an arrest if it can be accomplished at the scene or through immediate pursuit. The Deputy will gather information from the victim(s) and witness(es) that will assist in identifying and locating the suspect.
- i. When a vehicle is used in a crime, it may provide a means of identifying a suspect. Victim(s) and witness(es) should be questioned to determine:
  1. the type of vehicle;
  2. the vehicle license number and state of issue. Even a partial number can be of value with other information;
  3. the year, make, model, and body style of the vehicle;
  4. the color of the vehicle;
  5. distinctive markings which would help identify the vehicle.

- j. Communicate the circumstances of the crime. It is critical for the preliminary investigator to furnish other field units with the descriptions of suspects and vehicles, method used to commit the crime, the direction of travel, and other relevant information at the earliest opportunity. If a Deputy learns the description or name of a suspect, it should be noted, and broadcast immediately so other units can assist in searching for the suspect. This information must be clearly communicated to the detective investigator and to on-coming Deputies so they may continue the search.

**(CALEA 42.2.1)**

- k. Locate, identify, and interview all known victims and witnesses.

1. Witnesses are usually the most important source of information about a crime. There are generally two places where witnesses may be found. The most obvious is the scene of the crime. Many of the on-scene witnesses will still be at the scene when the Deputy arrives, but often some witnesses leave. Therefore, it is important for the Deputy to get to the scene of the crime safely and quickly. Second, witnesses may be located in the area immediately surrounding the crime scene. The Deputy needs to determine the location of witnesses at the time the crime occurred or where they may have gone after the crime occurred. One effective means for identifying witnesses is for the Deputy to go to the scene of the crime and to look around to determine the best viewpoint for observations.
2. As a Deputy identifies locations of witnesses, he/she should approach each person in a positive way and continually be aware that each person will have a natural curiosity regarding what happened. The Deputy should be willing to explain to any interested person that a crime has occurred and where it happened. The Deputy may then explain that he/she is trying to identify anyone who may have seen anything concerning the crime.
3. Separate the witnesses from one another. This assures that information obtained from one witness does not influence that provided by another.
4. Often the person questioned will not have information about the crime but may know of someone who does. In these instances, the Deputy will leave his/her name and office telephone number with the person. The person may then be able to provide information if it later becomes available. Often a person may see or hear something related to the crime but may be unaware of the importance of what they saw or heard at the time of questioning because of their detachment from the event. The Deputy will also make note of the contact in the criminal investigation report so a follow-up investigator may make a later contact.
5. The first witness questioned may have all the facts, but a second or third witness will likely add nuance, if not additional facts, and may be very important when a case goes to court. Therefore, it is important to find all of the witnesses to the crime during the investigation.
6. While the victim may be the best witness, the Deputy should always seek additional witnesses because corroborating evidence is necessary for a successful prosecution.
7. The Deputy will get the witnesses' names, addresses, and telephone numbers. To assist follow-up investigators, the Deputy will record who he/she interviewed as witnesses and what the witnesses saw, heard, or knew about the crime. To avoid duplication by the follow-up investigator, it is important for the Deputy to clearly indicate where he/she has sought other witnesses without success.

8. When possible, a witness' observation should be illustrated by photographs taken by the investigating Deputy or crime scene processor. Such photographs should be taken from the location where the witness witnessed the crime. Notations should be made as to the lighting conditions and measurements which may support or disprove a witness' statement.
9. The Deputy will have completed his/her task if all witnesses have been located or actively sought. The test to measure the success of witness identification is in the following questions:
  - i. Have all witnesses to the crime been identified and questioned?
  - ii. Have all locations within plain view or within access of the crime scene or along the escape route been thoroughly searched for witnesses?
  - iii. Have serious attempts been made to identify others who may have been in the vicinity of the crime when it occurred?
- I. Obtain written statements from the victim(s), suspect(s), and witness(es):
  1. The Deputy will, in every case, obtain the signature of the person giving a written statement.
  2. A suspect must be informed of his or her constitutional rights (Miranda warning) prior to custodial interrogation. Deputies may question persons during the on-scene investigation regarding the facts surrounding the crime. Persons questioned during this time need not be forewarned until one of the following situations exists:
    - i. Sufficient evidence is gathered to substantiate an arrest of a person;
    - ii. When questioning becomes accusatory and custodial.
  3. Voluntary and spontaneous statements by suspects are admissible as evidence and need not be preceded by a Miranda warning.

**(CALEA 42.2.1)**

- m. Determine and detail the exact circumstances of the crime. Among the questions the Deputy must ask him or herself are:
  1. Does the lapse in time between the crime and the notification to the KCSO seem appropriate?
  2. Are there any discrepancies in the victim's statement or between statements given by the victim and witnesses?
  3. Does the physical evidence support the crime facts reported by the victim and witnesses?
- n. Arrange for collection of evidence. The purpose of a thorough search is to obtain the best, corroborating evidence from a crime scene. This is becoming more important every day because confessions, admissions, and search warrants are becoming fragile evidence in court. To satisfy the legal requirements concerning physical evidence, the Deputy must be able to:
  1. Identify each piece of evidence;
  2. Describe the exact location of the item when it was collected;
  3. Prove the evidence was continuously in proper custody from the moment it was collected until it is presented in court;

4. Describe changes that may have occurred in the evidence between the time of its collection and its introduction as evidence in court. Scientific handling and processing of physical evidence require that the evidence be protected from change or modification. Biological materials will always undergo some change, and the weather or other unavoidable circumstances may induce change in other types of materials. Examples of the type of change that must be avoided are:
  - i. The use of unclean containers that would introduce chemical or bacterial contamination to a sample;
  - ii. The use of containers that allow spillage, evaporation or seepage of a sample;
  - iii. Alteration of an item by accidentally scratching, bending, touching it; or
  - iv. Cross exchange such as placing the suspect tool to be examined for paint in contact with the painted wood frame from the scene.
5. Identify all persons who entered the crime scene, including but not limited to the person's name and title, date and time entering and leaving the crime scene, and the purpose for their entering the crime scene.
- o. Aside from any other consideration, the Deputy should remember the crime scene is highly dynamic, susceptible to change, and fragile. The evidentiary value of items contained in the crime scene can be easily downgraded. Usually, there is only one opportunity to search the crime scene properly; making a good preliminary survey of the layout is to the Deputy's advantage.

During the preliminary survey of the crime scene the Deputy should, without entering the more critical areas of the crime scene, assimilate the items, conditions, and locations that seem to have the greatest importance. The key words at this point of the search are observation and recording, rather than action. It is useful to photograph the scene at this time, providing that doing so does not require entering areas before the preliminary survey is completed.

**(CALEA 42.2.1)**

- p. Accurately and completely record all pertinent information in proper form. The Deputy must ensure that his/her work is complete and properly documented. Further efforts by follow-up investigators and successful prosecution of the suspect(s) will be dependent upon the quality of the preliminary Deputy's work. The success of every investigation is totally dependent upon the quality of work done by the first Deputy on the scene.

## **14-300 FOLLOW-UP INVESTIGATIONS**

- a. The CID Commander will review all preliminary investigation reports when they are submitted to determine if an incident should receive a follow-up investigation and who should be assigned the case. Reports identified for follow-up investigation will be forwarded back to the investigating Deputy unless the CID Commander determines that the CID should follow up.
- b. Each detective or Deputy assigned a follow-up investigation will file a supplemental report within 15 days of the incident detailing their efforts to date, including a second contact with the principals (i.e., victims, complainants, and witnesses). A Deputy may, for good reason, make a written request for an extension of the filing time.

- c. Follow-up investigations may include, but are not limited to:
  - 1. Reviewing and analyzing all previous reports prepared in the preliminary phase, departmental records, and results from laboratory examinations;
  - 2. Conducting additional interviews and interrogations;
  - 3. Seeking additional information (from uniformed Deputies, other law enforcement agencies, informants or other sources);
  - 4. Planning, organizing, conducting searches, and collecting physical evidence;
  - 5. Identifying and apprehending suspects;
  - 6. Determining involvement of suspects in other crimes;
  - 7. Checking suspects' criminal histories;
  - 8. Preparing cases for court presentations; and
  - 9. Making a "second contact" with principals involved in a case requiring follow-up investigation.
- d. The CID Commander will maintain a log of assigned cases. At the time a case is assigned for follow-up investigation, the following information will be recorded:
  - 1. Name of the Deputy assigned;
  - 2. Case number;
  - 3. Date;
  - 4. Follow-up report due date;
  - 5. Arrest(s) made; and
  - 6. Case status.
- e. Checklists may be used in the investigation of homicides and rapes to ensure that critical areas are not overlooked. Additionally, the KCSO Criminal Investigation Report form is, in itself, a checklist.
- f. Each case will be assigned to a principal investigator, regardless how many investigators are assigned to assist. This is to ensure that there is accountability for each investigation.

**(CALEA 42.2.2, 42.2.3)**

#### **14-301 FOLLOW-UP INVESTIGATION PROCEDURES**

This guidance is intended to provide Deputies with responsibility for follow-up investigations a preliminary checklist to ensure that basic investigatory standards are met. No checklist, however, can substitute for a Deputy's experience and training. Each investigator should rely on the following steps, while adjusting them to meet the requirements of the case.

- a. Each investigator should review and analyze all preliminary reports related to the assigned investigation.
- b. Before beginning the investigation, KCSO records should be checked for suspect or complainant information.



- c. If necessary, the preliminary reporting Deputy should be contacted to obtain his/her opinion of the offense and to answer any questions the follow-up investigator may have.
- d. Any physical evidence that has been submitted to the evidence room should be taken into consideration and viewed. Steps should be taken to ensure that proper laboratory examinations are requested on the physical evidence and that the results are made available to the follow-up investigator.
- e. Any information that could enhance the chance of solving or successfully completing an investigation will be disseminated to other KCSO personnel or to personnel of other criminal justice agencies on a need-to-know basis.
- f. The investigator should, without exception, go to the scene of the offense even if some time has passed since its occurrence. This will give the investigator a chance to become familiar with the crime scene and provide an opportunity for him/her to conduct a search for any evidence that may be available or that may have been overlooked. As the case progresses, the investigator will keep track of all information that would allow him/her to obtain a search warrant for the seizure of further articles or evidence of importance to the investigation.
- g. The investigator will ensure that all phases of the investigation, i.e., reports, statements, drawings, sketches, and written materials are such that the prosecuting attorney can present the case in court without hesitation. The investigator will also make him/herself familiar with all aspects of the case so that he/she can answer any questions asked by his/her supervisors and the prosecution or defense attorneys.
- h. Upon identifying a suspect, the investigator will check all available records to ensure the correct identification of the suspect, determine the suspect's involvement in past offenses, and check with local agencies to determine if the suspect is currently thought to be involved in any other criminal activity. The investigator will identify all cases in which a designated habitual offender, as defined by the Annotated Code of the State of Maryland, is involved in. Cases involving a designated habitual offender will be brought to the attention of the State's Attorney's Office.
- i. Interviewing of any person suspected of a criminal offense will be done with the strictest compliance to existing State and case laws, and to ensure that the suspect's civil rights are not violated. The Miranda warnings will be read in all custodial interrogations.
- j. All Deputies use the KCSO standard waiver of rights form or the KCSO-issued Miranda card when questioning any suspect in a criminal offense. These forms specifically state that the information is being given voluntarily without coercion and the suspect has been advised of his/her constitutional rights pursuant to the Miranda decision.
- k. In the event of an arrest, the suspect will be taken without unnecessary delay before the nearest and most accessible District Court Commissioner.
- l. The investigator will, at the earliest possible time, attempt to obtain a written statement from an accused suspect in a criminal offense. It is often advantageous to obtain a statement that may contain untruths, then to pass up the opportunity and end up without a statement from the suspect or accused. Keep in mind, untruths can be challenged and/or disproved at a later time.
- m. The investigator should, at the earliest possible time, obtain statements from the victim of a criminal offense. The investigator will obtain the victim's statement, to include statements of the facts and circumstances that prove an offense occurred. Statements should also be taken from any and all witnesses to the offense or from persons who may possess information which will aid in the

prosecution. The Deputy will use discretion in determining whether statements should be oral or written. The more serious the crime, the more likely a written statement will prove useful.

- n. Each investigator will maintain continued contact with the victim and witness during the course of the investigation.

The CID Commander will be informed of the progress of each criminal case with a supplemental report every 15 days.

**(CATEGORY B)**

#### **14-400 SPECIALIZED INVESTIGATIONS**

#### **14-401 BACKGROUND INVESTIGATIONS**

- a. Deputies may be assigned the background investigation of an individual applicant, or as required, during the investigation of a criminal case or offense. All information resulting from a background investigation is sensitive and therefore confidential. To discuss this information with any person who does not have a need to know is prohibited.
- b. This procedure will serve as an aid in identifying sources of information in the background investigation of an individual. Each Deputy involved in the investigation should first identify the need for the investigation. When an individual makes an employment application to the KCSO that individual will sign a release allowing Deputies to obtain information that would ordinarily be unavailable or require a court order, e.g., medical records or financial records. Normally these records are easily obtainable once a written authorization has been obtained.
- c. The same information may be obtained in a criminal investigation without the person's authorization. However, probable cause must be shown, and a court order or search warrant must be obtained for the information.
- d. Other sources in the community where personal or background information on an individual may be obtained are:
  - 1. Schools or learning institutions where an individual attended.
  - 2. Public utilities, such as the telephone company, electric company, etc.
  - 3. In some instances, the postal service may provide information such as places an individual receives mail, forwarding addresses, etc.
  - 4. The Better Business Bureau often has information about an individual's business dealings or business standing in the community.
  - 5. The credit bureau can often provide valuable information about the individual's credit rating, bankruptcy proceedings, addresses, correct ages, and date of birth, etc.
  - 6. Past employers sometimes are willing to provide job applications that may contain additional information on the subject being investigated.
  - 7. Criminal justice agencies will be queried for criminal history records.
  - 8. Friends, neighbors, and acquaintances of the individual being investigated are always a possible source of information.

- e. Once the information has been collected, the information will be reviewed by prosecutors or investigative supervisors who may determine its usefulness. The results of criminal investigation background checks will be kept with the case file.
- f. In cases of an administrative (e.g., pre-employment) investigation, the information will be forwarded to the Sheriff or a designee. The results of administrative background investigations will be kept indefinitely for those persons who are hired and for 5 years beyond the date of completion for persons who are not hired.

#### **14-402           SEXUAL ABUSE INVESTIGATIONS**

- a. The victim of a sexually assault will immediately be taken to the University of Maryland Shore Medical Center at Chestertown or the closest available hospital for treatment and forensic examination as warranted.
- b. The initial responding KCSO personnel will obtain any required information to complete a preliminary criminal investigation report. KCSO personnel must be cognizant of the psychological affect's victims of a sexual assault can endure, thus should be guided accordingly when interviewing a victim of a sexual assault. Initial questions to be ask include:
  - 1. vehicle description,
  - 2. location of crime (if known),
  - 3. suspect description, and
  - 4. type of sexual assault (vaginal, oral, etc.).
- c. Detailed questions about the sexual assault should be left to the primary criminal investigator.
- d. KCSO personnel will notify the CID Commander regarding all suspected sexually assault cases occurring in Kent County.
- e. In any interaction with a victim, the KCSO shall not present to the victim a form purporting to:
  - 1. Relieve KCSO of any obligation to the victim;
  - 2. Preclude or define the scope of an investigation by KCSO into an act allegedly committed against the victim;
  - 3. Prevent or limit a prosecution of an act allegedly committed against the victim; or
  - 4. Limit a private right of action of the victim pertaining to an act allegedly committed against the victim or the victim's interaction with KCSO
- f. If a victim requests that the scope of an investigation be limited or that an investigation be temporarily or permanently suspended, the KCSO shall:
  - 1. Thoroughly document the request; and
  - 2. Follow up with the victim in accordance with the Maryland Police Training and Standards Commission.

- g. Sexually assaultive behavior is defined as an act that would constitute:
1. A sexual crime under Title 3, Subtitle 3 of the Criminal Law Article;
  2. Sexual abuse of a minor under § 3-602 of the Criminal Law Article;
  3. Sexual abuse of a vulnerable adult under §3-604 of the Criminal Law Article;
  4. A violation of 18 U.S.C Chapter 109A; or
  5. A violation of a law of another state, the United States, or a foreign country that is equivalent to an offense under item (1), (2), (3), or (4) of this section

#### **14-402.1 ANNONYMOUS REPORTING OF SEXUAL ASSAULT**

Effective January 5, 2009, Federal law required all U.S. law enforcement agencies to become compliant with anonymous reporting of sexual assaults. Victims of sexual assault may present at a medical facility for treatment; however, they may not want the sexual assault reported to law enforcement for various reasons. The victim may choose to have a forensic examination performed by medical staff trained and certified to perform evidentiary examinations. The forensic examiner will perform the examination and recover any and all evidence available. The medical facility will document any treatment and the forensic examination and assign a unique tracking number, utilizing their secure medical records system. The medical facility will then notify KCSO who will respond to take possession of the forensic evidence. KCSO personnel taking possession of the forensic evidence shall prepare a KCSO incident report and KCSO Property Held Report documenting in detail the recovery of the forensic evidence, to include complete identification of the medical personnel releasing the forensic evidence and the unique tracking number assigned by the medical facility. KCSO personnel will follow the prescribed process for securing and maintaining custody of the evidence as found in the KCSO Administrative and Operations Manual, Chapter 15.

By law, a law enforcement agency must maintain the forensic evidence for ninety ((90) days during which time the anonymous victim may choose to report the alleged sexual assault to law enforcement. It shall be KCSO policy to maintain the forensic evidence indefinitely. If/when the anonymous victim chooses to report the alleged sexual assault to KCSO, a criminal investigator will be assigned to initiate an investigation.

#### **14-403 IDENTITY THEFT**

Identity theft is the wrongful use of another person's identifying information – such as credit card, social security, or driver's license numbers – to commit financial or other crimes. Identity theft is generally a means for committing other offenses, such as fraudulently obtaining financial credit or loans.

Identity theft is a crime under federal and State laws.

##### **14-403.1 TAKING CRIME REPORTS**

Reports of alleged Identity Theft will be investigated by the KCSO Criminal Investigation Division. Recording all relevant information and data is essential to further investigation. Investigators taking reports will:

- a. Fully record information concerning criminal acts that may have been committed by illegally using another's personal identity.
- b. Classify as identity theft fraudulent acts against an individual when there is evidence that the following types of unauthorized activities have taken place in the victim's name:
  1. Credit card charges, debit cards, ATM cards.
  2. Credit card checks written against their account.

3. Credit card accounts opened, or account addresses changed.
  4. Establishment of a line of credit at a store or obtaining a loan at a financial institution.
  5. Obtaining employment using another person's social security account number.
  6. Goods or services purchased in the victim's name.
  7. Gaining access to secure areas.
  8. Computer fraud.
- c. Obtain or verify as appropriate identifying information of the victim, including date of birth, social security number, driver's license number, other photo identification, current and most recent prior addresses, and telephone numbers.
  - d. Document the nature of the fraud or other crime committed in the victim's name.
  - e. Determine what types of personal identifying information may have been used to commit the crime(s) and whether the information appears to have been lost, stolen, or potentially misappropriated.
  - f. Document any information concerning where the crime(s) took place, the financial institutions or related companies involved, and the whereabouts of the victim at the time of these events.
  - g. Determine whether the victim authorized anyone to use his or her name or personal information.
  - h. Determine whether the victim has knowledge or belief that specific person or persons have used his or her identity to commit fraud or other crimes and the basis for that knowledge or belief.
  - i. Determine whether the victim is willing to assist in the prosecution of suspects identified in the crime.
  - j. Determine if the victim has filed a report of the crime with other law enforcement agencies and whether such agency provided the complainant with a report number.
  - k. If not otherwise provided, document/describe the crime, the documents or information used, and the manner in which the victim's identifying information was obtained.

The KCSO uses no specialized forms for taking identity theft reports; however, complies with Maryland law in reporting same

**(CALEA 41.2.8)**

## **14-403.2 INVESTIGATIONS**

Investigative activity will include, but is not limited to:

- a. Reviewing the crime report and conducting any follow-up inquiries of victims or others as appropriate for clarification or expansion of information.
- b. Contact the Federal Trade Commission (FTC) Consumer Sentinel law enforcement network and search the database for investigative leads.
- c. Contact other involved or potentially involved law enforcement agencies for collaboration and avoidance of duplication. These agencies include, but are not limited to:
  1. Federal law enforcement agencies such as the U.S. Secret Service, the FBI, the U.S. Postal Inspection Service; and

2. Any State and/or local law enforcement agency with which the victim has filed a crime report or where there is an indication that the identity theft took place.

**(CALEA 42.2.8)**

#### **14-403.3 ASSISTING VICTIMS**

There are a number of resources available to assist victims of identity theft and steps that victims can take to resolve identity theft issues and prevent further occurrences:

- a. Contact the FTC (1-877-IDTHEFT), which acts as a clearinghouse for information related to identity theft crime. Trained counselors can assist in resolving credit-related problems
- b. Cancel each credit and charge card and request new cards with new account numbers.
- c. Contact the fraud departments of the three major credit reporting agencies and ask them to put a fraud alert on the account and add a victim's statement requesting creditors to contact the victim before opening new accounts in his or her name. The victim should also request copies of his or her credit reports.
  - Equifax 1-800-525-6285
  - Experian 1-888-397-3742
  - TransUnion 1-800-680-7289
- d. If bank accounts are involved, report the loss to each financial institution, cancel existing accounts and open new ones with new account numbers. As appropriate, place stop payments on outstanding checks and contact creditors to explain.
- e. If a driver's license is involved, contact the State department of motor vehicles.
- f. Contact the Social Security Administration to determine the accuracy and integrity of the victim's account.
- g. Change the locks on residences and cars if there is any indication that keys have been stolen, copied, or otherwise compromised.
- h. Information regarding identity theft can be found on the KCSO website located at [www.sheriff.kentcounty.com](http://www.sheriff.kentcounty.com)

**(CALEA 42.2.8)**

#### **14-404 COLD CASE FILES**

- a. A cold case is any case of a serious nature (Part I crime) which is not under active investigation and has been suspended.
- b. In order to be considered for evaluation as a cold case, the initial investigative file must be available and there must be some available evidence, usually physical evidence, or a significant lead which has not previously yielded investigative results.

When a case with these attributes is suspended by the Commander of the Criminal Investigative Division, he or she will note in the CrimeStar System that the case should be monitored as a "cold case."

Each month the CID Commander will query CrimeStar regarding all suspended cases. Based on personal knowledge of the cases, the CID commander will determine whether there have been developments which warrant reactivating a particular case. The CID Commander will note in his/her

monthly report to the Sheriff whether there has been any cold case activity and, if so, the case involved and the nature of the activity.

- c. Any action on a cold case will be noted by way of a supplemental report added to the case file.

**(CALEA 42.2.9)**

## **14-500 INTERROGATIONS, INTERVIEWS AND STATEMENTS**

The purpose of this section is to provide basic information and to provide a guide to Deputies in a very complex area of the law. Deputies will receive regular guidance in this area through written communications, briefings, and in-service training.

In carrying out interrogations and interviews, to include Field Interviews and in taking statements, Deputies must be mindful of the rights of accused persons so that the information they gain may be legally used.

For the purposes of this section, “interrogation” means the process of a Deputy’s questioning a person arrested or suspected in a crime, seeking the solution of the crime.

**(CALEA 1.2.3)**

### **14-501 SECURITY**

During an interrogation, a Deputy must be alert to personal safety. The Deputy’s weapon should be secured in the patrol room lockbox or other secure facility during an interrogation. Should the interrogation take place at a location other than KCSO headquarters, all weapons will be secured in a safe location. Should it not be possible to secure weapons, extreme care for the safety of the Deputy and the arrestee must be exercised.

### **14-502 BASIC RULE**

Information and evidence obtained as the direct result of interrogation may be significantly affected by the legality of the interrogation. Generally, information and/or evidence discovered during an improper or illegal interrogation is not admissible at trial.

### **14-503 PRINCIPLES OF MIRANDA V. ARIZONA**

- a. The United States Supreme Court has established specific guidelines to be used in police interrogations. They are based on the U.S. Constitution’s Fifth Amendment protection against self-incrimination. Based on the case Miranda v. Arizona, they are referred to as the Miranda Rule, Miranda Rights, or Miranda Warnings. The warnings are printed on a card given to every Deputy and which the Deputy must have in his or her possession at all times he or she is performing, or likely to perform, official duties. The warnings to a person in custody who is to be interrogated are:
  - 1. You have the absolute right to remain silent.
  - 2. If you choose to answer, your answers can be used against you in court.
  - 3. You have the right to a lawyer; if you want a lawyer and cannot afford one, one will be provided for you.
  - 4. You have the right to talk privately with your lawyer before answering any questions and to have your lawyer with you during the questioning.

5. If you elect to answer questions without having a lawyer present, you have the right to stop at any time and obtain the services of a lawyer.
- b. The Miranda Rule applies to interrogation initiated by the police in a custodial, coercive, police-dominated atmosphere where information, statements and confessions are sought, and responses would tend to incriminate the individual being interrogated. The Miranda warnings must be given when these conditions exist. A custodial environment is considered to exist when:
  1. an inmate of a correctional facility is being questioned in relation to a crime which the inmate is believed to have committed, but not the charge for which the inmate is incarcerated.
  2. a person is arrested for a traffic violation.
  3. When the totality of the circumstances represents a custodial environment. Circumstances which, individually or in combination, may imply a custodial environment are:
    - i. Location
    - ii. length of questioning
    - iii. physical surroundings
    - iv. number of police personnel
    - v. use of restraint devices
    - vi. use/presence of weapons
    - vii. age of the interviewee
    - viii. required location of the interview
    - ix. presence of probable cause for arrest
    - x. subjective belief of the subject as to his or her status
    - xi. focus of the investigation
    - xii. language used by interviewers
    - xiii. the extent to which the interviewee is confronted with evidence of guilt
    - xiv. the proximity of the questioning and arrest
- c. Miranda rights apply when interrogation is initiated by the police. A Deputy is not obligated to stop an individual who spontaneously offers information and/or a confession, regardless of the custodial situation. A Deputy may inject an essential question for the purpose of clarification and/or keeping the individual from straying from the original topic. Should the situation move to questions and answers, Miranda rights are required.
- d. Generally, Miranda rights are not required unless an individual has been arrested or his or her freedom is restrained in any significant way, and the individual is subsequently questioned in connection with his or her involvement in the incident. Thus, Deputies are not required to administer Miranda warnings to everyone questioned. The Court has also ruled that Miranda warnings are not required solely because questioning occurs at a police station or because the person questioned is a suspect.



- e. Miranda warnings are required only where an individual's freedom has been restricted, constituting custody. It is this custodial and coercive environment to which the Miranda Rule applies and should be limited. Some situations where the Miranda Rule will not apply, absent extenuating circumstances, are:
  - 1. Routine processing (fingerprinting, photographing, and personal identification) based on reasonable grounds.
  - 2. Emergency situations where a custodial situation exists and questioning is initiated in the interest of immediate public safety and the answers are voluntary, e.g., a suspect is arrested, and immediate questioning is initiated to locate an explosive device about to detonate or a weapon that was discarded in a public place during a chase.
  - 3. Investigative detentions, e.g., Stop and Frisk (see Chapter 9). The longer a person is detained, the greater the responsibility to give Miranda warnings.
  - 4. Roadside questioning normally associated with traffic stops, because of the brevity and relatively non-threatening circumstances. An individual stopped for a violation of the Transportation Article for which a traffic citation may be issued, and the individual entitled to proceed upon signing is not in custody.
  - 5. Other situations where the individual is not under arrest and is free to terminate the contact at any time.
- f. A Deputy confronted with a decision as to the applicability of the Miranda Rule and who does not have the opportunity to seek legal advice will administer the Miranda warnings before questioning.

**(CATEGORY A)**

#### **14-504      MIRANDA PROCEDURES**

- a. To be effective, the Miranda warnings must be understood by the individual to be interrogated.

A Deputy may use the KCSO Explanation of Rights Form to document all steps of this process.

A Deputy may also read the rights from the agency-provided Miranda card. When doing so, the Deputy will speak distinctly; will provide the opportunity for the individual to be questioned to listen to and understand each right; and will resolve any questions before beginning the interrogation.
- b. An individual who invokes any Miranda rights will not be questioned until the individual has consulted with an attorney and agrees to be questioned.

An individual will be re-informed of Miranda rights prior to any subsequent questioning, especially when there is a significant break in the interrogation, a change in persons present, or a change in location.
- c. An individual who waives Miranda rights initially and, during the interrogation, wishes not to be questioned further, will not be interrogated until the individual has consulted with an attorney and subsequently consents to additional questioning.
- d. After Miranda warnings have been given and an opportunity to exercise the rights afforded, only the individual being interrogated (including a juvenile) may waive the rights. For the waiver to be effective, it must be done voluntarily, knowingly, and intelligently. Evidence that an individual was threatened, tricked, or persuaded into a waiver, in whole or in part, may constitute an involuntary waiver

- e. Only a juvenile can waive his or her rights. Parents should not be permitted to force the juvenile to waive. Where the juvenile wants to waive but the parents or guardians will not permit it, the Deputy will discontinue the interview and contact the State's Attorney's Office.

**(CATEGORY A)**

#### **14-505            CONFESSIONS**

For a confession to be admissible at trial, it must have been given voluntarily. Miranda warnings should be applied when a confession is solicited by a Deputy. The confession must be given absent any circumstances that may demonstrate an involuntary situation; if it is not, the confession and any evidence discovered as a result of the confession will be inadmissible at trial.

#### **14-506            PURPOSE OF INTERROGATIONS AND INTERVIEWS**

- a. Interviewing is crucial to almost every case. Interviewing suspects may:
  - 1. Eliminate needless, costly trials.
  - 2. Increase the likelihood of favorable verdicts in cases which are tried.
  - 3. Ensure against suppressed evidence.
  - 4. Pin the suspect to a definite story, committing him or her before there is time to think or consult with friends, an attorney, friendly witnesses, etc.
  - 5. Allow the Deputy and the prosecutor to anticipate defenses (e.g., insanity plea, specific intent crimes, alibi, lesser included crimes, self-defense, etc.) from the start and move to offset them.
- b. Interviews of all potential witnesses, including hostile ones, are always necessary in order to:
  - 1. Preserve testimony otherwise lost by passage of time.
  - 2. Pin the defense witness to a single story.
  - 3. Alert the Deputy to problems early. What the Deputy thinks a witness saw or may testify to may be different than what actually comes out on the stand.
  - 4. Reveal sources of additional evidence or information.

#### **14-507            PREPARING FOR THE INTERVIEW**

- a. Learn as much about the known facts of the incident being investigated as possible. Read the reports, look at evidence, and photographs.
  - 1. Any interview which is done on the basis of faulty or inadequate information will be apparent to the interviewee. A person with something to hide will be more confident about lying and an innocent person will feel insecure, because of his/her lack of confidence in the obviously unprepared Deputy.
  - 2. A thoroughly prepared interviewer will drop pieces of obvious knowledge to impress upon the interviewee the need to be cautious about lying.
  - 3. Thorough preparation will also save substantial time in focusing on and getting to the key issues.

4. Use the facts of the case to establish an easy method for the defendant to confess. Somewhere in the facts may be the key to getting him/her to confess.
- b. Learn as much about the subject and any victim as possible. This includes age, job, family, previous record, and relationship of the defendant to the victim. The Deputy must give them a reason to tell the truth, particularly if it will potentially hurt them or their friends or involve them in something unpleasant. There is a subconscious desire in most people to want to tell someone, no matter how horrendous the facts. An interviewer has to find the key which unlocks that statement, and the more the interviewer knows about the subject, the more likely he or she will find that key.
- c. Find a quiet place where the interview will not be interrupted, except by design.
  1. Minimize distractions, but do not make the surroundings oppressive, which may frighten the subject into silence.
  2. If the interview takes place in a car, place it in such a way that it is out of the way of and facing away from substantial distractions.
  3. It is preferable not to interview anyone on his or her ground. Use surroundings unfamiliar to the subject. This is the first step in putting the subject into a submissive mood.
  4. Have a clear-cut goal of what is to be accomplished before beginning the interview.
  5. List all unknown details to be obtained in the interview. There may not be a second chance to get information overlooked in the first interview.
  6. If at some point it is necessary to break an impasse by confronting the subject with physical evidence or some other statement, make sure it is available.

#### **14-508            VARIABLES WHICH CAN AFFECT THE QUALITY OF THE INTERVIEW**

- a. Use of some drugs by a subject can distort reality and make truthful responses difficult or impossible to obtain. Other drugs may reduce reasoning power and similarly affect a statement, as well as reduce the effect of interview techniques. The wise interviewer will delay questioning, if possible, until the person has eliminated the effect of the drug from his/her system. If not possible, view with caution any statement obtained.
- b. Although subjects under the influence of alcohol may exhibit a reduced ability to fabricate, they will also generally suffer from decreased judgment, reasoning power, and recollection of the facts. Take any such statements with caution. It is preferable to wait until the subject is sober or follow up later with another interview.
- c. Fatigue, on the other hand, often works in the interviewer's favor. However, deliberate inducement of fatigue may run afoul of voluntariness and result in court suppression of statements obtained.
- d. Hunger and thirst are distractions which interfere with both the interviewer and the subject. As a general rule, both the interviewer and the subject should have adequate food and non-alcoholic beverages before the interview.
- e. Whether the interviewer lets the subject smoke will depend on the circumstances. If the interviewer wants to relax the subject and create rapport, there may be some benefit. Smoking is also said to decrease a person's physical and mental efficiency, and if it is desirable that a difficult subject's mind processes be dulled for the interviewer's persuasive techniques to work, he or she should allow it. Also, the subject's handling of cigarettes may give important clues as to his/her state of mind, sense of guilt, etc. On the other hand, there are some situations where the interviewer wants

to capitalize on a tight emotional situation. In such cases the interviewer will avoid giving the subject the emotional release of a cigarette.

- f. When interviewing children, be very careful to avoid suggesting answers until it is apparent the information can be obtained in no other way. Children are extremely susceptible to suggestion and may provide false information through prompting. Try to determine if anyone else has talked to the child about the incident previously, since well-meaning suggestions may have been left with the child by other persons.
- g. Some elderly people may also be susceptible to suggestion and may suffer from perception problems because of poor hearing, eyesight, or memory. Try to determine if any of these problems exist and be wary of relying totally on such a witness unless the information can be otherwise verified.
- h. Background, such as gender, education, job training, etc. will make some people better witnesses about some things. For example, an engineer's perception about mechanical things is probably more reliable than an insurance salesperson. Take a witness's background into account when determining how much weight to give to a statement.

#### **14-509 CHARACTERISTICS OF A GOOD INTERVIEW**

a. Interviewer image:

- 1. Project sincerity and an interest in the truth. A Deputy who gives a subject the impression that his or her only interest is a confession or a certain type of statement, is substantially less likely to get valuable information.
- 2. Be sympathetic. Do not ridicule or talk down to the subject. This may be particularly difficult when working on a grave crime when the subject is unpleasant, but it is important to getting the desired information.
- 3. Be temperate. One can always get-tough after being temperate but can never effectively be temperate after being tough.
- 4. Be patient, but persistent.
- 5. Show confidence. When interviewing a defendant who has clearly committed an offense, show confidence in his/her guilt.
- 6. Generally, do not raise the voice.
- 7. Be a good listener. It may be necessary to listen to some other problems before the subject is willing to talk about what the Deputy wants. Think about how to channel the subject's concerns so as to get the information sought.
- 8. Be a good observer. The subject's mannerisms may say as much as his/her words.
- 9. Deputies must suppress their personal perspectives. Exhibit only those characteristics which will affect the subject in such a way as to guide him/her toward the desired goal.
- 10. Never bully.
- 11. Never make promises that cannot be kept.

b. Interview Techniques:

1. Sit close to the subject. It is preferable that there be no furniture between the interviewer and the subject: obstructions create psychological barriers and may give the interviewee an undesirable sense of protection. The interviewer and the subject should be on the same eye level.
  2. Always look and act in a professional manner.
  3. Do not allow the subject to have items which will distract them, and avoid doing things which will distract them, such as pacing around the room or fiddling with a pen.
  4. Avoid "loaded" words, such as "murder," "steal," and "confession". Try to find less psychologically burdensome words like "shot", "take", or "tell the truth". For example, when confronting a subject with falsehoods, do not say they "have been lying"; say instead that they "have not told the whole truth".
  5. The best interviewers are those who are able to think in terms of what they themselves would be doing if they were the subject being interviewed. When we place ourselves successfully in the other person's shoes, we are more successful in obtaining needed information.
  6. If there is a more acceptable motive for the crime than the actual one, suggest it. It may be easier for the subject to accept the alternative motive, while still admitting the offense. Once past the hurdle of the initial admission, a Deputy can chip away at collateral matters until he or she arrives at the entire truth, including the real motivation. It is often beneficial to ask the interviewee a question as to some specific detail or incident, or to inquire as to the reason for its commission rather than seek a broad admission of guilt immediately.
  7. It may be possible to turn the knowledge of bits of information into an impression that the Deputy knows everything, and thus induce a subject to believe that lying will not help. The reverse tactic is to ask the subject questions regarding known facts, the Deputy pretending to know nothing. When the subject lies about them, the Deputy confronts the subject with his or her knowledge and this often opens the door to a statement about unknown facts.
  8. It is sometimes beneficial to point out to the subject some of the physical and verbal signs of deception they are displaying. When some people are made aware how transparent their behavior is, they will tell the truth.
  9. Confrontation with circumstantial evidence or fabricated statements of other participants can sometimes lead a subject to reveal the truth.
- c. Characteristics of Good Questions
1. Make questions clear, short, and easily understood and confine them to one topic.
  2. Define terms or explain the meanings of words, if necessary. The subject may use the same words but mean something different.
  3. Be precise. Precise questions keep the interview moving toward a specific goal. They avoid wasted time or misleading information.
  4. Frame questions to require narrative rather than "yes/no" answers. Questions which only require "yes" or "no" answers restrict the information obtained and make it easier for the subject to later say they were trapped into answers.
  5. Avoid leading questions during the initial interview while determining what the subject wants to reveal. They may be used later to test previous assertions or to refresh an interviewee's memory.

6. Think of questions -- or at least the general approach -- in advance. Each question should put the interview in a particular direction towards the goal.
7. Seek general information before exploring details. For example, have the subject admit being at the scene or the commission of the general act itself before asking how or why they committed the offense.
8. Generally, start with known information and work toward areas of unknown or undisclosed information.
9. Do not be abusive or loud in cross examination. Be firm but reserved. Display confidence in the objective at all times.
10. Be sure to explore thoroughly any vague elements of the subject's statement. Vagueness can be a key indicator that they do not want to tell the entire truth or may be lying about what happened. The more details a subject is pressed for, the harder it is to stay consistent with a lie.
11. Once there are conflicts in the details, pointing them out often stimulates the subject to tell the truth.

#### **14-510 TRUTHFUL VERSUS DECEPTIVE BEHAVIOR**

- a. Innocent people generally tell the truth directly without evasion. They confront accusations or questions head-on. They typically lead right to the heart of the issue if accused and their denials will be straightforward. An innocent person will typically stand up for his or her rights and will not want to leave until the matter is straightened out. An innocent person is more likely to be offended and may be even offensive to the Deputy. The Deputy may have trouble getting rid of them. They emphasize the proof of their innocence.
- b. In contrast, guilty people may try to evade, delay, or try to divert the interviewer's attention. They may be defensive, guarded, and excessively nervous. They will seek the opportunity to get away and will welcome any interruption. They will not press the issue. Lacking proof of genuine innocence, they may attack the police case. Their denials may be excessively specific or technical.
- c. Some classic signs of evasion or deception and potential guilt are:
  1. Attempts at excessive friendliness with the interviewer.
  2. Excessive politeness or over-use of the word "sir" or "ma'am."
  3. Thanking the Deputy for his or her time.
  4. Responses with questions such as "do you think that I am that kind of person?" or "who me?" or "why do you think I did this?".
  5. "Red herring" responses: "If I were going to steal something, why would I steal such a small amount?"
  6. Attempting to delay the examination by asking questions, requesting cigarettes, breaks.
  7. Repeating back questions, which gives the subject time to think.
  8. Remembering many details when on safe ground but getting vague and forgetful when questioning is more pointed.

9. Using the phrases "honestly," "I swear to god," "frankly," "truthfully," and "may god strike me dead"
10. Continually looking at a clock or watch.
11. Showing physical signs of nervousness, such as fidgeting, shuffling feet, crossing, and uncrossing legs, preoccupation with hands, cigarettes or hair combing, constant smiling, biting or licking of the lips, sweating, crossing the arms, holding tightly to the chair, facial flushing or paleness, constant throat clearing.
12. Failing to make eye contact or diverting the eyes when answering. On the other hand, beware of the person whose eye contact is too good. This is noted more frequently with convicts, ex-cons and confidence men/women. Sometimes, the eye contact is deceptive, and they are actually looking above the interviewer's shoulder. Watch them carefully to determine if this is the case.

Of course, there are exceptions to every rule. Although the above indicators have been noted by commentators over the years, there may be innocent reasons for each. The experienced Deputy will not make a judgment based on any one thing, but on a combination of total observations.

#### **14-511 MISCELLANEOUS OBSERVATIONS AND SPECIAL PROBLEMS**

- a. Even the best interviewers are not successful all of the time. However, every interview should lead to some beneficial results. If the subject does not give helpful information but indicates by behavior that they have guilty knowledge, a Deputy has achieved valuable information.
- b. Even when the subject's statement is totally false, he or she has been pinned to a story. That story may not be consistent with an attorney's later line of defense. A prompt interview may saddle the subject with a less-than-viable alibi or excuse than he or she might have manufactured, given time to discuss it with friends or co-defendants.
- c. Get as many details as possible. A multitude of small details make a subject's story far easier to check out. It is also harder to change a story later that has numerous small facts. Furthermore, as a Deputy presses for details, the deceptive subject generally finds that more and more lies are necessary as additional details are required, and the subject either forgets what they previously asserted or fabricates details that are not compatible with previous statements.
- d. Always be aware that even after the subject has capitulated and given a statement, they often hide details or lies about parts of the statement. The experienced interviewer will go back until he or she is confident of the truth of every possible detail. Even when the subject tells the truth about his or her own involvement, they may be protecting someone or the hiding a part of the incident which they feel is more serious than another part. Be patient and be persistent.
- e. Be very careful in suggesting deals with informers or co-defendants offering testimony in return for a deal or immunity. You must be very careful to confirm their story in every possible detail by independent investigation or polygraph or both.

#### **14-512 PROCEDURES FOR TAKING STATEMENTS**

- a. Information gained from victims or witnesses will be documented in an investigative report by the Deputy obtaining the information.

1. The report will include the name, address, phone number, and place of employment of the person interviewed.
2. Written statements are best made in the individual's own handwriting.
- b. When taking statements from suspects, the Deputy should confirm the following information: suspect's full name, current address, date of birth, race, and highest level of education.
  1. The statement may be taken on the voluntary statement form currently used by the KCSO.
  2. The suspect will initial after each answer in a statement which is in question-and-answer form.
  3. Any unused space on a page will be crossed through with an "X" from corner to corner; the suspect will sign on one diagonal and the Deputy will sign on the other.
  4. The suspect will initial any deletions or corrections.
  5. After the suspect has read the complete statement, he or she will sign the bottom of each page.
  6. In the event a suspect is unable to read or write, a tape recorder may be substituted for a handwritten statement. When a tape-recorded statement is taken, it must include the suspects consent to be recorded, identify all persons present for the statement, the location, the time the recording starts and the time it ends.
  7. The confession may be witnessed if personnel are available.
    - i. The witness will be told by the detective taking the statement, what the suspect has indicated.
    - ii. After being told all the information, the witness will ask the suspect if the statement is true.
    - iii. After an affirmative answer, the witness will sign the form.

## **14-513 INTERVIEW ROOM**

The KCSO interview room will be used only for interviews and interrogations; it may never be used as a holding cell. It is the established policy of the Kent County Sheriff's Office that persons in custody may never be left alone in the Office. (See Chapter 9.)

### **14-513.1 SAFETY AND SECURITY**

- a. Weapon Control. A Deputy will never take a weapon into the interview room with an interviewee. There is a lockbox outside the interview room where sidearms may be secured.

**(CATEGORY B)**

- b. Notification of Staff. Before taking an interviewee into the interview room, the Deputy will notify other available staff that he/she will be using the interview room, so that they may be alert to any need for assistance.
- c. Summoning Assistance. There is an alarm button under the interviewer's table which sounds an audible alarm in the CID. Deputies should consider taking their portable radios, if available, into the interview room, notifying "KENT" in advance of their whereabouts. The "Signal 13" button on the radio may then be used to summon assistance.



- d. First Aid. There is a first-aid kit available in the CID office.

(CALEA 42.2.8)

#### **14-513.2 CONDUCTING THE INTERVIEW**

- a. No more than two Deputies may be in the interview room with an interviewee.
- b. Interviewees will be given access to restrooms and water upon request; they will be given other breaks at the discretion of the Deputy conducting the interview.

(CALEA 42.2.8)

#### **14-513.3 ELECTRONIC RECORDING**

The interview room is equipped with electronic video and audio monitoring, display, and recording devices. The decision to record an interview, whether on video or audio, is at the discretion of the investigating Deputy.

If the interview is to be audio-recorded, the Deputy will take the following steps:

- a. If the interview to be conducted is non-custodial, the individual being interviewed must sign the KCSO "Consent to Audio-Recording of Interview" Form (KCSO Form #425). If the person to be interviewed declines to sign, the interview may not be audio-recorded.
- b. An audio or audiovisual recording made by law enforcement of a custodial interrogation of a criminal suspect is exempt from the Maryland Wiretapping and Electronic Surveillance Act as per Section 2-403 of the Maryland Criminal Procedure Article. Therefore, no notification needs to be given to the person being interrogated and the KCSO "Consent to Audio-Recording of Interview" Form is not applicable.
- c. Blank tapes are kept next to the video monitor in the CID office.
- d. At the beginning of the interview the Deputy will announce, so that it is recorded, the date and time of the interview, the name of the subject, the type of investigation, and the names of all persons present in the interview.
- e. The Deputy will ensure that the administration of Miranda warnings is recorded.
- f. The Deputy will announce, so that it is recorded, the date and time that an interview is stopped and then resumed for any break.
- g. The Deputy will announce, so that it is recorded, the ending time of the interview.
- h. The Deputy will mark the tape with the CIR number and place it into evidence, following KCSO standard procedures for chain of custody. The fact that an audio recording was made will be noted in the CIR (or supplement). The Deputy will document, in the CIR, all of the steps noted above and will include the property held number for the tape in the report.

(CALEA 42.2.8)

#### **14-600 USE OF POLYGRAPHS IN INVESTIGATIONS**

The polygraph can be a valuable investigative aid as used in conjunction with, but not as a substitute for, a thorough investigation. An examination may be employed, consistent with this policy, for such purposes as:

- a. To verify, collaborate, or refute statements;
- b. To obtain additional investigative leads;
- c. To narrow or focus criminal investigations;
- d. To screen candidates for positions with the KCSO.
- e. To assist in the conduct of internal investigations.

The examination should not be used to verify victims'/witnesses' allegations without sufficient grounds for suspecting that the victim/witness has given false or misleading statements.

It is the policy of the State of Maryland and the KCSO that as provided in 42 U.S.C. § 3796gg-8(a), no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth or child victim of an alleged sexual offense as defined under federal, state, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of an offense. It shall also be the policy of the State of Maryland and the KCSO that as provided in 42 U.S.C. §3796gg-8(a), the refusal of a victim to submit to a polygraph or other truth telling examination shall not prevent the investigation, charging or prosecution of an alleged sexual offense.

#### **14-601 PROCEDURES FOR REQUESTING POLYGRAPH EXAMINATION**

A Deputy who wishes to employ an examination as part of an authorized investigation will submit a request, through his or her commander, to the CID Commander. The request will be in detailed report form and will include copies of all relevant reports, including:

- a. information obtained in the investigation that supports and justifies an examination;
- b. copies of crime or offense reports and investigative reports;
- c. evidence available and withheld from the subject;
- d. background information on the subject to be examined, to include criminal record and possible motivation;
- e. any statements made by the subject, complainants, and witnesses to include alibis;
- f. newspaper articles or other general information concerning the case.

The CID Commander will review the request and associated reports and make the determination whether a test will be conducted. If approved, the CID Commander will arrange for a qualified polygrapher to conduct the examination.

#### **14-602 SUITABILITY FOR EXAMINATION**

Submission to an examination must be voluntary, with the exception of a KCSO employee formally directed to take an examination as part of an internal investigation. In all other cases, examinations will not be administered without the subject's written approval, waiver, or other instrument as required by law.

Certain individuals and conditions are not conducive to successful testing and will generally be deemed unsuitable.

Examples of these individuals and conditions are:

1. Children under the age of thirteen;

2. Elderly persons;
3. Individuals with medical problems;
4. Individuals with mental disorders;
5. Individuals who are extremely tired;
6. Individuals under the influence of alcohol and/or drugs;
7. Individuals who are emotionally distraught.

Juveniles will not be tested unless at least one parent or guardian or a representative from the Department of Juvenile Services has signed a consent form. Juvenile tests will be handled in the same manner as adult tests; however, the examiner will take the subject's age and mental capacity into consideration when structuring the test.

#### **14-603 REQUESTING DEPUTY'S RESPONSIBILITIES**

Once notified by the CID Commander that the request for the examination was approved and receiving the testing date and time schedule, the requesting Deputy will contact the subject to be tested and arrange for his or her appearance for the examination. If problems exist with the scheduled date and time, the Deputy will immediately notify the examiner to make alternate arrangements.

Requesting Deputies will not attempt to explain procedures that will be used in the examination but will advise subjects that the examiner will do so.

Subjects may be advised that:

1. The examination is voluntary, unless otherwise provided by this policy in cases of internal investigations;
2. Results of the examination are not acceptable in a court of law;
3. Results of the examination, taken alone, do not provide substantiation for a criminal charge.

Should the subject be late for or cancel the appointment, the Deputy will immediately notify the examiner. If possible, the Deputy will report, with the subject and any other authorized persons such as attorneys, parents, or legal guardians, to the examination location. The examiner will be solely responsible for authorizing any person inside the examination or observation rooms.

#### **14-604 EXAMINER QUALIFICATIONS**

The KCSO does not employ its own polygraphers. All polygraph examiners used by the KCSO will be graduates of institutions providing training for this purpose.

**(CALEA 42.2.5)**

#### **14-605 EYEWITNESS IDENTIFICATION PROCEDURES**

The identification of criminal offenders must be approached with extreme caution as the court may exclude eyewitness evidence if it determines that law enforcement methods were unnecessarily suggestive.

An eyewitness identification procedure must be conducted by an administrator who is "blind" (i.e., not knowing the identity of the suspect) or who is "blinded" (i.e., knowing the identity of the suspect but not knowing which lineup member is being viewed by the eyewitness). The administrator may be blinded through the use of (1) an automated computer program or (2) a "folder shuffle method" in which photographs in randomly numbered folders are shuffled and then presented sequentially to the eyewitness so that the

administrator cannot see or track which photograph is being viewed by the eyewitness until after the identification procedure is completed.

### **DEFINITIONS:**

- a. **Show-up:** The live presentation of one suspect to an eyewitness shortly after the commission of a crime.
- b. **Field View:** The exposure of an eyewitness differs to a group of people in a public place on the theory that the subject may be among the group. A field view differs from a show-up in that it may be conducted well after the commission of the crime and may be conducted with or without a suspect in the group.
- c. **Photo Array:** The showing of photographs of several individuals to an eyewitness for the purpose of obtaining an identification.
- d. **Line-up:** The live presentation of a number of people to an eyewitness for the purpose of obtaining an identification. A line-up from a field view in that it is conducted in a controlled setting, such as a police station, a known suspect is in the mix, and the participants are aware that an identification procedure is being conducted.
- e. **Voice Line-up:** A procedure whereby a witness is permitted to hear the voices of several people for the purpose of obtaining an identification of a suspect's voice.

### **PROCEDURES:**

#### ***Right to Counsel During Identification Procedure***

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

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

#### ***General Considerations***

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

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

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

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

The Deputy administering the identification procedure should record the procedure and the witness' statement of certainty. The administering Deputy should write down the witness' exact words and

incorporate them into his/her report. The witness should be asked to initial and date the front of the photograph selected.

A report of every show-up, photo array, line-up, or voice identification procedure, whether an identification is made or not, shall be submitted. The report shall include a summary of the procedure, the persons who were present for it, instructions given to the witness by the administering Deputy (this shall be accomplished by submitting the KCSO Eyewitness Identification Instruction Form # 424) any statement or reaction by the witness, and any comments made by the witness regarding the identification procedure.

#### **14.605.1 INSTRUCTING THE WITNESS**

KCSO personnel conducting an identification procedure must provide the witness with a set of instructions regarding what the witness will be requested to do.

The instructions should include the following:

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

#### **14.605.2 SHOW-UP IDENTIFICATION PROCEDURES**

- a. Show-up identification procedures should only be used soon after a crime has been committed, typically within two hours, or under exigent circumstances, such as the near death of the only available witness. Show-ups should be conducted live whenever possible and not photographically.

Officers should not attempt to obtain identifications using driver's license photos on their KCSO MDT's, unless a dire emergency exists.

- b. When a show-up is arranged in an emergency situation, where either a witness or a victim is in imminent danger of death or in critical condition in a hospital, and the circumstances are such that an immediate confrontation is imperative, the emergency identification procedure shall be conducted in a non-suggestive manner.
- c. Every show-up must be as fair and non-suggestive as possible. Specifically, if the suspect is handcuffed, he/she should be positioned so that the handcuffs are not visible to the witness. The suspect should not be viewed when he/she is inside a police vehicle, in a cell, or in jail clothing.
- d. Detaining a person who fits the description of a suspect in order to arrange a show-up is lawful where the officer has reasonable suspicion that the suspect has committed a crime, even if probable cause to arrest has not yet developed.
- e. If the witness fails to make a positive identification and sufficient other evidence has not developed to provide probable cause to make an arrest, the suspect must be permitted to leave. His/her identity should be recorded and included in the officer's report.
- f. If a suspect is stopped within a short time after the commission of the crime, he/she may be taken to a location where he/she can be viewed by a witness for possible identification; or, he/she may be detained at the site of the stop and the witness taken there to view him/her. Transporting the witness to the site of the stop is preferred.
- g. Suspects should not be brought into a crime scene as contamination may result. For the same reason, clothing articles found at the crime scene should not be placed on or in contact with a suspect. A suspect should not be brought back to the home of a victim or witness unless that was the scene of the crime.
- h. The investigating Deputy must not do or say anything that might convey to the witnesses that they have evidence of the suspect's guilt. Officers should turn down their radios so that the witness they are transporting does not pick up information about the stop of the suspect.
- i. The suspect should be viewed by one witness at a time and out of the presence or hearing of other witnesses. Witnesses who have viewed the suspect should not be permitted to communicate with those who have not.
- j. Once one witnesses has positively identified the subject during a show-up, further identifications should be attempted by means of a photo array or line-up.
- k. The investigating Deputy may transport victims or witnesses in police vehicles to cruise the area where a crime has just occurred in order for them to attempt to point out the perpetrator. While checking the area, the investigating Deputy must be careful not to make any statements or comments to the witnesses which could be considered suggestive.
- l. The investigating Deputy should make written notes of any identifications and any statements made by witnesses at the time of confrontation with the suspect. Once a witness has indicated his/her opinion regarding the identity of the subject, the officer should ask the witness how certain he/she is of the identification. Officers should ask the witness not to use a numerical scale, but rather to indicate certainty in his/her own words. All statements by the witnesses should be incorporated into the officers' report.

**(CALEA 42.2.12)**

**PHOTO ARRAY PROCEDURES**

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

***Showing a Photo Array***

- a. The procedure must be conducted in a manner that promotes reliability, fairness, and objectivity.
- b. If practicable, the officer should record the procedure.
- c. Allow each witness to view the photographs independently, out of the presence and hearing of the other witnesses.
- d. Never make suggestive statements that may influence the judgment or perception of the witness.
- e. Another Deputy who is unaware of which photograph depicts the suspect should actually show the photographs. This technique, called double-blind administration, is intended to ensure that the witness does not interpret a gesture or facial expression by the officer as an indication as to the identity of the suspect. The technique also allows the prosecution to demonstrate to the judge or jury that it was impossible for the officer showing the photographs to indicate to the witness, intentionally or unintentionally, which photograph he/she should select.
- f. If another Deputy is not available, the Deputy showing the array must employ a so-called "blinded" technique so that he/she does not know when the witness is viewing a photograph of the suspect.
- g. The investigating Deputy or another Deputy (the administrator) should carefully instruct the witness by reading from a departmental Photo Array Instruction Form, and the witness should be asked to sign the form indicating that he/she understands the instructions. The investigating Deputy and the administrator should also sign and date the form.

- h. For the reasons above, investigating Deputy should explain to the witness that the Deputy showing the array does not know the identity of the people in the photographs. The investigating Deputy should leave the room while the array is being shown by the administrator.
- i. The administering Deputy should show the photographs to a witness one at a time. When the witness signals for the next photograph, the Deputy should move the first photograph so that it is out of sight.
- j. The procedure should be repeated until the witness has viewed each photograph. If the witness identifies a subject before all the photographs have been viewed, the administering Deputy should remind the witness that he/she is required to show the rest of the photographs.
- k. If the witness fails to make an identification, but asks to view the array a second time, the Deputy administering the identification should ask the witness if he/she was able to make an identification from the original viewing. If the witness is unable to make an identification but feels that it would be helpful to repeat the procedure, then it is permissible to show the entire array a second time. An array may not be shown more than twice.
- l. If the witness identifies the suspect, the administering Deputy should ask the witness how certain he/she is of the identification. The administering Deputy should ask the witness not to use a numerical scale, but rather his/her own words.
- m. The photo array should be preserved as evidence in the same configuration as when the identification was made.
- n. If more than one witness is to view an array, a separate unmarked array shall be used for each witness.

**(CALEA 42.2.11)**

#### **14.605.4 LINE-UP PROCEDURES**

- a. Line-ups shall be conducted under the direction of a CID supervisor, and, when feasible, after consultation with the State's Attorney's Office. The investigating Deputy should record the procedure.
- b. A suspect cannot be detained and compelled to participate in a line-up without probable cause to arrest. If a suspect refuse to participate in a line-up, the State's Attorney's Office may be asked to apply for a court order to compel the suspect to cooperate.
- c. Before any suspect who has been arraigned or indicted is shown to eyewitnesses in a line-up or other live identification procedure, he/she must be informed of his/her right to have an attorney present at the line-up. Unless a valid waiver is voluntarily and knowingly made, in writing if possible, no such identification may proceed without the presence of the suspect's attorney.
- d. Select a group of at least five fillers who fit the description of the subject as provided by the witness(es). Because line-ups will be administered by a Deputy who does not know the identity of the suspect, the fillers selected should not be known to the Deputy administering the line-up. In selecting line-up fillers, abide by the guidelines for photo array fillers as described above.
- e. All persons in the line-up should carry cards that identify them only by number and should be referred to only by their number. As with photo arrays, each witness must view the line-up independently, out of the presence and hearing of the other witnesses.



- f. The investigating Deputy should explain to the witness that a second Deputy (the line-up administrator) will be conducting the line-up, and that he/she does not know the identity of the people participating.
- g. The investigating Deputy should carefully instruct the witness by reading from a departmental Line-up Instruction Form, and the witness should be asked to sign the form indicating that he/she understands the instructions. The investigating Deputy should also sign and date the form.
- h. The investigating Deputy should leave the room while the line-up administrator conducts the line-up.
- i. The line-up should be conducted so that the suspect and fillers do not actually line up, but rather so that they are displayed to the witness one at a time. This can be accomplished by having them enter the room individually and leave before the next one enters.
- j. The procedure for showing the participants to the witness and for obtaining a statement of certainty is the same as for photo arrays.
- k. When an attorney for the suspect is present, the attorney should be permitted to make reasonable suggestions regarding the composition of the line-up and the manner in which it is to be conducted. Any suggestions made by the suspect's attorney should be included as part of the line-up report.
- l. Allow counsel representing the accused sufficient time to confer with his/her client prior to the line-up. Once the line-up is commenced, attorneys should function primarily as observers and he/she should not be permitted to converse with the line-up participants, or with the witnesses, while the line-up is underway. The concept of blind administration requires that no one be present who knows the identity of the suspect. For this reason, the attorney should leave the room before the line-up begins. An attorney who does not know which person the defendant is may attend the line-up in place of the suspect's attorney.
- m. The suspect's attorney is not legally entitled to the names or addresses of the witnesses attending a line-up if the suspect has not yet been arraigned or indicted.<sup>i</sup> If an attorney in such a situation insists on having information about line-up witnesses, advise him/her to direct his/her request to the State's Attorney's Office.
- n. During a line-up, each participant may be directed to wear certain clothing, to put on or take off certain clothing, to take certain positions or to walk or move in a certain way.<sup>ii</sup> If officers are to ask the participants to wear an article of clothing, they must guard against circumstances where the article only fits the suspect. All line-up participants shall be asked to perform the same actions.
- o. Line-up participants must not speak during the line-up. If identification of the suspect's voice is desired, a separate procedure must be conducted. (See section on voice identification below.)
- p. After a person has been arrested, he/she may be required to participate in a line-up regarding the crime for which he/she was arrested.<sup>iii</sup> After arrest, a suspect may lawfully refuse to participate in a line-up only if he/she has a right to have counsel present (post arraignment/indictment) and the counsel is absent through no fault of the suspect or his/her attorney.

**(CALEA 42.2.11)**

## **14-605.5 VOICE IDENTIFICATION PROCEDURES**

- a. Although considerably less common than visual identifications, voice identifications may be helpful to criminal investigations where the victim or other witness was blind, the crime took place in the dark, the subject was masked, the witness' eyes were covered by the perpetrator, or they were never in the same room with the perpetrator but heard his/her voice. If the investigating

Deputy wishes to conduct a voice identification procedure with a witness who also saw the subject, they must first consult with a detective supervisor and, when feasible, the State's Attorney's Office.

- b. As with any in-person identification or confrontation, if the suspect has been arraigned or indicted, he/she has a right to the presence of counsel at the voice identification procedure.
- c. Where a voice identification is attempted, the following procedures should be employed to the extent possible:
- d. As in a line-up, there should be at least six persons whose voices will be listened to by the witness; one-on-one confrontations should be avoided. Because line-ups will be administered by an officer who does not know the identity of the suspect, the fillers should not be known to the officer administering the procedure, and the investigating Deputy should abide by the guidelines for photo array and line-up fillers as described above:
  1. The suspect and other participants shall not be visible to the witness; this can be done by using a partition, or by similar means;
  2. All participants, including the suspect, shall be instructed to speak the same words in the same order;
  3. The words recited by the participants shall not be the ones spoken by the offender during the crime; the line-up participants should speak neutral words in a normal tone of voice;
  4. When both a visual and voice line-up are conducted, the witness should be informed that the line-up participants will be called in a different order and by different numbers;
  5. If there are two or more suspects of a particular crime, present each suspect to witnesses in separate line-ups. Different fillers should be used to compose each line-up.
  6. As with any identification procedure, the investigating Deputy should avoid any words or actions that suggest to the voice witness that a positive identification is expected or who they expect the witness to identify.
  7. The investigating Deputy should carefully instruct the witness by reading from the KCSO Eyewitness Identification Form and the witness should be asked to sign the form indicating that he/she understands the instructions. The officer should also sign and date the form. If practicable, the administering Deputy should record the procedure.
  8. Adhere to the principles of blind administration as described above. As is the case with photo arrays and line-ups, the investigating Deputy should leave the room while the administrator conducts the procedure.

#### **14-605.6 COURTROOM IDENTIFICATION**

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

- a. If the suspect has been arraigned or indicted, he/she has a right to have counsel present at any in-person identification/confrontation.
- b. Live confrontations and informal viewings of the suspect by witnesses must be conducted in such a manner as to minimize any undue suggestiveness.

- c. The investigating Deputy shall not state or suggest that the suspect has been arrested or booked or that he/she has made any confession or incriminating statement or that any incriminating evidence has been uncovered. The witness' identification, particularly if it takes place in a police station or courtroom, must be a result of his/her recollection of the appearance of the perpetrator and must not be unduly influenced by information or suggestions originating from the police.

#### **14-605.7            DRAWINGS OR IDENTI-KIT COMPOSITES**

- a. An artist's sketch, composite sketch or a computerized drawing can sometimes aid an investigation if the witness has a good recollection of the offender's facial features. However, research has shown that a person selected based on resemblance to composite is more likely to be mistakenly identified. Additionally, building a composite has been shown to lower a witness' accuracy for identifying the offender's face. For these reasons, officers should proceed with extreme caution.
- b. Prior to attempting a sketch or composite, the investigating deputy should take from the witness and document a full description of the offender.
  - 1. A sketch prepared by a trained artist is preferred over a composite.
  - 2. Sketches and composites should not be attempted prior to the showing of a photo array or line-up.
  - 3. Once the sketch or composite has been completed, the witness should be asked to state in his/her own words how accurately the composite reflects how the suspect appeared during the crime and a report should be prepared regarding the sketch or composite procedure.
  - 4. The fact that a suspect resembles a sketch or composite is not, without more, probable cause to believe that the suspect is the offender.

#### **14-605.8            MUG SHOTS**

- a. When an investigation has failed to identify a suspect, it may be advisable to have eyewitnesses come to the police station to look through photographic or "mug" files. However, the investigating Deputy should not resort to this procedure until other investigative avenues have been exhausted.
- b. Research has shown that exposing a witness to a large number of random photos can damage the witness's memory of the offender. Additionally, a witness who does not initially select a mug shot may later identify the person in a photo array not because he/she is the offender, but because the witness recalls seeing the face. Therefore, extreme caution must be used when showing mug files.
  - 1. Before showing mug shots, remove the photos of people not likely involved in the incident and narrow the pool of photos as much as possible;
  - 2. Record the name of the people whose mug shots were viewed by the witness
  - 3. Remove or hide any information on the photographs that might in any way influence the witness;
  - 4. Ensure that the files contain only one photograph of each individual and that the photographs are reasonably current;
  - 5. Do not refer to the photographs as "mugshots";

6. If photographs of various formats are used, ensure that several of each format are used;
7. Permit the witness to look at a number of photographs before making his/her selection;
8. Do not call to the attention of the witness any particular photograph;
9. A report shall be filed following the procedure, regardless of whether an identification is made. The report should describe the photographs viewed by the witness(s).\\The investigating Deputy should be extremely cautious before charging a subject based on this type of identification alone

**“MUG” BOOKS WILL ONLY BE UTILIZED BY KCSO PERSONNEL WITH THE APPROVAL OF THE CID COMMANDER.**

#### **14.605.9 DEVELOPING AND USING COMPOSITE IMAGES**

- a. The use of composite images can yield investigative leads in cases in which no suspect has been determined. Use of these procedures can facilitate obtaining a description from the witness that will enable the development of a reasonable likeness of the suspect.
- b. The person preparing the composite should:
  1. Assess the ability of the witness to provide a description of the suspect;
  2. Select the procedure to be used from those available (e.g., identikit-type or computer-generated images);
  3. Unless part of the procedure, avoid showing the witness any photos immediately prior to development of the composite;
  4. Select an environment for conducting the procedure that minimizes distractions;
  5. Conduct the procedures with each witness separately;
  6. Determine with the witness whether the composite is a reasonable representation of the suspect.

#### **14-606 INTERVIEWING THE WITNESS BY THE FOLLOW-UP INVESTIGATOR: PRE-INTERVIEW PREPARATION**

Pre-interview preparation will enable the investigator/deputy to elicit a greater amount of accurate information during the interview, which may be crucial to the investigation.

- a. Prior to conducting the interview, the investigator/deputy should:
  - a. Review available information;
  - b. Plan to conduct the interview as soon as the witness is physically and emotionally capable;
  - c. Select an environment that minimizes distractions while maintaining the comfort level of the witness;
  - d. Ensure interview room is available;
  - e. Separate the witnesses;

- f. Determine the nature of the witness' prior law enforcement contact.
- b. Initial (Pre-Interview) Contact with the Witness: Establishing a cooperative relationship with the witness likely will result in an interview that yields a greater amount of accurate information. On meeting with the witness, but prior to beginning the interview, the investigator/deputy should:
  - a. Develop rapport with the witness;
  - b. Inquire about the nature of the witness' prior law enforcement contact related to the incident;

## **14-700 VICE AND ORGANIZED CRIME OPERATIONS**

### **14-701 OBJECTIVE**

The KCSO will, as part of its criminal law enforcement program, vigorously pursue violators of vice, and organized crime statutes. Left unchecked, these violations can seriously degrade the quality of life for the citizens of Kent County. For the purpose of this section:

- a. "Vice operations" means the effort to counteract and eliminate prostitution, the illegal sale/use of alcoholic beverages, illegal gambling, and the distribution/sale of obscene and pornographic materials.
- b. "Organized crime operations" means the effort to counteract and eliminate unlawful activities by organized groups or associations.

### **14-702 COMPLAINT RECEIPT AND PROCESSING**

Deputies may receive complaints from various sources such as; confidential informants, anonymous tips, letters, from other KCSO Deputies or allied law enforcement personnel or agencies, etc. All complaints will be processed as follows:

- a. KCSO personnel will initiate a "Call for Service" via CrimeStar;
- b. KCSO personnel will evaluate the information and prepare a KCSO Criminal Activity Report designed to document such information.
- c. The CID Commander will initiate a criminal investigation if warranted;
- d. Enter information into *Case Explorer*, an automated investigative tool developed and managed by the Washington/Baltimore High Intensity Drug Trafficking Area (HIDTA).

CID Investigators will provide information to outside agencies (except the Washington/Baltimore HIDTA) as follows:

- a. Information will be disseminated to outside agencies only with the approval of the CID Commander;
- b. The name, agency, and information will be noted in the Criminal Investigation File;
- c. Any information received from an outside agency by CID will be noted in the Criminal Investigation File.

**(CALEA 43.1.1)**

### **14-703 CASE EXPLORER**

As noted above, *Case Explorer* is an automated case tracking and analysis system, provided by the HIDTA

and used by the KCSO. Two kinds of information are entered into *Case Explorer*: tip information provided by various types of informants; and information from Criminal Investigation Reports.

Only information from Criminal Investigation Reports is forwarded to HIDTA; tip information is maintained for internal KCSO use only. **(CALEA 46.2.8)**

#### **14-704 CLOSING/SUSPENDING CASES**

The CID Commander is responsible for determining case status based on:

- a. The source, nature, and potential validity of the information;
- b. The severity of the problem and the impact on the community; and
- c. The investigative steps necessary and resources required to maintain an investigation.

#### **14-705 RECORDS**

- a. All records of vice, and organized crime cases will be kept in separate file folders and locked in a file cabinet in the KCSO. Only investigators assigned to CID will have access to the case files. Open and closed case files will be maintained separately within the locked cabinet in the KCSO.
- b. Each case will be assigned a Criminal Investigative Number.
- c. A Deputy may be given access to a file from the CID Commander only in the following circumstances:
  1. Temporarily, to update the file;
  2. For court proceedings;
- d. The case file will include:
  1. Offense and supplement reports;
  2. Witness, victim, and suspect statements; and
  3. Copies of search warrants.

**(CALEA 43.1.2)**

#### **14-706 REPORTING**

- a. The CID Commander will complete a monthly report of vice, and organized crime activities accounting for all arrests, asset forfeitures, search warrants, and expenditure of confidential information funds.
- b. Upon completion of the report, the CID Commander will submit the monthly report to the Sheriff. The CID Commander will verbally update the Sheriff concerning the status of major investigations.

**(CALEA 43.1.1d)**

#### **14-707 FUNDS FOR VICE, AND ORGANIZED CRIME OPERATIONS**

The CID Commander is responsible for the budget of Investigative Funds to support vice and organized crime control functions.

The Investigative Fund is solely for paying informants for authorized services, for investigations, undercover rental vehicles or for purchases of alcohol during sting operations. The fund is never to be used for petty cash nor purchasing budgetary items.

To replenish the funds, the CID commander will request the cash (which is included in the KCSO budget) through the Administrative Aide to the Sheriff. If approved by the Sheriff, the Administrative Aide will send a requisition to the County Office of Budget and Accounting requesting the disbursement. The Office of Budget and Accounting will forward a check to the CID commander, who will cash the check.

#### **14-707.1 RECORD KEEPING**

The CID Commander will complete the Master Monthly CI/Expenditure Log each month. It will include a beginning balance, amounts drawn and returned by Deputies, additional deposits, a running balance, and a final balance. These forms shall be placed in a binder in the CID office and made available for inspection at all times.

Deputies who use investigative funds will submit the following documentation to the CID Commander for each transaction:

- a. A Cooperating Reliable Individual (CRI) Cash Receipt, dated and signed;
- b. A CRI Status Report, detailing the expense; or
- c. A CID Expense Voucher (used for undercover buys, inexpensive supplies required in an emergency during an operation, etc.) for each expenditure during that month.

Deputies who use investigative funds will submit a Monthly CI/Expenditure Log to the CID Commander indicating the use of all monies used throughout the month.

#### **14-707.2 AUDIT**

- a. The CID Commander will conduct a quarterly audit of the investigative funds. The audit will be documented, and a copy forwarded to the Administrative Aide.
- b. The investigative fund audit is available for review at any time by the Administrative Aide.
- c. The Administrative Aide will conduct an annual inspection of the investigative funds. The results of the inspection will be documented, and a copy will be forwarded to the Sheriff and the Chief Deputy.

**(CALEA 43.1.3)**

#### **14-800 CRIMINAL INTELLIGENCE**

The CID Commander is responsible for the KCSO's criminal intelligence function. There are several principal sources of intelligence:

- a. the field reports prepared and submitted by Patrol Deputies under the procedures described in Chapter 11;
- b. investigative work, including the results of surveillances and other activities conducted by the CID, and
- c. information provided by citizens and recorded on the KCSO "Criminal Activity Report."

**(CALEA 40.2.1)**

## **14-801 MAINTAINING LEGALITY AND INTEGRITY**

The KCSO is mindful of the need to respect citizens' rights to engage in lawful, constitutionally protected activities. Intelligence information collected will be limited to criminal conduct or potential criminal conduct and will not include information concerning a subject's political or religious preferences, associations or opinions, or a subject's sexual preference.

The CID Commander will periodically review the criminal intelligence files to ensure that improper information is not being captured or maintained.

**(CALEA 40.2.3)**

### **14-801.1 ANNUAL REVIEW OF PROCEDURES AND PROCESSES**

The CID Commander will perform an annual review of the procedures and processes involved in the criminal intelligence function

**(CALEA 40.2.3)**

## **14-802 FILE MAINTENANCE**

The KCSO intelligence file is a name-based system. It is kept in a locking file cabinet in the KCSO, separate from other files. Only sworn CID personnel, the Sheriff, and the Chief Deputy may have access to intelligence files.

**(CALEA 40.2.3)**

## **14-803 DOCUMENTING, REPORTING AND DISSEMINATION OF INFORMATION**

The information gathered pertains to actual or potential criminal activity and the identification of suspects, vehicles, methods of operation, and other related matters. Intelligence data will be primarily documented utilizing the following sources:

- a. **Confidential Informants** – Individuals with direct access to information relative to illegal activities or systems who give this information to law enforcement.
- b. **Undercover operations** – The deliberate and an illegal system for the purpose of acquiring specific elements of information regarding the system.
- c. **Previous investigation** – Inferences developed from the prior collection and analysis of related criminal activities, organizations, or individuals.
- d. **The law** – The use of legal instruments (e.g. search warrants and subpoenas) to obtain information from protected sources or uncooperative subjects.
- e. **Information storage and retrieval systems** – The use of information which has already been collected and stored in an information repository, whether it be a file cabinet or automated data bank, computer, computer system, their peripherals, or use accessories.
- f. **Physical evidence** – Information about physical conditions obtained from the scene of a crime, a victim, or a suspect and his environment.
- g. **Personal surveillance** – The discrete observation and recording of activities through the use of physical surveillance techniques.
- h. **Technical surveillance** – The discrete observation and recording of activities through the use of



technical devices.

- i. **Interchange** – The flow of information to the investigation from another law enforcement entity; responsive or initiated, inter- or intra-departmental.
- j. **Open sources** – The integration of information already collected by government agencies and other institutions, including public records.
- k. **Overt references** – Scholarly documentation and other reference materials, such as newspapers.
- l. **Interviews and interrogations** – Information obtained through the use of planned informal dialog and interrogations.
- m. **Debriefing** – A formal question-and-answer session between members of the same unit, agency, and/or profession.
- n. **Internet** – Restricted websites provided by various government agencies and open websites provide information on subjects, businesses, and property. The restricted government websites also provide finished intelligence reports and bulletins.

KCSO employees submitting information for inclusion in the system will make every attempt to ensure and verify the accuracy of the information gathered, including questioning information providers as to the sources of their information.

The information will be used primarily by CID to establish relationships among persons and events which will lead to a better understanding of the criminal climate in the County and an improved ability to fight that crime.

Information contained in KCSO intelligence files shall only be disseminated with the approval of the CID Commander, Sheriff or Chief Deputy.

**(CATEGORY B)(CALEA 40.2.1, 40.2.2, 40.2.3, 40.2.4)**

#### **14-804 PURGING INFORMATION**

A file that identifies a person by name, address or DOB, or a particular organization where the identification can be specifically made will be kept for 5 years after last entry. The KCSO Maintains intelligence files in accordance with 28CFR, Part 23.

All purged intelligence files will be destroyed under the direct personal supervision of the CID Commander by shredding or burning. The CID Commander will maintain a permanent record listing all files destroyed.

When the KCSO receives a court order expunging a person's record, a copy will be forwarded to the CID Commander. These files, since they are not available for public inspection, will be marked as expunged. This is to suffice as warning that anything in the record pertaining to the person listed in expungement will not be released to the public.

**(CALEA 40.2.1, 40.2.5)**

#### **14-805 UTILIZATION OF INTELLIGENCE PERSONNEL AND TECHNIQUES**

Because of its relatively small size and lack of a separate intelligence unit, the KCSO does not have elaborate procedures for the utilization of intelligence personnel and techniques. However, the following procedures will apply:

- a. The KCSO does not have an intelligence specialization. The intelligence analysis function will be carried out by sworn personnel in the CID.
- b. Intelligence gathering is the responsibility of all KCSO employees. Any information which comes to the attention of a member of the staff which may be of interest to the CID will be forwarded to that Division by a field interview report or other written record.
- c. The KCSO will use its established surveillance techniques and its established informant program as additional means of gathering intelligence. The procedural requirements of those programs will be observed in gathering intelligence.

**(CALEA 42.1.6)**

## **14-805.1 FREEDOM OF ASSOCIATION AND ASSEMBLY PROTECTION ACT OF 2009**

In this policy, "covert investigation" means a surreptitious infiltration of or attempt to infiltrate a group or organization for the purpose of interfering with the group's activities that involve freedom of speech or association, the exercise of religion, freedom of the press or the right to petition the government activities that may be protected by the First Amendment to the United States Constitution.

The legal authority for this policy can be found in the Maryland Annotated Code, Public Safety Article §3-701 and 28 Code of Federal Regulations, Part 23

This policy does not apply to surreptitious or undercover investigations that do not involve protected First Amendment activities.

- a. Members of the Kent County Sheriff's Office shall not conduct a covert investigation of a person, group or an organization involved in First Amendment activities, to the extent such activities are known to be protected, without the express written authorization of the Sheriff or his/her designee. The Sheriff or designee will authorize the investigation only if the investigation is justified because:
  - 1. There is reasonable, articulable suspicion that the person, group, or organization is planning or is engaged in criminal activity; and
  - 2. A less intrusive means of investigation is not likely to yield satisfactory results.
- b. Any covert investigation shall be done only for legitimate law enforcement objectives with a due regard for safeguarding the applicable constitutional rights and liberties of all persons who may be affected by the investigation. In every case, the least intrusive investigative methods should be used. The investigation shall conclude when all logical leads related to criminal activity have been exhausted, or when no legitimate law enforcement objective justifies continuing the investigation.
- c. To the extent that investigators engaged in a covert investigation collect information solely about the political beliefs, ideologies, and associations of the individuals, group or organization, the investigators shall not retain or maintain any such information *unless*:
  - 1. The information is relevant to a criminal investigation; or
  - 2. There is reasonable, articulable suspicion that the person, group, or organization advocates, supports or encourages the violation of any federal, State or local criminal law that prohibits acts of terrorism, racketeering activity (as defined by 18 U.S.C. §1961), violence, extortion, destruction of property, intimidation, harassment, obstruction of justice, or fraud.
- d. Information entered into and maintained in a criminal intelligence file or database shall be evaluated for the reliability of the source of the information and the validity and accuracy of the

information. If information is maintained in a computer database, that information shall be classified in a manner that clearly reflects the purpose for which the information has been collected and maintained, particularly information about a specific individual, group or organization that is suspected of engaging in specific crime(s).

- e. Such records may be disseminated only in accordance with existing KCSO procedures, including but not limited to those based on the Maryland Public Information Act, MD Code Ann., State Government Art., § 10-601 *et seq.* and 28 C.F.R. §23.3 (b)(3). The database shall be reviewed annually, beginning on January 1, 2011, and any information that has become moot, irrelevant, or is otherwise without law enforcement value shall be purged from the database.

## **14-806            TRAINING**

All KCSO employees will review and become familiar with the agency's criminal intelligence policy. All KCSO sworn personnel will receive initial intelligence training during their first year of service and refresher intelligence training every three (3) years thereafter.

**(CALEA 40.2.3)**

## **14-900            INFORMANTS**

It is the policy of the KCSO to use confidential informants, as appropriate, in carrying out its law enforcement mission. Paid informants will only be used when the information they are capable of providing is reliable, necessary for an essential law enforcement function, and unavailable through other means. The payment made must also be in proportion to the value of the information provided and the significance of the crime under investigation.

There are several sources of confidential information:

- a. A Confidential Informant is an individual who provides useful and credible information to the KCSO regarding felonious criminal activities, and from whom the KCSO expects or intends to obtain additional useful and credible information regarding such activities in the future. A confidential informant may be paid or unpaid.
- b. A Confidential Source provides information to the KCSO solely as a result of legitimate routine access to information or records, such as a concerned citizen or an employee of a legitimate business (e.g., phone company or bank), and not as a result of criminal association with persons of investigative interest to the KCSO and provides such information in a manner consistent with applicable law. Confidential sources are unpaid.
- c. A Cooperating Defendant ("defendant working off charges") is a defendant or potential witness who has a written agreement with the State's Attorney, pursuant to which the individual has an expectation of future judicial or prosecutorial consideration or assistance as a result of having provided information to the KCSO. A cooperating defendant is not paid.
- d. An Unwitting Informant is an individual who provides useful and credible information to the KCSO regarding felonious criminal activities without knowing that he or she has done so. An unwitting informant is not paid.
- e. An Anonymous Source is an individual who provides information to the KCSO regarding felonious criminal activities without identifying him- or herself. Unless an anonymous source makes repeated contact with the KCSO, it may be difficult to judge the usefulness and credibility of the information provided. An anonymous source is not paid.

**(CALEA 42.2.7)**

#### **14-901            MASTER FILE**

- a. The CID Commander will maintain a master file for all confidential informants used by the KCSO.
  - 1. Informant files shall be stored in locking file cabinets in the KCSO.
  - 2. Only the CID Commander will have access to the locked file cabinet.
- b. Each informant file will contain a completed copy of the KCSO confidential informant history report, which includes
  - 1. Biographical and background information
  - 2. Criminal history information;
  - 3. A confidential informant (CI) number;
  - 4. Photograph of confidential informant; and
  - 5. Right thumb print of the confidential informant.
- c. Semi-annually, the CID Commander will review the informant files, document this review, and forward a copy of the review to the Sheriff. The review will include, but will not be limited to:
  - 1. Changes in the criminal history or arrest status of the informant.
  - 2. The amount of money an informant receives annually.
  - 3. Decision whether continuing to use the informant is appropriate.
  - 4. To officially dissociate with an informant who engages in crimes of violence such as robbery, domestic violence, homicide, etc.
  - 5. To deactivate any informants that an investigator no longer uses.

#### **14-902            PROTECTING IDENTITIES**

- a. Deputies will take every reasonable step to protect the identity, thus the safety, of informants. If a judicial officer orders a member to reveal an informant's identity, the CID Commander or the Sheriff will determine whether to reveal the identity or to request dismissal of the case.
- b. Written reports will refer to informants by their CI control number and use gender-neutral descriptors.
- c. Investigators will change control numbers periodically to avoid creating a recognizable pattern.

**(CALEA 42.2.7)**

#### **14-903            GENERAL PRECAUTIONS**

- a. All negotiations relating to charges, pleadings, or sentencing must have the approval of the State's Attorney's Office.
- b. Investigators should deal with informants with the utmost caution. Investigators will document all contacts with informants by completing the KCSO Confidential Informant Contact Report.

- c. Investigators should attempt to have a second investigator present when meeting with an informant of the opposite sex or when meeting any informant in a secluded location.
- d. All contacts with informants will be in connection with official KCSO business only.

**(CALEA 42.2.7)**

#### **14-904 JUVENILE INFORMANTS**

Juvenile informants will not be used without the permission of a parent or legal guardian and the approval of the CID Commander and the State's Attorney's Office.

**(CATEGORY B)(CALEA 42.2.7)**

#### **14-905 USE OF INFORMANTS BY PATROL DEPUTIES**

- a. Patrol Deputies must have the approval of the Patrol Division Commander and the CID Commander to use confidential informants.
- b. All procedures relating to informants will apply to all KCSO personnel.

**(CATEGORY B)**

#### **14-1000 SPECIAL OPERATIONS PROCEDURES**

##### **14-1001 AUTHORIZATION**

The CID Commander may authorize a planned surveillance. The approval of the CID Commander is required for a warrant execution.

**(CATEGORY B)**

##### **14-1002 OPERATIONS**

##### **14-1002.1 SURVEILLANCE**

Surveillance is the observation of persons, places, or things to obtain information. It is conducted to:

- a. Develop leads, evidence and information;
- b. Find wanted persons or those who might be witnesses;
- c. Obtain detailed information about the activities of an individual, residence or business;
- d. Obtain probable cause for a search warrant;
- e. Prevent crime; and
- f. Determine informant reliability.

Generally, surveillance is a covert operation. However, there are instances when the surveillants will not try to conceal their presence from the person being followed. This could occur if overt surveillance will prevent someone from committing a serious crime, or if the surveillants are attempting to drive a nervous suspect to make a mistake that could provide evidence or otherwise result in arrest. Surveillance may be by foot, vehicle, or a combination of the two. It may also be conducted from a fixed position.

For the purpose of this Section, surveillance is an operation which may require additional Deputies, and which may last for an extended amount of time. This does not prohibit a Deputy from conducting short-term

surveillance without prior authorization when circumstances dictate.

**(CATEGORY B)**

**14-1002.2**

**UNDERCOVER**

- a. All undercover operations shall be approved by the CID Commander.
- b. Investigators assigned to the CID will be utilized for all undercover and surveillance operations whenever feasible; however, this does not preclude other sworn KCSO personnel from participating when warranted and duly authorized.
- c. The CID Commander shall be notified of the planned activity and will apprise the Tactical Entry Team Commander (TET) of same if their assistance is warranted. The CID Commander will plan the undercover operation to insure:
  1. All suspects that are a target or become the target of the undercover operation will be identified and analyzed. This identification and analysis will include a determination of their criminal history, known associates, weapons proficiency, and any other available background information that would be important for members conducting the operation to be aware of.
  2. Contact will be made with the suspects when determined appropriate and necessary, with all necessary and reasonable precautions taken.
  3. The neighborhood or target area where Deputies will work will be analyzed and surveyed prior to infiltration to determine and identify hazardous and potentially dangerous areas. Locations for surveillance points will also be identified.
  4. Deputies involved in the operation will be provided with false identity as warranted.
  5. The confidentiality of a Deputy's false identity will be maintained by allowing only deputies involved in the operation to have the information along with the CID Commander, the Sheriff or Chief Deputy.
  6. Deputies involved in the operations will be provided necessary funds in accordance with KCSO policies.
  7. Deputies involved in the operation will be provided necessary equipment to include:
    - i. vehicles (undercover)
    - ii. surveillance equipment. When and wherever possible, video equipment and cameras will be used to record the undercover operation. This will assist in documenting compliance with applicable laws and directives.
    - iii. communications equipment.
  8. Means for routine and emergency communications will be established. This will be determined on a case-by-case basis. The department has monitors, cell phones and radios available for this purpose.
  9. On "specific" operations, to be determined at the discretion of the CID Commander with the concurrence of the Sheriff, prior to the operation, the CID Commander will apprise the State's Attorney of the operations to determine the legal issues or concerns regarding the "specific" operation.
  10. Depending on the purpose of the undercover operation, arrests will be made when all the legal requirements to substantiate a legal arrest have been met. Arrests will depend upon the

purpose of the undercover operation. No arrest will be made without the backup of one other deputy or without the assistance of another Deputy readily available.

11. Deputies involved in undercover operations will be closely supervised by the CID Commander or his/her designee.
12. Deputies engaging in undercover activities shall have a "backup" Deputy. The backup Deputy shall either be in visual contact with the undercover officer or shall be able to hear the conversation via a communication device. The backup Deputy shall be in a position to respond to assist the undercover Deputy, if necessary. Medical assistance will be provided when requested. "KENT" will dispatch emergency personnel and equipment.
13. Deputies engaging in undercover activities are not permitted to consume illegal narcotics. Undercover Deputies may consume alcohol when necessary to maintain their "cover"; however, Deputies shall exercise good judgment and discretion in the consumption of alcohol. Deputies will be held accountable for their actions and at no time in an undercover operation shall they permit their judgment or physical dexterity to become substantially impaired by the consumption of alcohol.

**(CATEGORY B)**

### **14-1002.3                      DECOY**

The CID Commander is responsible for coordinating and planning organized crime, vice, and drug decoy operations. These guidelines include:

- a. Using complaints, intelligence information, surveillance, and tips. Deputies will determine the modus operandi of the perpetrators.
- b. When appropriate, Deputies will disguise themselves to resemble victims.
- c. A determination will be made based on the analysis of the situation deploying an adequate number of backup Deputies for security and protection.
- d. Operational procedures for each operation will be developed to determine appropriate locations for observation and arrest.
- e. The State's Attorney's Office will be consulted as needed to determine any specific legal issues or concerns.
- f. Communications will be established through the use of radios, and/or recording devices. When and wherever possible, equipment and cameras will be used to record the decoy operation. This will assist in documenting compliance with applicable laws and directives.
- g. Participating personnel will be identified beforehand with a complete description of their vehicles and clothing provided to all involved personnel.
- h. The on-duty Patrol Shift Supervisor and Patrol Division Commander will be apprised of the operation and location so appropriate support is available should an emergency arise.
- i. Deputies involved in the decoy operation will be closely supervised by the CID Commander or his/her designee.
- j. Equipment and/or vehicles appropriate for the operation will be provided. Medical assistance will be provided when requested. "KENT" will dispatch emergency personnel and equipment.

- k. Contact will be made with the suspects when determined appropriate and necessary, and when all necessary and reasonable precautions are taken.

#### **14-1002.4 TACTICAL (RAID)**

Vice and Organized Crime raids will be conducted in accordance with the guidelines established in this section.

These guidelines are as follows:

- a. Authorization for a raid may be granted by the CID Commander with the concurrence of the Sheriff or Chief Deputy if the Sheriff is unavailable.
- b. The CID Commander or his/her designee is responsible for supervising and coordinating the raid.
- c. Entry, security, and an overall plan will be developed prior to the raid. These strategies and tactics will include analyzing the target to be raided, considering Deputy and civilian safety, and determining the appropriate amount of manpower.
  - 1. When conducting raids and search warrants, non-uniformed personnel will be required to wear garments identifying themselves as Deputy Sheriff's, such as issued raid jackets, when available.
  - 2. Uniformed Deputies will be utilized and, if possible, will be the first Deputies in view when the subjects of the raid are made aware of the operation.
- d. A search for any evidence which is a target of the raid will be thorough and systematic. Evidence and contraband will only be seized in accordance with the law and according to established guidelines. When and wherever possible, video equipment and cameras will be used to record the undercover operation. This will assist in documenting compliance with applicable laws and directives.
- e. Appropriate equipment to complete the raid successfully and safely will be issued, including:
  - 1. vehicles
  - 2. undercover or decoy supplies
  - 3. communication and audio and visual monitoring equipment.
- f. Specialized support units such as Tactical Entry Team (TET) members and evidence technicians may be selected to participate. Appropriate communications will be established and maintained with any support units.
- g. Suspects arrested will be processed and interviewed. If necessary, arrangements will be made for detaining and processing arrested suspects at the scene if mass arrests are anticipated. The
- h. Patrol Division Commander, the CID Commander, the Sheriff or Chief Deputy will be notified in advance if mass arrests are anticipated.
- i. The use of force to gain entry will be authorized if the criteria for a "No-Knock Warrant" has been established in the affidavit.
- j. If medical assistance is required, Deputies will utilize the emergency medical services through "KENT". Documentation of all activities associated with the raid will be required. This



documentation should be in the form of criminal investigation reports where violations of law are observed or arrests are made, and supplemental reports by involved Deputies as warranted.

#### **14-1003            CONDUCT OF OPERATIONS**

Before any operation, the Deputy in charge or CID Commander will contact the on-duty Patrol Supervisor and Patrol Division Commander, who will be apprised of the operation, its location, the personnel involved and whether it is anticipated that any assistance will be necessary from the Patrol Division.

Prior to any operation, the Deputy in charge will prepare and submit to the CID Commander an operations plan on the KCSO Briefing and Operational Packet Form. The form will be completely filled out, including the following information when applicable:

- a. The location of the operation. When the Tactical Entry Team is to be involved in an operation, the TET Commander and the supervisor planning the operation must visit the site together, in advance, to verify the location.
- b. Determination of Special Problems - Such issues as the likelihood of violence, weapons, the presence of children or animals, etc. will be described.
- c. The suspects and their criminal backgrounds will be described.
- d. Suspect vehicles will be identified.
- e. Case background, including objectives of the operation.
- f. Personnel to be involved as primary Deputies or backups, their specific assignments, call signs, and other pertinent information.
- g. Signals.
- h. Special equipment needed.
- i. Location of nearest medical facility.

The TET will be used for all dynamic (high risk) search warrants and dangerous felony warrants. Other types of search warrants do not require use of TET; however, nothing in this policy prohibits requesting TET. In any operation which involves TET, the TET team leader is in command until such time as the scene is made secure and is turned over to the appropriate personnel, i.e., CID. Use of force will be in accordance with Chapter 8 of this manual.

The Operation Supervisor will provide close supervision throughout the event.

Members will handle all evidence and/or contraband according to the procedures in Chapter 15 of this manual.

Members will maintain communications capability (i.e., telephone, radio) to request immediate medical assistance during all special operations.

Members may seek assistance of other law enforcement personnel both inside and outside the agency as deemed necessary for the successful completion of an operation. The request must be made through the CID Commander.

After approval, the plan will be briefed to all Deputies (or others) participating in the operation. Deputies

who have not been trained in covert operations or briefed on the operation may not participate.

Upon completion of the covert operation the appropriate KCSO reports will be completed by the Deputy assigned as the reporting investigator.

**(CALEA 43.1.5)**

#### **14-1100        SURVEILLANCE EQUIPMENT**

The KCSO has certain specialized equipment which it uses for surveillance purposes. Upon acquisition of such equipment, it will be entered in the KCSO automated inventory and listed on the KCSO Monthly Surveillance Equipment Inspection form. The highest-ranking deputy assigned to the Kent County Narcotic Task Force will be responsible for the care, maintenance, and storage of all surveillance equipment. Kent County Narcotic Task Force members who use shared equipment will sign it out on a log maintained for that purpose. Each month, the highest-ranking deputy assigned to the Kent County Narcotic Task Force will submit the Monthly Surveillance Equipment Inspection Form to the CID Commander certifying the condition of all surveillance equipment.

**(CATEGORY B)(CALEA 43.1.4)**

#### **14-1101        GEOGRAPHIC POSITIONING SYSTEM**

The KCSO has a geographic positioning system (GPS) device for use in narcotics, criminal and internal affairs investigations, as directed by the Sheriff. The use of the device is subject to the provisions of this section.

##### **14-1101.1       MAINTENANCE AND STORAGE**

The highest-ranking deputy assigned to the Kent County Narcotic Task Force will be responsible for the care, maintenance, and storage of the GPS unit. The device will be tested monthly and listed on the Monthly Surveillance Equipment Inspection report.

**(CATEGORY B)(CALEA 43.1.4)**

##### **14-1101.2       DEPLOYMENT**

The GPS unit will be deployed only with the approval of the CID Commander, or the Sheriff.

In order to preserve the evidentiary value of information gathered through the use of the GPS device:

- a. it may only be deployed when the target vehicle is on public property.
- b. except when deployed on a KCSO vehicle, it will not be attached so as to draw its power from the electrical system of the target vehicle. That is, it will be deployed with its own power source.

Among the factors to be considered in making the deployment are:

- a. the ease or difficulty of affixing the device surreptitiously in a public environment;
- b. the ease or difficulty of retrieving or servicing the device in use; and
- c. the value of the information to be gained in tracking the suspect versus the potential for loss of the device.

The device will be deployed in accordance with manufacturer's specifications and only by personnel trained in its use.

Use of the device must be kept confidential to safeguard the equipment and to maintain continued effectiveness of the program.

**(CATEGORY B)**

### **14-1101.3 REPORT**

The highest-ranking deputy assigned to the Kent County Narcotic Task Force will document all uses of the GPS system in the Kent County Narcotic Task Force Monthly Activity Report. The narrative report will document the date of the deployment, its duration, and the results of the use of the system.

**(CATEGORY B)**

### **14-1101.4 LOSS**

The loss of the GPS device will be handled in accordance with Chapter 3 of this manual.

**(CATEGORY B)**

### **14-1102 COVERT MONITORING DEVICE**

The KCSO has a covert monitoring device for use in narcotics, criminal and internal affairs investigations, as directed by the Sheriff. The use of the device is subject to the provisions of this section.

**(CATEGORY B)**

#### **14-1102.1 REGISTRATION WITH MSP**

Within 10 days of the acquisition of any monitoring device, it must be registered with the Licensing Division of the Maryland State Police (MSP). The registration will include the brand, type, and serial number of the equipment being registered. The Office Manager will maintain a file for each device which includes the above information, along with the MSP reply.

**(CATEGORY B)**

#### **14-1102.2 MAINTENANCE AND STORAGE**

The highest-ranking deputy assigned to the Kent County Narcotic Task Force will be responsible for the care, maintenance, and storage of the monitoring device. The device will be tested monthly and listed on the Monthly Surveillance Equipment Inspection report.

**(CATEGORY B)**

#### **14-1102.3 LEGAL BASIS FOR USE**

Recording of transmissions will occur only within the legal limits of Maryland law, and only when investigating the following crimes:

- a. Murder, kidnapping, rape, sexual offense (first and second degree); and,
- b. Child abuse, gambling, robbery, any felony under the arson and burning subheading of the Criminal Rules, bribery, extortion, any violation of the CDS laws including Criminal Rules 5-500 through 600, hostage/barricade situations, and conspiracy/solicitation to commit any crimes already mentioned.
- c. Use of a closed-circuit television camera to observe or record activities that are viewable by the public, either because members of the public can lawfully access the area where the activity occurs or can see the activity from a lawful vantage point, does not generally constitute an intrusion into a constitutionally protected privacy interest. A Deputy is normally not conducting a search when he/she views activities that are otherwise publicly viewable. Therefore, Deputies do not generally need to obtain prior judicial approval in the form of a search warrant to conduct that type of video surveillance. However,

1. video surveillance in public areas where one would reasonably expect his/her actions to be private (i.e., closed stalls in public restrooms) must comply with Fourth Amendment standards.
2. a continuous video surveillance into a residence from a location not commonly used by the general public is more intrusive and may constitute an invasion into one's legitimate expectation of privacy.

Use of the device must be kept confidential to safeguard the equipment and to maintain continued effectiveness of its use.

**(CATEGORY B)**

#### **14-1102.4 DEPLOYMENT**

In order to maintain the effectiveness of the device, except in extraordinary circumstances, monitoring devices will not be deployed for use by a Confidential Informant. Use of the monitoring device by a CI will require the advance approval of the CID Commander,

Whenever a monitoring device is utilized, whether the transmission is to be recorded or not, the following will occur:

- a. A pre-operation equipment check will be conducted on the equipment to assure that the equipment is working properly.
- b. A "Consensual Monitoring Consent Form" will be completed by the monitoring Deputy and will be signed by the individual using the monitoring device.
- c. A "Monitoring Device Plant Number" will be obtained for the Consensual Monitoring Consent Form. The logbook for the Plant Numbers will be maintained and stored by the highest-ranking deputy assigned to the Kent County Narcotic Task Force in a locked file cabinet. He/she will be responsible for obtaining the Plant Number for the forms.
- d. After a Plant Number is obtained on the Monitoring Form, the original consent form will be kept in sequential order in a "Consent Form" file in a locked file cabinet maintained by the highest-ranking deputy assigned to the Kent County Narcotic Task Force.
- e. All recorded transmissions which are to be used in evidence will be placed in property held using established policy and procedures.

**(CATEGORY B)**

#### **14-1102.5 REPORT**

The Highest-ranking deputy assigned to the Kent County Narcotic Task Force will document all uses of the monitoring devices in the Kent County Narcotic Task Force Monthly Activity Report. The narrative report will document the date of the deployment, its duration, and the results of the use of the equipment.

#### **14-1102.6 LOSS**

The loss of monitoring devices will be handled in accordance with Chapter 3 of this Manual.

#### **14-1200 TASK FORCES**

- a. Internal investigative task forces will be governed by special orders issued by the Sheriff or Chief Deputy.

- b. Joint agency task forces will be governed by special orders issued by the Sheriff. The special orders will:
  1. Identify the purpose of the task force;
  2. Define authority, responsibility, and written agreements;
  3. Require that the results be evaluated, along with determining the continued necessity of the task force.
  4. The Criminal Investigation Division Commander shall provide the Sheriff with a monthly report of all activities regarding KCSO's participation in all investigative Task Forces.

**(CALEA 42.2.4)**

#### **14-1300 KENT COUNTY NARCOTICS TASK FORCE**

Effective July 1, 2019, the KCSO entered into a Memorandum of Agreement with the Maryland State Police, Chestertown Police Department, Kent County State's Attorney's Office, and the Maryland Department of Natural Resources Police to implement the Kent County Narcotics Task Force

**(CALEA 42.2.4)**

#### **14-1301 PURPOSE**

The Kent County Narcotics Task Force (KCNTF) will coordinate a multi-agency law enforcement task force with the purpose of conducting controlled dangerous substances investigations jointly on individuals in violation of Maryland Controlled Dangerous Substances Laws as codified in Title 5 of the Maryland Criminal Law Article and Title 12 and 13 of the Maryland Criminal Procedure Article.

#### **14-1302 FUNCTION OF KENT COUNTY NARCOTICS TASK FORCE**

Under the Memorandum of Agreement, Kent County Narcotics Task Force members will conduct joint investigations in the following manner:

- a. Investigations of person(s) involved in the possession, distribution, manufacturing, and trafficking of those substances that violate Maryland's Controlled Dangerous Substance Laws.
- b. Investigations into the financial activities of individuals or entities who violate or conspire to violate the controlled dangerous substances laws of the State of Maryland, with a view to seizing assets and other traceable proceeds subject to forfeiture pursuant to Maryland Code, Criminal Procedure Article, Titles 12 and 13.

#### **14-1303 ORGANIZATION**

##### **14-1303.1 GOVERNING AUTHORITY**

- a. The KCNTF shall be governed by an Advisory Board consisting of the CEOs from each contributing agency.
- b. The Sheriff, or his/her designee shall serve on the Advisory Board for the KCSO.
- c. The Advisory Board shall:

1. Act as the governing body of the KCNTF and ensure the goals and objectives are met;
2. Establish accountability for funds and expenditures;
3. Approve the operational budget and spending plans each year;
4. Establish the manner in which each agency will share proceeds derived through the forfeiture process;
5. Establish the manner in which upon termination of the KCNTF forfeited funds and equipment will be disbursed;
6. Attend the quarterly Advisory Board meeting.

#### **14-1303.2 TASK FORCE PERSONNEL**

- a. The Task Force Supervisor shall be a member of the Maryland Department of State Police, (MDSP). He/she will be responsible to coordinate activities of the KCNTF and compile and maintain statistics on arrests, charges and drug and asset seizures on a quarterly basis.
- b. KCSO shall contribute two (2) deputies to the KCNTF who will remain full time employees with the KCSO.

#### **14-1303.3 PERSONNEL SELECTION CRITERIA**

- a. The Sheriff shall select two (2) deputies to serve on the KCNTF.
- b. When a position becomes available in the KCNTF, the Sheriff will release a memorandum to all KCSO sworn staff advising of the open position.
- c. Deputies interested in serving on the KCNTF shall:
  1. Be a sworn Deputy;
  2. Be in good standing with the KCSO;
  3. Have received a satisfactory or higher performance evaluation during the previous calendar year;
  4. Hold the rank of DFC or higher;
  5. Not be under any active investigation;
- d. Interested personnel shall submit a letter of interest to the Sheriff for consideration.
- e. The Sheriff shall review all letters of interest and select the appropriate candidate(s) to the position at the KCNTF.

#### **14-1304 PARTICIPATION EXPECTATIONS**

- a. KCSO personnel participating in the KCNTF shall remain employees of the KCSO and shall be supervised by the CID Commander.
- b. The highest-ranking deputy assigned to the KCNTF shall keep the CID Commander apprised of all activities within the KCNTF and the deputy's involvement in same.

- c. When working with the KCNTF, deputies assigned to the KCNTF shall be supervised by the Task Force Supervisor.
- d. KCSO personnel assigned to the KCNTF shall adhere to all Maryland Department of State Police (MDSP) policies and procedures as they relate to task force activities, unless these policies and procedures conflict with the KCSO policies and procedures.
- e. In the event disciplinary action must be taken, the KCNTF supervisor shall notify the Sheriff. Should discipline be imposed, removal from the KCNTF will be determined by a majority vote by the Advisory Board.
- f. The KCSO shall provide each deputy participating in the KCNTF with the following:
  - 1. Weapons;
  - 2. Ammunition;
  - 3. Police radio;
  - 4. Vehicle;
  - 5. Any other equipment deemed necessary for operations as determined by the Advisory Board.
- g. The KCSO shall contribute equally to the cost of a dedicated secure office space and all costs associated with operating the space; (utilities, trash removal, water, etc.)
- h. The MDSP will supply all office and investigative/evidence materials

**(CATEGORY A)**

#### **14-1305      TRAINING**

- a. All deputies assigned to the KCNTF will be required to attend specialized training in narcotics investigative methods at the expense of the KCNTF. Deputies may also be required to attend refresher courses and seminars as appropriate.
- b. All deputies assigned to the KCNTF will also be required to receive normal in-service training as required by the Maryland Police and Correctional Training Commission (MPCTC) to maintain law enforcement officer certification. The KCSO shall be responsible for any associated cost or expenses of annual in-service training.

#### **14-1306      INVESTIGATIVE FUNDS**

The MDSP will provide funds for the purchase of drugs, information, and other related evidence in KCNTF cases in accordance with MDSP policies and procedures, unless otherwise directed by the KCNTF Advisory Board.

#### **14-1307      COMPLAINT RECEIPT AND PROCESSING**

- a. Deputies may receive drug related complaints from various sources such as; confidential informants, anonymous tips, letters, from other KCSO Deputies or allied law enforcement personnel or agencies, etc. All complaints of drug related activity shall be forwarded to the KCNTF.

- b. Once the KCNTF receives the information it will be processed per KCNTF policy.
- c. Enter information into *Case Explorer*, an automated investigative tool developed and managed by the Washington/Baltimore High Intensity Drug Trafficking Area (HIDTA).

**(CATEGORY A)**

#### **14-1308 CLOSING/SUSPENDING CASES**

The Task Force Supervisor is responsible for determining case status based on MDSP policies and procedures

#### **14-1309 RECORDS**

All records of drug cases initiated by the KCNTF will be kept locked in the KCNTF office. Only deputies assigned to the KCNTF will have access to the files. Dissemination of files will follow the policies and procedures of the MDSP.

#### **14-1310 REPORTING**

The highest-ranking deputy shall be responsible to submit a monthly inspection of surveillance equipment and the KCNTF monthly statistics to the Sheriff and CID Commander.

**(CALEA 43.1.4; CALEA 43.1.1b)**

#### **14-1311 SEIZED AND FORFEITED FUNDS**

- a. For funds seized by the KCNTF:
  - 1. The Chestertown Police Department shall be the seizing authority;
  - 2. The Kent County State's Attorney's Office shall be the forfeiting authority;
  - 3. The Department of Finance for Kent County shall be the financial authority.
- b. The Task Force Supervisor shall maintain records of all seized property.
- c. The KCNTF Advisory Board shall ensure an Annual Independent financial audit is conducted and funded by KCNTF funds.

##### **14-1311.1 ASSET SHARING PROCEDURES**

- a. For seizures and forfeitures initiated by the KCNTF:
  - 1. Prior to each fiscal year, the KCNTF supervisor shall submit an operating budget to the Advisory Board. If approved, funds acquired from the forfeited funds will be used to operate the KCNTF.
  - 2. Reserve funds shall be shared by each participating agency per the guidelines established by the State Equitable Sharing Percentages.



3. The reserve funds shall remain with the financial authority and earmarked to the qualifying participating agencies.
- b. For drug arrest and related seizure and forfeitures initiated by the KCSO:
  1. Funds/asset will be processed by the deputies assigned to the KCNTF;
  2. Once processed, any funds/asset forfeited shall become the property of KCSO.

#### **14-1312          TERMINATION OF THE KENT COUNTY NARCOTICS TASK FORCE**

At the beginning of each fiscal year, the Advisory Board shall review and modify the Memorandum of Agreement as needed;

Each participating agency may withdraw its participation under the Agreement by providing 30 days written notice to all other parties of the Agreement.

**(CALEA 42.2.5c)**

#### **14-1400          MARYLAND BLUE ALERT PLAN**

Maryland has enacted a law through executive order enabling law enforcement to enhance the capabilities of law enforcement to locate and apprehend violent criminals who are suspected of seriously injuring or killing local, state, or federal law enforcement officers while acting in the line of duty. Only law enforcement agencies may request the issuance of the Maryland Blue Alert Plan. Law enforcement agencies making such requests must first determine that the following criteria exist:

- a. The law enforcement officer was acting in the line of duty, AND
- b. The law enforcement officer was seriously injured as a result of criminal activity, OR
- c. The law enforcement officer was killed as a result of criminal activity, AND
- d. There is enough descriptive information regarding the suspect(s) and/or suspect vehicle(s) for law enforcement to issue an Alert, AND
- e. The investigating agency has already activated a local or regional alert by contacting media outlets in their jurisdiction.

#### **PROCEDURES FOR ACTIVATION**

- a. A Deputy who becomes aware of a case in which activation of the Blue Alert Plan may be appropriate will consult with the CID Commander, the Sheriff, or the Chief Deputy. Only the CID Commander, the Sheriff or the Chief Deputy may initiate a Blue Alert request on behalf of the KCSO.
- b. Upon confirmation of the above criteria, if it is determined that activation of the plan is appropriate, The CID Commander, the Sheriff or the Chief Deputy will contact the Maryland State Police Headquarters Duty Officer and request that the Maryland Blue Alert Plan be activated.
- c. Headquarters Duty Officer Telephone Number: 410-486-3101 or 800-525-5555 (in State only)
- d. Upon receiving a Blue Alert request, the Headquarters Duty Officer will contact the on-call Blue Alert Coordinator. The designated Blue Alert Coordinator will immediately contact the requesting

agency and will discuss the request, specifically the existence of the above criteria, to determine if a Blue Alert will be issued.

- e. After a request has been received and confirmed to meet all criteria for activation, the Blue Alert Coordinator will contact the Maryland Emergency Management Administration's Emergency Operations Center and request an EMnet Alert to all of Maryland or to the specific geographic location involved. This will include law enforcement agencies, media outlets, and 911 centers.
- f. In addition, the Blue Alert Coordinator will contact the State Highway Administration's Statewide Operations Center (SOC) and request Blue Alert information be displayed on the VMS signs under SOC control in the geographic location of the incident. These signs will display, at a minimum in the order listed:
  - 1. Blue Alert
  - 2. A description of the suspect(s) and/or suspect vehicle(s) involved
  - 3. A request to call 911 with information
- g. The SOC may also broadcast Blue Alert information on the Highway Advisory Radio (HAR). This information will include details of the Blue Alert and conclude with a statement that the person(s) who may locate the suspect(s) or suspect vehicle(s) should take no action other than to call the local law enforcement agency or 911 as soon as possible and provide them with the location of the suspect(s) or suspect vehicle(s).

#### **14-1500 CRIMINAL CITATIONS**

- a. The use of the Maryland Uniform Criminal Citation is an alternative to a physical arrest. The Maryland Uniform Criminal Citation shall be issued for the following offenses:
  - 1. Any misdemeanor or local ordinance violation that does not carry a penalty of imprisonment,
  - 2. 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, except:
    - i. Failure to comply with a peace order under § 3–1508 of the Courts Article
    - ii. Failure to comply with a protective order under § 4–509 of the Family Law Article,
    - iii. A violation of a condition of pretrial or post-trial release while charged with a sexual crime against a minor under § 5–213.1 of the Criminal Procedure Article,
    - iv. Possession of an electronic control device after conviction of a drug felony or crime of violence under § 4–109(b) of the Criminal Law Article,
    - v. Violation of an out-of-state domestic violence order under § 4–508.1 of the Family Law Article; and
    - vi. Abuse or neglect of an animal under § 10–604 of the Criminal Law Article
  - 3. Possession of marijuana under § 5-601 of the Criminal Law Article.

***See Appendix 14-A for a comprehensive list of qualifying offenses that shall be charged by criminal citation.***

- b. The Maryland Uniform Criminal Citation **may** be issued for the following offenses:

1. Sale of an alcoholic beverage to an underage drinker or intoxicated person under §6-304, §6-308, or §6-309 of the Alcoholic Beverages Article,
2. Malicious destruction of property under §6-301 of the Criminal Law Article, if the amount of damage to the property is less than \$500,
3. Misdemeanor theft under §7-104(g)(2) of the Criminal Law Article; or
4. Possession of a Controlled Dangerous Substance other than Marijuana under §5-601 of the Criminal Law Article.

c. Criteria for Issuance of a Maryland Uniform Criminal Citation:

Although the law mandates the issuance of a citation for qualifying offenses, the law requires the defendant to meet certain criteria prior to the issuance of a criminal citation. If the defendant cannot meet the criteria listed below, the Deputy must charge the defendant on a statement of charges and ensure the defendant's appearance before a court commissioner.

1. Under 14-1500 (a) a Deputy shall charge a defendant on a citation **only** if the Deputy is satisfied with the defendant's evidence of identity.
2. Under 14-1500(b) a Deputy may charge a defendant on a citation if all of the below apply:
  - i. The Deputy is satisfied with defendant's evidence of identity,
  - ii. The Deputy reasonably believes that the defendant will comply with the citation,
  - iii. The Deputy reasonably believes that the failure to charge on a statement of charges will not pose a threat to public safety,
  - iv. The defendant is not subject to arrest for another criminal charge arising out of the same incident; **and**
  - v. The defendant complies with all lawful orders by the Deputy.

d. Maryland Uniform Criminal Citations shall not be issued:

1. For a criminal offense where the punishment exceeds 90 days in jail,
2. For violations of the Maryland Transportation Article,
3. For parking violations,
4. When an officer is not satisfied that the suspect will appear in court as required,
5. When the suspect refuses to sign the citation,
6. When the suspect cannot satisfactorily identify themselves.

- e. If the suspect meets the criteria under 14-500(c) the Deputy shall issue a citation to the individual and release the suspect from the scene.
- f. If the Deputy is **not** satisfied that the suspect meets the criteria under 14-500(c) the Deputy may arrest and transport the suspect to the KCSO for processing, (i.e., fingerprinting and photograph).

- g. If during the arrest processing, the Deputy determines that the criteria for a citation have been met, the Deputy shall issue a citation to the defendant and release him/her from custody.
- h. In any case where a defendant appears before a District Court Commissioner in a citable case, the Deputy must state in the probable cause statement which criteria above the defendant failed to meet.

i. Requested Forms and Reports

1. ***Uniform Criminal Citation Form DC/CR 45:***

The Deputy shall use the Uniform Criminal Citation form to charge a defendant by citation. The Deputy shall use either:

- I. The pre-printed/pre-numbered book provided by the District Court; or
- II. In the case of an electronic format, the assigned electronic citation number provided by the District Court.

2. ***Probable Cause Continuation Sheet Form DC/CR 4:***

The Deputy may use the statement of probable cause continuation sheet to complete the probable cause narrative outlining the facts and circumstances substantiating the charge. The Uniform Criminal Citation number shall be recorded in the case number block on the continuation sheet.

3. ***Electronic Criminal Citation Data Entry in ETIX***

- i. When a Criminal Citation is issued the Deputy shall enter the data electronically via Delta+ in ETIX. This data shall be entered prior to the end of their shift.
- ii. The steps for entering this data are as follows:
  - a) After logging into ETIX click the Reporting Tab
  - b) Click Data Entry Tab
  - c) Click the Criminal Citation Data Entry Tab
  - d) Fill in required fields and save.
- iii. The following information shall be entered in Delta+ whenever a Criminal Citation is issued:
  - a) The assigned citation number
  - b) The date, location, and time of the issuance of the citation
  - c) The state and county of residence of the offender
  - d) The race or ethnicity of the offender

4. ***Statement of Charges Form DC/CR 2:***

A Statement of Charges is used if the defendant does not comply with d. If the defendant is charged on a Statement of Charges for an offense that qualifies for charge by citation, a note should be placed at the end of the statement of probable cause as to why the defendant went before the commissioner instead of being released on citation (See subsection g).

**5. Criminal Investigation Report (CIR)**

In addition to the Uniform Criminal Citation and the probable cause continuation sheet(s), the Deputy shall complete a Criminal Investigation Report detailing the circumstances of the incident. A copy of the report shall be forwarded to the States Attorney's office with a copy of the citation.

**6. Arrest Report (AR)**

In addition to the above documents, an Arrest Report shall also be completed as required.

**7. Press Release**

A KCSO Press Release shall be completed as required upon issuance of a criminal citation.

- j. When a Deputy determines that a Uniform Criminal Citation shall be the form to charge a defendant, the Deputy shall use the preprinted/pre-numbered book provided by the District Court or the assigned electronic citation number provided by the District Court. The Deputy may use the statement of probable cause continuation sheet to complete the probable cause narrative outlining the facts and circumstances substantiating the charge. The Uniform Criminal Citation number shall be recorded in the case number block on the continuation sheet. If for any reason the defendant is charged on a Statement of Charges, instead of a criminal citation, a note should be placed at the end of the statement of probable cause as to why the person went before the commissioner in lieu of being released on the citation.
- k. The names and addresses of the Victims and Witnesses shall only be listed on the CIR and not the citation. In every case, copies of the Uniform Criminal Citation and continuation sheet(s) shall be given to the defendant upon their release.

**I. Report Distribution**

- 1. Copies of the Uniform Criminal Citation and Probable Cause Continuation Sheet(s) shall be given to the defendant upon release.
- 2. Copies of the Uniform Criminal Citation, Probable Cause Continuation Sheet, AR, and CIR shall be reviewed by the Criminal Investigation Division Commander and forwarded to the State's Attorney's Office for review and prosecution.

**(CATEGORY A)**

**LAW ENFORCEMENT REPORTING - STATISTICAL DATA COLLECTION**

As of January 1, 2013, law enforcement agencies are required to collect race and ethnicity data on all criminal citations issued, (Asian, Black, Hispanic, White, or Other)

GOCCP in partnership with the Maryland State Police use an automated solution to law enforcement data collection via Delta+, the application that runs ETIX. Delta+ includes a race-based reporting module for criminal citations. Law enforcement shall enter all citation data electronically via Delta+. This data gets stored by MSP who will submit citation data for all law enforcement agencies in the state to MSAC by March 1 each subsequent year

## **14-1600        DECRIMINALIZATION OF MARIJUANA**

The possession of **less than 10 grams of marijuana** is a civil offense in Maryland.

The civil offense subjects an adult offender to a fine of \$100 for the first offense, \$250 for the second offense and \$500 for a third or subsequent offense. On a third or subsequent offense, a court must order the adult offender to attend a drug education program approved by DHMH, refer the person to an assessment for a substance abuse disorder and refer the person to treatment, if necessary. The court must order an adult offender under the age of 21, even for a first offense, to attend a drug education program approved by DHMH, refer the person to an assessment for a substance abuse disorder and refer the person to substance abuse treatment, if necessary.

A person younger than 18 years of age charged with this civil offense is subject to juvenile court procedures and dispositions, including referral to a substance abuse education or rehabilitation program, if necessary.

**Burden of Proof:** Because the possession of less than 10 grams of marijuana is civil offense, cases will be determined based on a "Preponderance of the Evidence" rather than "Beyond a Reasonable Doubt", as in criminal cases. This means that a Deputy only needs to prove that it is more likely than not that the offense occurred or 51% vs 49% to prove the case.

A citation for a violation for possession of less than 10 grams of marijuana and related public court record are not subject to public inspection and will not be included on the public website maintained by the Maryland Judiciary. An adult issued the civil citation, if permitted, may choose to pay a fine, rather than appearing in court if it is their 1<sup>st</sup> or 2<sup>nd</sup> offense. The 1<sup>st</sup> offense payable fine is \$50 and the 2<sup>nd</sup> offense payable fine is \$125. The KCSO Deputy will write \$50/\$125 in the fine section and the Deputy will advise the adult issued the civil citation to remit the higher fine if it is a subsequent offense. If the adult issued the civil citation chooses to have his/her case heard in District Court, the court will determine the fine and court costs.

**Search and Seizure:** Currently, marijuana is contraband in Maryland by both federal and state statutes. Therefore, if a Deputy through his/her training and expertise distinguishes through one of his/her 5 senses that marijuana is present, then a probable cause search is justified. K-9 alerts, as in the past, have been and still remain probable cause for a search. Any contraband or fruits of any other crimes should not be "suppressed" if less than 10 grams of marijuana is discovered.

**NOTE: Once a Deputy prepares a civil citation, THERE IS NO LONGER A SEARCH INCIDENT TO ARREST, therefore the Deputy will not complete a civil citation or tell the suspect that a civil citation will be issued until the Deputy has completed their search based on probable cause.**

**Discretion:** KCSO personnel are allowed discretion in their enforcement of the law with certain limitations. KCSO personnel will be afforded discretion in dealing with persons **18 years of age or older** who possess **less than 10 grams of marijuana**. Therefore, KCSO personnel should analyze the totality of the circumstances involved in each case. If the Deputy determines that a civil citation should be issued, then the Deputy should process the case as directed by issuing the civil citation, completing the required KCSO reports to include a property held for the seized marijuana.

**NOTE: The MSP Crime Lab will not analyze marijuana for a civil offense, so it will be incumbent on the Deputy to be able to testify through his/her training and expertise that the substance seized is both LESS THAN 10 GRAMS and IS MARIJUANA.**

As you may realize, being able to prove upon a preponderance of the evidence that the substance is marijuana may be difficult; therefore, Deputies should be very succinct in describing their justification for determining that the substance seized is marijuana.

If an individual who possesses **less than 10 grams of marijuana is under the age of 18**, the KCSO will have a **ZERO TOLERANCE** policy and the juvenile possessing the marijuana **WILL NOT** be physically arrested (civil offense) but will be referred to the Department of Juvenile Services. All required reports will be prepared as is current practice for a referring a juvenile to the Department of Juvenile Services. It will be necessary for the Deputy completing the Juvenile Referral to explain in depth their justification to prove based on a preponderance of the evidence why the substance seized is marijuana.

If in their discretion, a KCSO Deputy determines that the person **age 18 or older** who possesses **less than 10 grams of marijuana** will not be issued a civil citation, since marijuana is currently contraband by state and federal statutes, the Deputy will seize the marijuana, and will complete a KCSO CrimeStar Incident Report documenting the circumstances of the seizure. Additionally, the Deputy will complete a KCSO Property Held Report and mark same **“For Destruction”** and forward the suspected marijuana to the KCSO Evidence/Property Custodian as is current policy.

If a KCSO Deputy **seizes 10 grams or more of marijuana**, the KCSO will have a **ZERO TOLERANCE** policy and the individual possessing the marijuana will be physically arrested and the person will be processed as is current practice. All required reports will be prepared as is current practice. **The MSP Crime Lab will analyze suspected marijuana of a weight of 10 grams or more.**

**Possession with Intent to Distribute:** If a KCSO Deputy seizes **less than 10 grams of marijuana** and there are other indicia of possession with intent to distribute (PWID), i.e., multiple baggies, scales, money, etc., then a Deputy should arrest for PWID. **The MSP Crime Lab will analyze less than 10 grams of suspected marijuana if there is an associated charge of PWID**

**DUI/DWI:** The new law does not affect the ability to arrest for DUI/DWI (drug) and the ability for a DRE expert to testify. Therefore, KCSO personnel will continue to aggressively enforce DUI/DWI offenses, no matter what the substance is that causes the impairment/intoxication.

#### **14-1601            CIVIL PENALTY FOR THE POSSESSION OF MARIJUANA RELATED PARAPHERNALIA AND SEIZURE OF FUNDS**

The possession of drug paraphernalia as it relates to the possession of marijuana is a civil offense. Additionally, Maryland Law states that cash in the amount of \$300 or less may not be forfeited, unless directly connected to the unlawful distribution of a controlled dangerous substance.

When KCSO personnel take possession of drug paraphernalia as it relates to the possession of marijuana, they may utilize their discretion regarding the issuance of a civil citation, if the person possessing the drug paraphernalia is an adult. If the person possessing the drug paraphernalia is a juvenile, the appropriate civil citation will be issued. In either event, the drug paraphernalia will be seized, and a property held will be completed by the seizing KCSO Deputy. If no civil citation is issued, the property held will have a notation that the paraphernalia is to be destroyed.

When a KCSO Deputy discovers cash in the amount of \$300 or less in the performance of their lawful duties and they can directly connect the cash to the unlawful distribution of a controlled dangerous substance, then the Deputy will seize the cash and complete the appropriate reports and forms as it relates to the seizure of evidence. The seizing Deputy will submit the evidence to the KCSO Evidence/property Custodian as per KCSO policies and procedures. If the cash is in the amount of \$300 or less and the Deputy cannot directly connect the cash to the unlawful distribution of a controlled dangerous substance, the Deputy will return the cash to the individual immediately.

Additionally, when cash in the amount of less than \$300 is seized and taken into evidence by a KCSO Deputy, the KCSO Criminal Investigation Commander will within five (5) business days, send correspondence via U.S. Mail to the person from whom the cash was seized, advising them of the seizure and possible forfeiture of said seized funds.

## **14-1700 HATE/BIAS CRIMES INVESTIGATIONS**

To provide guidance to Kent County Sheriff's Office (KCSO) personnel in determining whether a racial, religious, ethnic, sexual orientation, gender identity or disability hate/bias incident has occurred. It also provides guidelines for investigating such incidents. The KCSO takes the approach that the unique nature of these incidents requires special handling from our agency. It will be the KCSO's policy to thoroughly investigate these acts and to recognize and react in a supportive manner to the emotional trauma experienced by the victims, families, and citizens of the community who have witnessed/suffered such incidents. KCSO personnel will:

- a. Approach victims in an empathetic and supportive manner;
- b. Reduce the victim's alienation through visible and genuine concern; and
- c. Reassure the victim that the KCSO will use every available investigative and enforcement tool to find and prosecute the person or persons responsible for the crime.

Effective immediately, it is the policy of the KCSO to bring the investigative, operational, and support elements of this office into quick action following all reported or observed incidents of racial, religious, ethnic, sexual orientation, gender identity or disability hatred.

### **DEFINITIONS**

#### **a. Sexual Orientation**

The identification of an individual as to male or female homosexuality, heterosexuality, or bisexuality.

#### **b. Gender Identity**

One's innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different from their sex assigned at birth.

#### **c. Disability**

Of or relating to persons who have physical or mental impairments/challenges, whether temporary or permanent, due to conditions that are congenital or acquired by heredity, accident, injury, advanced age, or illness.

### **CRITERIA FOR DETERMINING RACIAL, RELIGIOUS, ETHNIC, SEXUAL ORIENTATION, GENDER IDENTITY OR DISABILITY HATE/BIAS INCIDENTS**

The following criteria are to be used in determining whether an incident is of a racially, religiously, gender identity or ethnically biased nature and whether it is covered by this policy. This list is not meant to be all-inclusive. Some incidents may not clearly fit a specific definition. In those cases, a reasonable approach must

be used. If the incident appears to be a hate/bias-based incident, it should be reported as such. Verification can be made later in a supplemental investigation, if appropriate. The key criterion in determining whether these incidents fit into the definition of an incident of bias is the motivation of the offender behind the act.



- a. Examples of criminal acts which are directed at any person or groups of persons because of their racial, religious, ethnic, sexual orientation, gender identity or disability include:
  1. Burning cross or religious symbol - Any violation of CR 6-104.
  2. Explosives - Any violation of CR 9-505, perpetrated against a person or group of persons because of his/her or their racial, religious, ethnic, sexual orientation, gender identity or disability.
  3. Bomb threats - Any violation of CR 9-504, perpetrated against a person or persons because of his/her or their racial, religious, ethnic, sexual orientation, gender identity or disability.
  4. Destroying, injuring property of another - Any violation of CR 6-301, which is directed against hate/biased-based origin groups because of their hate/biased-based origins. If in violating CR 6-301, any written language or symbol is used which has been historically directed against persons because of their racial, religious, ethnic, sexual orientation, gender identity or disability, it must be reported. Examples include swastikas or racial epithets.
  5. Assault - Any verbal threat or assault and battery which is directed against a person or persons because of his/her or their racial, religious, ethnic, sexual orientation, gender identity or disability. (CR 3-202)
  6. Disorderly conduct - Any violation (written or oral) of CR 10-201, directed against a person or persons because of his/her or their racial, religious, ethnic, sexual orientation, gender identity or disability and disturbs the peace and tranquility of the community.
  7. Interrupting or disturbing religious meetings - Any violation of CR 10-301 through CR 10-305, which is directed against a person or persons because of his/her racial, religious, ethnic, sexual orientation, gender identity or disability which includes their interrupting or disturbing religious meetings, or causing damage to the victim's real or personal property
  8. Possession of firearm in proximity of public demonstration - Any violation of CR 4-208, which occurs at a public racial, religious, ethnic, sexual orientation, gender identity or disability demonstration.
  9. Unlawful use of the telephone - Any violation of CR 3-804, which is directed against racial, religious, ethnic, sexual orientation, gender identity or disability origin groups because of their racial, religious, ethnic, sexual orientation, gender identity or disability origins. For example, any racial, religious, ethnic, gender identity or sexual slurs.
  10. All common law offenses pertaining to acts of racial, religious, ethnic, sexual orientation, gender identity or disability intimidation, hatred, etc.
- b. Any non-criminal act directed at any racial, religious, ethnic, sexual orientation, gender identity or disability origin group (or individuals within these groups), which is done with the apparent intention to: harass, intimidate, threaten, retaliate, or create racial, religious, or ethnically motivated conflict will be considered a racial, religious, ethnic, sexual orientation, gender identity or disability incident and will be covered by this policy.

## **CRITERIA FOR VERIFYING A RACIAL, RELIGIOUS, ETHNIC, SEXUAL ORIENTATION, GENDER IDENTITY OR DISABILITY HATE/BIAS INCIDENT**

In determining whether an incident reported as a racial, religious, ethnic, sexual orientation, gender identity or disability origin hate/bias motivated act is verified as such, the following criteria should be applied, either singularly or in combination. This verification will be determined by the KCSO patrol supervisor or CID investigator at the time the incident occurs. The judgment of the investigator must also be applied in the final determination since the criteria listed below are not all inclusive, but are critical in deciding:

- Motive;
- A lack of any other apparent motive for the racial, religious, ethnic, sexual orientation, gender identity or disability origin act;
- Display of any racial, religious, ethnic, sexual orientation, gender identity or disability offensive symbol(s), word(s), or act(s).
- A common-sense review of the circumstances surrounding the entire incident itself (i.e., the totality of circumstances);
- Effect on the victim(s);
- Statement(s) of the suspect(s)/victim(s), witness(es);
- Prior history of similar incidents in the same area or against the same victim group; and
- A violation of any of the statutes enumerated above outlining criteria for reporting racial, religious, ethnic, sexual orientation, gender identity or disability hate/bias acts.

## **INVESTIGATIVE PROCEDURES**

At the direction of the Patrol Division Commander, the assigned deputy will be responsible for the initial and follow-up investigation of all confirmed racial, religious, ethnic, sexual orientation, gender identity or disability hate/bias incidents. KCSO deputies will be sensitive to the feeling and fears of the victim(s) and the community because of real or perceived racial, religious, ethnic, sexual orientation, gender identity or disability hate/bias. In investigating a racial, religious, ethnic, sexual orientation, gender identity or disability hate/bias incident the following investigative procedures will be followed. Due to the complexity of an investigation, the Patrol Division Commander may request that the Criminal Investigation Division Commander assign a criminal investigator to perform any subsequent follow-up investigation.

### **Initial Investigating Deputy's Responsibilities**

- a. Immediately take all possible investigative and enforcement actions.
- b. Preserve the crime scene and evidence.
- c. Seek medical assistance for any injured victim
- d. Notify the on-duty Patrol Division Supervisor of the incident
- e. After consultation with the on-call CID investigator, request an MSP Forensic Crime Scene Technician to respond to the scene, if any suspected racial, religious, ethnic, sexual orientation, gender identity or disability hate/bias motivated destruction or defacement of property (i.e., cross burning, painted swastika) takes place for the collection of evidence.
- f. Prepare a detailed Criminal Investigation report containing, but not limited to, the following information:

1. The date, time, and specific location of the incident
  2. The specific type of suspected racial, religious, ethnic, sexual orientation, gender identity or disability hate/bias incident
  3. The type of property damage and value
  4. The injury status of all subjects injured
  5. The type of weapon involved, if applicable
  6. The victim(s) information including the race, religion, ethnic, sexual orientation, gender identity or disability background which is at issue in the incident
  7. Witness contact information and statements regarding the incident
  8. The offender information including the race, religion, ethnic, sexual orientation, or disability background or group affiliation (i.e., KKK); and
  9. The circumstances of the events that led the investigator to consider the incident as a racial, religious, ethnic, sexual orientation, gender identity or disability hate/bias motivated case, including any known motive or bias of a known suspect/offender.
- g. The assigned deputy will submit an initial written report documenting any information known at the time of the report prior to the completion of his/her tour of duty. Additional information will be submitted on supplement reports as necessary.

#### **Patrol Supervisor Responsibilities**

- a. Respond immediately to the scene of all incidents as defined above.
- b. Ensure any victims receive medical treatment
- c. Ensure that the crime scene is protected.
- d. Ensure that the MSP Forensic Scene Technician has been notified, after consultation with the on-call CID Investigator if any evidence is to be collected.
- e. Ensure that the scene is properly searched, and evidence is gathered for incidents in which a crime scene technician does not respond.
- f. Ensure that all physical remains of the incident are removed soon after processing is completed. The property owner should be encouraged to restore or obliterate the damage so as not to engender further animosities.
- g. Ensure that all reports, evidence, and procedures are in order and that the report clearly identifies the incident as one motivated by racial, religious, ethnic, sexual orientation, gender identity or disability hate/ bias.
- h. Notify the Patrol Division Commander, CID Commander, Chief Deputy and the Sheriff of the nature and circumstances of the incident.

#### **Patrol Division Commander Responsibilities**

- a. Ensure that the responsibilities enumerated above are accomplished.
- b. Arrange for an immediate increase of patrols throughout the affected area as needed.

- c. Ensure that the investigation report clearly and distinctively identifies the incident as one motivated by racial, religious, ethnic, sexual orientation, gender identity or disability hate/bias.
- d. Brief the Sheriff on the incident and provide updates when appropriate
- e. Ensure that the racial, religious, ethnic, sexual orientation, gender identity or disability hate/bias incident is reported on the monthly Uniform Crime Report (UCR) by KCSO administrative office personnel.
- f. Complete the MSP Form 30-22, Maryland Supplemental Hate Bias Incident Report and forwarded same to the Maryland State Police Central Records Division- UCR Section by the 7<sup>th</sup> day after the end of the month in which the racial, religious, ethnic, sexual orientation, gender identity or disability hate/ bias incident occurs.

#### **Criminal Investigation Division Commander Responsibilities**

- a. Review and coordinate any follow-up investigation of racial, religious, ethnic, sexual orientation, gender identity or disability hate/bias incidents.
- b. Brief the Sheriff on the incident and provide updates when appropriate on cases followed-up on by CID personnel.
- c. Contact the State's Attorney and provide pertinent information of the racial, religious, ethnic, sexual orientation, gender identity or disability hate/bias incident.
- d. Contact the Maryland Coordination and Analysis Center to ascertain if any other similar crimes have occurred elsewhere in the region or state which may aid in the local investigation

# APPENDIX 14-A

## QUALIFYING OFFENSES REQUIRING CHARGE BY CRIMINAL CITATION

CJIS Code	Statute 1	Statute 2	Statute 3	Statute 4	Charge Description	Type of Charge	Penalty	Fine
1 0744	24	11	504	(l)(5)	DOM ANML DIST PEACE - CECIL CO	MISDEMEANOR	0	500
1 0457	25	122A			JUNKYRD: FAIL SCREEN/FENCE	MISDEMEANOR	0	25
1 0006	25	122B			JUNKYARD:FAIL SCREEN ETC.	MISDEMEANOR	30 DAYS	100
2 0370	29	11	115		CORRUPT PRACTICES	MISDEMEANOR	0	500
1 0798	2B	16	505	(b)(1)	USE/POSSESSION-AWOL MACHINE	MISDEMEANOR	0	1000
1 0349	2B	19	101		ALC BEV./RETAIL AREA DRINK	MISDEMEANOR	90 DAYS	100
1 4200	2B	19	101		ALC. BEV./INTOX:ENDANGER	MISDEMEANOR	90 DAYS	100
1 0350	2B	19	202		ALC BEV./RETAIL AREA DRINK	MISDEMEANOR	0	100
1 0351	2B	19	202		ALC BEV/VEH PUB PROP DRINK	MISDEMEANOR	0	100
1 0352	2B	19	202		ALC BEV RETL EST DRINK	MISDEMEANOR	0	100
7 4100	2B	19	202		ALC BEV/PROHIB PLACE DRINK	MISDEMEANOR	0	100
1 0353	2B	19	301		ALC BEV OPEN CONT RETL EST	MISDEMEANOR	0	100
8 0000	2B	19	301		ALC BEV/OPEN CONT/RETL EST	MISDEMEANOR	0	100
2 2010	88A	6	(b)		MISUSE PUB ASST RECORDS	MISDEMEANOR	90 DAYS	500
3 2799	AG	1	305		FRAUD-NONACCTG OF GOODS	MISDEMEANOR	0	5
1 0527	AG	2	313	1	PRACT. VET MED W/O LICENSE	MISDEMEANOR	3 MONTHS	500
1 0528	AG	2	313	4l	OWN VET HOSP. W/O LICENSE	MISDEMEANOR	3 MONTHS	500
2 0426	AG	4	123		FALSE STMT/FORGERY MEAT PRODS	MISDEMEANOR	3 MONTHS	500

2 0427	AG	4	123		FALSE STMT/FORGERY MEAT PRODS	MISDEMEANOR	3 MONTHS	500
2 0428	AG	4	123		FALSE STMT/FORGERY MEAT PRODS	MISDEMEANOR	3 MONTHS	500
2 0429	AG	4	123		BRIBERY - MEAT PRODUCTS	MISDEMEANOR	3 MONTHS	500
1 0278	AG	4	123.1		LIVESTK SLAUGHTR METHD INH	MISDEMEANOR	0	100
1 6201	AG	4	123.1		INHUMN SLAUGHTER LIVESTOCK	MISDEMEANOR	0	100
2 0435	AG	4	309		FALSE REPORT - EGGS	MISDEMEANOR	3 MONTHS	500
1 0052	AG	9	404		WEED NOXIOUS: CONTAM. WITH	MISDEMEANOR	3 MONTHS	500
1 0414	AG	9	404		WEED, NOXIOUS: TRANSPORT	MISDEMEANOR	3 MONTHS	500
1 0054	AG	9	405		FAIL COMPLY TURF GRASS REG	MISDEMEANOR	3 MONTHS	500
2 0436	AG	10	805		FALSE REPORT - APPLES	MISDEMEANOR	3 MONTHS	500
1 0709	AG	11	204.2		WEIGHT AND MEASURE W/O REGIS	MISDEMEANOR	3 MONTHS	500
1 0139	AG	11	208	(a)	WGTS/MEAS. UNAPPROVED USE	MISDEMEANOR	3 MONTHS	500
2 0437	AG	11	208	(d)	FRAUD - WEIGHTS AND MEASURES	MISDEMEANOR	3 MONTHS	500
2 0438	AG	11	208	(d)	FRAUD - WEIGHTS AND MEASURES	MISDEMEANOR	3 MONTHS	500
2 0439	AG	11	208	(d)	FRAUD - WEIGHTS AND MEASURES	MISDEMEANOR	3 MONTHS	500
2 0440	AG	11	208	(d)	FRAUD - WEIGHTS AND MEASURES	MISDEMEANOR	3 MONTHS	500
1 0119	AG	11	208	(d)(1)	WGTS/MEAS/FALSE: USE/SELL	MISDEMEANOR	3 MONTHS	500
1 0417	AG	11	208	(d)(2)	WGTS/MEAS FALS DISPOSE ILL	MISDEMEANOR	3 MONTHS	500
1 0140	AG	11	208	(d)(3)	WGTS/MEAS. REMOV INSPCL SL	MISDEMEANOR	3 MONTHS	500
1 0418	AG	11	208	(d)(3)	WGTS/MEAS REMOV INSP SEAL	MISDEMEANOR	3 MONTHS	500
1 0121	AG	11	208	(d)(4)	WGTS/MEAS SEL LES THAN SHO	MISDEMEANOR	3 MONTHS	500
1 0420	AG	11	208	(d)(5)	WGTS/MEA TAK MOR THAN SHO	MISDEMEANOR	3 MONTHS	500

1 0421	AG	11	208	(d)(6)	WGTS/MEA SALE CONTR TO LAW	MISDEMEANOR	3 MONTHS	500
1 0422	AG	11	208	(d)(7)	WGTS/MEA USE AWAY FRM BYER	MISDEMEANOR	3 MONTHS	500
1 0423	AG	11	208	(d)(9)	WGTS/MEASURE: MANIPULATE	MISDEMEANOR	3 MONTHS	500
1 0424	AG	11	208	(d)10	WGTS/MEA MISREPRESNT RESLT	MISDEMEANOR	3 MONTHS	500
1 0425	AG	11	305	(a)	PKG. FAIL DECLARE CONTENTS	MISDEMEANOR	3 MONTHS	500
1 0426	AG	11	305	(b)	PKG. EXAGGERATE QUANTITY	MISDEMEANOR	3 MONTHS	500
1 0427	AG	11	305	(c)	PACKAGE:PRICE PER UNIT FAILURE	MISDEMEANOR	3 MONTHS	500
1 0428	AG	11	306	(a)	PACKAGE: WRAP/FILL/MISLEAD	MISDEMEANOR	3 MONTHS	500
1 0429	AG	11	306	(b)	PRICE/AMT NO LINK IN ADVRT	MISDEMEANOR	3 MONTHS	500
1 5569	AG	11	307	(a)	NO DELIV TICKET COMM SOLD	MISDEMEANOR	3 MONTHS	500
1 5571	AG	11	309	(a)	PRICE CALCULATED DECEPTION	MISDEMEANOR	3 MONTHS	500
1 5600	AG	11	312	(a)	FAIL SELL BUTTR/MAR BY WGT	MISDEMEANOR	3 MONTHS	500
1 0867	BOP	4	501		OP BARBERSHOP W/O LIC.	MISDEMEANOR	30 DAYS	100
1 0868	BOP	4	601		BARBERING W/O LICENSE	MISDEMEANOR	30 DAYS	100
2 0584	BOP	4	604		FALSE REP - BARBERS	MISDEMEANOR	30 DAYS	100
1 0866	BOP	5	601		COSMETOLOGIST W/O REG.	MISDEMEANOR	30 DAYS	100
2 0585	BOP	5	604		FALSE REP - COSMETOLOGISTS	MISDEMEANOR	30 DAYS	100
1 0864	BOP	12	603		EMPLOY UNQUALIFIED PLUMBER	MISDEMEANOR	0	50
2 0594	BOP	12	604		FALSE REPRESENTATION- PLUMBERS	MISDEMEANOR	0	50
2 0255	BR	1	415		FRAUD-IMITATE TRADE NAME	MISDEMEANOR	0	100
4 2604	BR	1	415		FRAUD-IMITATE NAME/TITLE	MISDEMEANOR	0	100
1 2604	BR	11	003		FRAUD-UNAUTH USE/INSIGNIA	MISDEMEANOR	0	200

1 0857	BR	16	301		FAIL OBTN CIGARETTE LICNSE	MISDEMEANOR	0	100
1 0856	BR	16	308		SELL CIGARETTES W/O LICENSE	MISDEMEANOR	0	100
1 0845	BR	17	503		BILLIARD TABLE LIC. REQUIRED	MISDEMEANOR	0	500
1 0854	BR	17	505		BILLIARD TABLE W/O LIC- GAM	MISDEMEANOR	0	500
1 0847	BR	17	602		FAIL OBTN CONSTRUCT. LICENSE	MISDEMEANOR	30 DAYS	300
1 0855	BR	17	911		LICENSE REQUIRED PEDDLER	MISDEMEANOR	0	100
1 0647	BR	17	1006	(a)(1)	NO JUNK DEAL/SCRAP MTL LICENSE	MISDEMEANOR	0	500
1 0648	BR	17	1011	(b)(1)	JUNK DEALER FAIL ACCU RECORD	MISDEMEANOR	0	500
1 0649	BR	17	1011	(b)(4)	JUNK DEALR FAIL SUBMIT RECORD	MISDEMEANOR	0	500
1 0612	BR	17	1011	(d)(1)	JUNK METAL DEALER RECORDS	MISDEMEANOR	0	500
1 0613	BR	17	1011	(d)(2)	JUNK/SCRAP PURCHASE W/O ID	MISDEMEANOR	0	500
1 0650	BR	17	1011	(d)(3)	JUNK LICENSEE PURCH W/O AUTH	MISDEMEANOR	0	500
1 0637	BR	17	1202		FAIL OBTAIN WAREHOUSE LIC.	MISDEMEANOR	30 DAYS	300
1 0947	BR	17	1603		OPERATE RESTAURANT W/O LIC.	MISDEMEANOR	30 DAYS	300
1 0948	BR	17	1604		FAIL TO PAY RESTAURANT LIC FEE	MISDEMEANOR	30 DAYS	300
3 5100	BR	17	1804		DO BUS W/O TRADERS LICENSE	MISDEMEANOR	30 DAYS	300
1 0851	BR	17	1805		2 OR MORE STORES W/O LICNS	MISDEMEANOR	30 DAYS	100
1 0846	BR	17	1903		VENDING MACH. LIC. REQUIRED	MISDEMEANOR	0	100
1 0877	BR	19	308		PURCHASE-PLASTIC SEC PACKAG	MISDEMEANOR	0	100
1 0878	BR	19	308		RECORDS - PLASTIC SEC PACKAG	MISDEMEANOR	0	100
2 2604	BR	19	207(c)		FRAUD-UNAUTH USE/INSIGNIA	MISDEMEANOR	0	25
3 2604	BR	19	207(d)		FRAUD-UNAUTH USE/REG INSIG	MISDEMEANOR	0	100



1 0793	CA	3	514	A	DO BUS. AFT CHARTER FORFEITED	MISDEMEANOR	0	500
1 0002	CA	7	302		FAILURE FOREIGN CORP REGIS	MISDEMEANOR	0	200
1 5578	CJ	8	401	(c)	MISREP FCTS JUROR QUAL FRM	MISDEMEANOR	30 DAYS	500
1 0834	CL	11	603		BUY/SELL GAS CONT W/O AUTH	MISDEMEANOR	90 DAYS	300
1 0544	CL				DECEPTIVE TRADE PRACTICES	MISDEMEANOR	0	300
1S 0074	CL				SOL-GROCERY CARTS- DAMAGE	MISDEMEANOR	0	25
1S 0581	CL				SOL-CRDT CRD/ANTHR CHG L/T \$100	MISDEMEANOR	90 DAYS	500
1S 0583	CL				SOL-CREDIT CARD- PERSONATN/L/T \$100	MISDEMEANOR	90 DAYS	500
1S 0584	CL				SOL-CR CRD SELL UNLAW USE L/T \$100	MISDEMEANOR	90 DAYS	500
1S 0585	CL				SOL-CREDIT CARD FALSE CLM-L/T \$100	MISDEMEANOR	90 DAYS	500
1S 0586	CL				SOL-FALSE CRD CHG GOODS L/T \$100	MISDEMEANOR	90 DAYS	500
1S 0595	CL				SOL-POSS ELC CTRL DEVICE	MISDEMEANOR	2 MONTHS	500
1S 0636	CL				SOL-VIOL REL COND - MINOR VICT	MISDEMEANOR	90 DAYS	0
1S 1141	CL				SOL-BD CHECK/UTTER LESS \$100	MISDEMEANOR	90 DAYS	500
1S 1142	CL				SOL-BD CK/PASS/NSF/LESS \$100	MISDEMEANOR	90 DAYS	500
1S 1143	CL				SOL-BAD CHK/STOP PAY/LESS THAN \$100	MISDEMEANOR	90 DAYS	500
1S 1144	CL				SOL-BD CK/EMPLOYEE/LESS THAN \$100	MISDEMEANOR	90 DAYS	500
1 0694	CP	5	210		BAIL BONDSMAN- SOLICITATION	MISDEMEANOR	0	100
1 1476	CP	5	212		FAIL APPEAR-CITATION	MISDEMEANOR	90 DAYS	500
1 0636	CP	5	213.1		VIOL RELEASE COND - MINOR VICT	MISDEMEANOR	90 DAYS	0
1 2100	CR	3	707		THREAT OR COERCE TO DONATE	MISDEMEANOR	90 DAYS	100

1 0191	CR	3	803		HARASS; A COURSE OF CONDUCT	MISDEMEANOR	90 DAYS	500
1 5406	CR	3	803		HARASS FOL. ANOTH W/INT TO	MISDEMEANOR	90 DAYS	500
2 0070	CR	3	806		LASER POINTERS- PROHIBITED	MISDEMEANOR	0	500
1 0013	CR	3	901		VISUAL SURVEILLANCE	MISDEMEANOR	30 DAYS	1000
1 0345	CR	3	904	(c)	DISTURB:DWELLING/ASS EMBLY	MISDEMEANOR	90 DAYS	100
1 5307	CR	3	904	(c)	DISTURBANCE DWELLING/PICKET	MISDEMEANOR	90 DAYS	100
1 5706	CR	3	905		LETTERS-OPEN W/O PERM	MISDEMEANOR	6 DAYS	15
2 5703	CR	3	906	(b)(2)	TELEGRAPH REFUS TO DELIVER	MISDEMEANOR	3 MONTHS	500
1 5703	CR	3	906		TELEGRAPH ETC DIVULGE CONT	MISDEMEANOR	3 MONTHS	500
2 0239	CR	4	104		CHILD'S ACCESS TO FIREARMS	MISDEMEANOR	0	1000
3 5201	CR	4	403	(b)	MCHN GUN:FAIL SHOW REGISTER:	MISDEMEANOR	0	100
3 5200	CR	4	403		MCHNGUN:FAIL KEEP REGISTER	MISDEMEANOR	0	100
	CR	5	503		POSSESSION OF OPIUM	MISDEMEANOR	0	1000
1 1564	CR	5	601	(a)(1)	POSS: MARIJUANA-10 GRAMS	MISDEMEANOR	6 MONTHS	1000
1 1111	CR	5	601	(a)(1)	CDS: POSSESSION-NOT MARIJUANA	MISDEMEANOR	1 YEAR	5000
5 3550	CR	5	619	(c)(1)	CDS:POSS PARAPHERNALIA	MISDEMEANOR	0	500
6 3550	CR	5	619	(d)(1)	CDS:DIST PARAPHERNALIA	MISDEMEANOR	0	500
9 0082	CR	5	619	(e)(1)	CDS PARA-ADVERTISE	MISDEMEANOR	0	500
2 2003	CR	6	108		ARSON-TRASH CONTAINERS	MISDEMEANOR	30 DAYS	500
3 4025	CR	6	301		MAL DEST PROP/VALU - \$500	MISDEMEANOR	60 DAYS	500
2 2210	CR	6	402		TRESPASS-POSTED PROPERTY	MISDEMEANOR	90 DAYS	500
2 2220	CR	6	403		TRESPASS: PRIVATE PROPERTY	MISDEMEANOR	90 DAYS	500
2 2230	CR	6	403		TRESPASS: BOAT	MISDEMEANOR	90 DAYS	500

2 2240	CR	6	404	(b)	OFF-ROAD VEHICLE ON PROPERTY	MISDEMEANOR	90 DAYS	500
2 2250	CR	6	405		OFF-ROAD VEH/GOV PROPERTY	MISDEMEANOR	90 DAYS	500
2 2270	CR	6	406		TRESPASS-CULTIVATED LAND	MISDEMEANOR	90 DAYS	500
2 2260	CR	6	407		TRESPASS-RACE TRACK/STABLE	MISDEMEANOR	90 DAYS	500
2 2280	CR	6	408		TRESPASS- PEEPING TOM	MISDEMEANOR	90 DAYS	500
7 5501	CR	6	503	(d)(1)	TRESPASS-RAILROAD PROPERTY	MISDEMEANOR	30 DAYS	100
1 0589	CR	6	503		RR:ON EQUIPT W/O AUTHORITY	MISDEMEANOR	1 MONTHS	100
1 0521	CR	7	104		THEFT LESS THAN \$100.00	MISDEMEANOR	90 DAYS	500
2 0455	CR	7	106		NEWSPAPER THEFT	MISDEMEANOR	60 DAYS	500
1 2411	CR	7	201	(b)(i)	GROCERY CARTS- REMOVAL	MISDEMEANOR	0	25
1 0074	CR	7	201	(b)(ii)	GROCERY CARTS- DAMAGE	MISDEMEANOR	0	25
8 7199	CR	7	201	(b)(iii)	GROCERY CART- ABANDON	MISDEMEANOR	0	25
7 5000	CR	7	204	(a)	KEYS-ILLEGAL USE ETC	MISDEMEANOR	0	500
1 1141	CR	8	103	(a)	BD CHECK/UTTER LESS \$100	MISDEMEANOR	90 DAYS	500
1 1142	CR	8	103	(a)	BD CK/PASS/NSF/LESS \$100	MISDEMEANOR	90 DAYS	500
1 1143	CR	8	103	(b)	BAD CHECK/STOP PAY/LESS THAN \$100	MISDEMEANOR	90 DAYS	500
1 1144	CR	8	103	(c)	BD CK/EMPLOYEE/LESS THAN \$100	MISDEMEANOR	90 DAYS	500
1 0616	CR	8	108		BAD CHECK: FINES/COURT COSTS	MISDEMEANOR	60 DAYS	100
1 0581	CR	8	206	(a)	CRDT CRD/ANTHR CHG L/T \$100	MISDEMEANOR	90 DAYS	500
1 0582	CR	8	206	(a)(2)	OBT PROP BY COUNTERFEIT L/T \$100	MISDEMEANOR	90 DAYS	500
1 0583	CR	8	206	(b)	CREDIT CARD- PERSONATN/L/T \$100	MISDEMEANOR	90 DAYS	500
1 0584	CR	8	207	(a)(1)(i)	CR CARD SELL UNLAWFUL USE L/T \$100	MISDEMEANOR	90 DAYS	500

1 0585	CR	8	207	(a)(2)	CREDIT CARD FALSE CLM- L/T \$100	MISDEMEANOR	90 DAYS	500
1 0586	CR	8	209		FALSE CRD CHG GOODS L/T \$100	MISDEMEANOR	90 DAYS	500
2 2399	CR	8	407		FRAUDULENT CONVERSION OF LEASED OR RENTED GOOD	MISDEMEANOR	60 DAYS	1000
1 2600	CR	8	520		FRAUD - MISREP FUND RAISING	MISDEMEANOR	60 DAYS	1000
1 2625	CR	8	520		FRAUD - MISREP FUND RAISING	MISDEMEANOR	60 DAYS	1000
5 2604	CR	8	522	(b)(1)(i)	DOC USE/FAKE COURT PROCESS	MISDEMEANOR	0	100
1 0219	CR	8	522	(b)(2)	DOC USE FAKE GOV ORIGIN	MISDEMEANOR	0	100
1 0218	CR	8	522	(b)(ii)	DOCUMNT USE IMPLY GOV ASSO	MISDEMEANOR	0	100
2 2505	CR	8	613	(b)(3)	FORGERY-MF/SELL SLUGS	MISDEMEANOR	3 MONTHS	500
1 2505	CR	8	613		FORGERY-VEND/OPER DEVICE	MISDEMEANOR	3 MONTHS	500
1 2600	CR	8	901		FRAUD-CERTIFIED LIVESTOCK	MISDEMEANOR	0	50
2 2710	CR	8	903		UNLAWFL SALE TRANSFER TICKET	MISDEMEANOR	0	100
	CR	9	508		FALSE FILING OF FINANCIAL STATEMENT OR AMENDMENT	MISDEMEANOR	0	500
	CR	9	602		STATE PERSONNEL MONITORING/RECORDIN G TELEPHONE	MISDEMEANOR	0	1000
	CR	9	603		PRE-RECORDED EMERGENCY MESSAGE	MISDEMEANOR	0	50
1 0393	CR	9	608		INTENTIONAL FLSALARM/BURG-ROB	MISDEMEANOR	90 DAYS	500
1 0394	CR	9	610	(c)	DEFECTIVE ALARM/CONT. USE	MISDEMEANOR	90 DAYS	500
	CR	9	611		AUDIBLE ALARM SYSTEM VIOLATION	MISDEMEANOR	0	100
	CR	9	704		POSSESS ID BADGE AFTER TERMINATION OF EMPLOYMENT	MISDEMEANOR	90 DAYS	500
	CR	9	706		UNAUTH USE OF ID BADGE	MISDEMEANOR	90 DAYS	500

3 5599	CR	10	102	(b)(1)(2) )	HEALTH ADVERTIS V/D REMEDY	MISDEMEANOR	0	500
1 0274	CR	10	103	(b)	VD REMEDY DISP W/O PRESCR	MISDEMEANOR	0	50
4 5599	CR	10	103	(b)	VD REMEDY DISP W/O CREDEN	MISDEMEANOR	0	50
1 0467	CR	10	104		SALE NONLATEX CONDOM- VENDING MACHINE	MISDEMEANOR	0	1000
	CR	10	105		SALE CONTRACEPTIVE- VENDING MACHINE- SCHOOL	MISDEMEANOR	0	1000
1 5407	CR	10	106		SALE CLOVE CIGARETTES	MISDEMEANOR	0	500
2 4050	CR	10	107	(c)(1)	TOBACCO PURCH/SELL MINOR	MISDEMEANOR	0	300
5 5599	CR	10	109		ICEBOXES-ABANDONED	MISDEMEANOR	30 DAYS	100
1 0640	CR	10	110	(c)	LITTER/DUMP UNDER 100 LBS	MISDEMEANOR	30 DAYS	1500
1 0641	CR	10	110	(c)	CAUSE LITTER/DUMP L/T 100 LBS	MISDEMEANOR	30 DAYS	1500
	CR	10	116		OBTAINING FOR UNDERAGE CONSUMPTION	MISDEMEANOR	0	2500
	CR	10	117		FURNISHING OR ALLOWING UNDERAGE CONSUMPTION	MISDEMEANOR	0	2500
2 4199	CR	10	120		FAIL:PROOF OF AGE AND ID	MISDEMEANOR	0	50
	CR	10	131		DISTRIBUTION SALVIA DIVINORUM TO MINOR	MISDEMEANOR	0	1000
2 0045	CR	10	201	(c)(1)	DISTURB PEACE HINDER PASSG	MISDEMEANOR	60 DAYS	500
2 0050	CR	10	201	(c)(2)	DISORDERLY CONDUCT	MISDEMEANOR	60 DAYS	500
2 0055	CR	10	201	(c)(3)	FAIL OBEY RENBLE/LAWFL	MISDEMEANOR	60 DAYS	500
2 0060	CR	10	201	(c)(4)	DISTURB THE PEACE	MISDEMEANOR	60 DAYS	500
2 0065	CR	10	201	(c)(5)	DISTURB PEACE - LOUD NOISE	MISDEMEANOR	60 DAYS	500
1 5399	CR	10	203	(b)	DISRUPT-ATHLETIC CONTESTS	MISDEMEANOR	3 MONTHS	250
1 0479	CR	10	204		INTERFERENCE ACCESS OR EGRESS - MEDICAL FACILITY	MISDEMEANOR	90 DAYS	1000

					OBSTRUCTION ENTRY OR EXIT FROM FUNERAL ETC.	MISDEMEANOR	90 DAYS	1000
1 3600	CR	10	205		ADULTERY	MISDEMEANOR	0	10
3 7199	CR	10	610		ANIMAL-GIFT AS PRIZE ETC.	MISDEMEANOR	0	500
1 0014	CR	10	611		ANIMAL-KILLING	MISDEMEANOR	0	500
2 7199	CR	10	612		ANIMAL-ABANDON	MISDEMEANOR	0	100
4 7199	CR	10	613	(b)(1)	ANIMAL-SELL PUPPY/KITTEN	MISDEMEANOR	0	500
	CR	10	614		TRANSFER OR COLORING OF CHICK	MISDEMEANOR	0	25
	CR	10	617		DISPOSAL OF DOMESTIC ANIMAL	MISDEMEANOR	0	500
6 7199	CR	10	618		CRUELTY-POISN/BRKN GLAS DG	MISDEMEANOR	0	100
6 7200	CR	10	618		CRUELTY-LEAVE POISON/GRND GLAS	MISDEMEANOR	0	100
1 0399	CR	10	619		FAILURE TO CONFINE/RESTRAIN DANGEROUS DOG	MISDEMEANOR	0	2500
7 7199	CR	10	621		IMPORT, OFFER, OR SALE OF DANGEROUS ANIMAL	MISDEMEANOR	0	1000
	CR	10	622		INJURING OR TRAPPING CARRIER PIGEON	MISDEMEANOR	0	10
1 1763	CR	10	623		UNREASONABLY RESTRAINING DOG OUTSIDE	MISDEMEANOR	90 DAYS	1000
	CR	10	703		MARKED FLAG AND MERCHANDISE	MISDEMEANOR	0	500
	CR	12	107		PARI-MUTUEL BETTING	MISDEMEANOR	0	200
	CR	12	108		GAMING EVENT - ACCEPTANCE OF CREDIT	MISDEMEANOR	0	1000
1 3915	CR	12	206		LOTTERY-PUBLISH ACCT	MISDEMEANOR	60 DAYS	100
1 3900	CR	12	212		LOTTERY-GIFT ENTERPRISE	MISDEMEANOR	0	50
1 1413	CR	13	2436		WASHINGTON CO-OPR TIP JAR	MISDEMEANOR	0	500
1 5199	CS	3	218		GIFTS ETC TO INMATE EMPL	MISDEMEANOR	0	500

1 0047	ED	7	301		SCHOOL:FAIL SEND CHILD	MISDEMEANOR	10 DAYS	50
1 0101	ED	7	301		SCHOOL INDUCE/ATT ABSENCE	MISDEMEANOR	30 DAYS	500
1 0102	ED	7	301		HARBOR/EMPLY CHILD- SCH HRS	MISDEMEANOR	30 DAYS	500
1 0552	ED	23	408		TAKE/MUTILATE LIBRARY PROP	MISDEMEANOR	3 MONTHS	250
1 0611	ED	26	104		OBSTRUCT SCHOOL BUS DRIVER	MISDEMEANOR	90 DAYS	1000
7 5599	EN	5	10A-01		JUNKYARD ETC FAIL MAINTAIN	MISDEMEANOR	90 DAYS	500
1 0093	EN	10	301		NUISANCE ABATEMENT VIOL.	MISDEMEANOR	0	50
1 0682	EN	10	301		FAIL TO OBEY ABATEMENT NOTICE	MISDEMEANOR	0	50
1 0092	EN	10	305		NUISANCE VIOLATIONS	MISDEMEANOR	0	100
1 1059	EN	11	401		MISREPRESENT SANITARIANS	MISDEMEANOR	60 DAYS	100
2 0870	EN	11	401		MISREP-LIC ENVIRON SANITARY	MISDEMEANOR	60 DAYS	100
1 0832	EN	13	501		WELL DRILLING W/O LICENSE	MISDEMEANOR	3 MONTHS	500
1 1068	EN	13	502		MISREPRESENT WELL DRILLING	MISDEMEANOR	3 MONTHS	500
2 0871	EN	15	309		COUNTERFEIT	MISDEMEANOR	0	500
4 7399	FL	2	202		UNLAWFUL MARRIAGE	MISDEMEANOR	0	500
	FL	2	302		UNDERAGE MARRIAGE	MISDEMEANOR	0	250
7 7399	FL	2	401		MARRIAGE W/O LICENSE	MISDEMEANOR	0	100
6 7399	FL	2	406	(b)	MARIAGE BETWN UNAUTH PERSN	MISDEMEANOR	0	500
6 7390	FL	2	406	(c)	MARRIAGE-UNAUTH. BY MINISTER	MISDEMEANOR	0	500
5 7399	FL	2	406	(d)	MARRIAG UNAUTH BY MINISTER	MISDEMEANOR	0	500
6 7395	FL	2	406	(e)	MARRIAGE-PERFORM W/O LICENSE	MISDEMEANOR	0	500
1 1101	FL	2	408	(a)	MARRIAGE-ILL ADVERTISING	MISDEMEANOR	0	50
8 7399	FL	2	408	(a)	MARRIAGE-ILL INDUCEMENT	MISDEMEANOR	0	50

	FL	2	409		SIGNING AND DISPOSITION OF MARRIAGE CERTIFICATE	MISDEMEANOR		COURT FINE
	FL	2	503		REPORTS TO DHMH - DUPLICATION OF RECORDS	MISDEMEANOR	0	10
1 0482	FL	5	327		ADOPTION - PROHIBIT COMPEN	MISDEMEANOR	3 MONTHS	100
1 0529	FL	5	327		RECEIVE COMP FOR PLACEMENT	MISDEMEANOR	3 MONTHS	100
	FL	5	574		CHILD CARE FACILITY W/O LICENSE	MISDEMEANOR	0	1500
1 0005	FL	5	801		CONFINED UNATTENDED CHILD	MISDEMEANOR	30 DAYS	500
1 0366	FL	9	304		ABDUCT ETC CHILD/ACCESSORY	MISDEMEANOR	30 DAYS	250
2 0947	HG	4	226	(b)	FALSE INFO-VITAL RECORDS	MISDEMEANOR	0	100
2 0948	HG	4	226	(d)	MISUSE OF VITAL RECORDS	MISDEMEANOR	0	500
1 0683	HG	18	318	(a)	VACCINATIONS - DOGS/CATS	MISDEMEANOR	0	500
5 5000	HG	20	702		INJURIES-FAIL TO REPORT	MISDEMEANOR	0	25
6 5000	HG	20	703		GUNSHOT FAIL REPORT INJURY	MISDEMEANOR	0	25
1 1596	HG	21	259.1		FOOD, SEALED, OPENING	MISDEMEANOR	0	25
2 0971	HG	24	432		FALSE REP-BEDS & UPHOL FURN	MISDEMEANOR	0	250
2 0974	HO	2	314		FALSE ADV-HEARING AID SERV	MISDEMEANOR	90 DAYS	500
2 0975	HO	2	314		MISREP-HEARING AID DISPENSER	MISDEMEANOR	90 DAYS	500
2 0976	HO	2	314		FALSE NAME-HEARING AID SERV	MISDEMEANOR	90 DAYS	500
2 0977	HO	2	314		DECEPT TRADE PRACT- HEARING	MISDEMEANOR	90 DAYS	500
1 1036	HO	2	401	(b)	FRAUD - AUDIOLOGISTS	MISDEMEANOR	90 DAYS	500
2 0978	HO	2	401	(b)	FRAUD-AUDIOLOGISTS	MISDEMEANOR	90 DAYS	500
1 1037	HO	2	402		MISREPRESENT - AUDIOLOGISTS	MISDEMEANOR	90 DAYS	500



2 0659	HO	2	402		MISREP HEARING AID DISPENSERS	MISDEMEANOR	90 DAYS	500
2 0660	HO	2	402		MISREP SPEECH PATHOLOGISTS	MISDEMEANOR	90 DAYS	500
1 1038	HO	2	403		FALSE STMTS - AUDIOLOGISTS	MISDEMEANOR	90 DAYS	500
1 1039	HO	2	404		FRAUD - AUDIOLOGISTS	MISDEMEANOR	90 DAYS	500
1 1040	HO	2	405		FRAUD - AUDIOLOGISTS	MISDEMEANOR	90 DAYS	500
2 0979	HO	2	406		DECEPT TRADE- AUDIOLOGISTS	MISDEMEANOR	90 DAYS	500
1 1057	HO	16	502		MISREPRESENT PODIATRISTS	MISDEMEANOR	90 DAYS	200
1 1060	HO	19	402		MISREPRESENT SOCIAL WORKRS	MISDEMEANOR	90 DAYS	500
1 1061	HO	19	403		FRAUD - SOCIAL WORKERS	MISDEMEANOR	90 DAYS	500
1 1062	HO	19	404		FALSE STMTS SOCIAL WORKERS	MISDEMEANOR	90 DAYS	500
1 0698	LE	3	502		FAILURE TO PAY REG. WAGES	MISDEMEANOR	0	1000
1 0699	LE	3	503		UNAUTHORIZEDWAGE DEDUCTIONS	MISDEMEANOR	0	1000
1 0700	LE	3	504		WAGES - FAILURE TO GIVE NOTICE	MISDEMEANOR	0	1000
1 0701	LE	3	505		WAGES - TERM AND FAULIRE TO PAY	MISDEMEANOR	0	1000
1 0702	LE	3	508		EMPL/MISLEAD GOVMNT AGENCY	MISDEMEANOR	0	500
1 0558	LE	3	702	c	EMPLOYER REQ LIE DETECT TEST	MISDEMEANOR	0	100
1 0800	LE	8	1301		FRAUDULENTLY OBTAINING OR INCREASING BENEFIT	MISDEMEANOR	90 DAYS	1000
	LE	8	1302		FRAUDULENTLY REDUCING BENEFIT	MISDEMEANOR	90 DAYS	1000
1 0707	LE	9	1106		FALSE CLAIMS UNDER \$100	MISDEMEANOR	90 DAYS	500
1 0592	NR	1	206		FAIL COMPLY W/LAWFUL ORDER	MISDEMEANOR	3 MONTHS	500
1 0001	NR	1	207		IMPERSONATING AN OFFICER	MISDEMEANOR	3 MONTHS	500
1 1772	NR	5	417		OPE TREE EXPERT W/O LICENSE	MISDEMEANOR	0	500

1 0704	NR	5	423	(a)	SOL ACT AS TREE EXPT W/O LIC	MISDEMEANOR	0	500
1 0607	NR	5	608	a	OPR FOREST PROD BUS W/O LIC	MISDEMEANOR	0	500
1 0791	NR	5	704	b	NEG SET FIRE TO PROP OF ANOTH	MISDEMEANOR	0	500
1 0792	NR	5	704	c	NO REPT UNCONTROL BRUSH/FOR FIRE	MISDEMEANOR	0	500
2 1152	NR	8	722	(d)	OBTAIN BOAT TITLE BY FRAUD	MISDEMEANOR	0	500
1 0338	NR	8	724.1		PUB LANDNG:DESTR USEFULNS	MISDEMEANOR	0	25
1 0339	NR	8	724.1		PUB LANDNG:DESTROY/DAM AGE	MISDEMEANOR	0	25
2 2999	NR	8	724.1		PUB LAND:INTRFRE USE OF	MISDEMEANOR	0	25
6 8050	NR	8	738	(a)	OP. VESSEL/DWI, CDS, ETC.	MISDEMEANOR	2 MONTHS	500
5 5500	NR	8	740.1		BOAT OPERATE NO COMM DEVIC	MISDEMEANOR	0	100
1 0575	PS	5	406		DIST./SALE OF HANDGUN OFF ROSTER	MISDEMEANOR	0	1000 0
1 0576	PS	5	406		DIST./SALE OF HANDGUN OFF ROSTER	MISDEMEANOR	0	2500
1 0016	PS	10	104	(a)(1)	FIREWORKS POSS. W/O PERMIT	MISDEMEANOR	0	250
1 0021	PS	10	104	(a)(2)	FIREWORKS POSS. W/O PERMIT	MISDEMEANOR	0	250
1 0029	PS	10	110	(a)	POSS/DISCHG FIREWKS W/O PERMIT	MISDEMEANOR	0	250
1 1097	PS	10	112		SALE OF SPARKLERS TO PERSONS UNDER 16	MISDEMEANOR	0	500
2 5500	PS	12	701		BLDG EXIT- NONDESIGNATION	MISDEMEANOR	0	50
1 0664	PS	12	1202		BLDG. CODE VIO. HANDICAP	MISDEMEANOR	3 MONTH	500
1 0794	TG	11	712		BUS. AS VENDOR W/O LICENSE	MISDEMEANOR	0	100
1 0184	TG	12	305		POSS/SALE NO STAMP CIG -30 CTNS	MISDEMEANOR	90 DAYS	500
1 0753	TG	13	1014	b	TOBACCO PROD W/O TAX PAID	MISDEMEANOR	3 MONTHS	500
2 1260	TR	12	301	(c)	FRAUD-IDENTIFICATION CARDS	MISDEMEANOR	0	500

2 1261	TR	12	301	(d)	FRAUD-IDENTIFICATION CARDS	MISDEMEANOR	0	500
2 1262	TR	12	301	(e)	FRAUD-IDENTIFICATION CARDS	MISDEMEANOR	0	500
2 1263	TR	12	301	(f)	FRAUD-IDENTIFICATION CARDS	MISDEMEANOR	0	500
2 1264	TR	13	607	(b)	FALSE INFO-TEMP REGIS PLATE	MISDEMEANOR	0	500
2 1265	TR	13	616	(i)	FRAUD/MISREP-DISAB PLATES	MISDEMEANOR	0	500
2 1267	TR	13	6161	(h)(1)	FRAUD-PARK PLACARD-DISABLE	MISDEMEANOR	0	500
2 1269	TR	13	6162	(f)(1)	FRAUD-TEMP PARK-DISABLED	MISDEMEANOR	0	500
2 1272	TR	14	106		FALSE REPORT OF DEATH	MISDEMEANOR	0	500
2 1273	TR	14	107	(c)	MISREP-VEHICLE REGISTRATION	MISDEMEANOR	2 MONTHS	500
2 1274	TR	14	107	(e)	MISREP-VEHICLE REGISTRATION	MISDEMEANOR	2 MONTHS	500
2 1275	TR	14	107	(g)	MISREP-VEHICLE REGISTRATION	MISDEMEANOR	2 MONTHS	500
2 1276	TR	14	107	(i)	MISREP-VEHICLE REGISTRATION	MISDEMEANOR	2 MONTHS	500
2 1277	TR	14	107	(j)	MISREP-VEHICLE REGISTRATION	MISDEMEANOR	2 MONTHS	500
2 1278	TR	14	107	(k)	MISREP-VEHICLE REGISTRATION	MISDEMEANOR	2 MONTHS	500
2 1279	TR	14	108		FRAUD INTENT-POSS OR SALE	MISDEMEANOR	0	500
2 1280	TR	14	110		FORGERY-VEHICLE REGIS	MISDEMEANOR	2 MONTHS	500
2 1281	TR	15	210		DECEPTIVE ADVERTISING	MISDEMEANOR	0	500
2 1282	TR	15	312	(b)	FRAUD-VEHICLE SALES	MISDEMEANOR	2 MONTHS	500
2 1283	TR	15	312	(c)	FRAUD-VEHICLE SALES	MISDEMEANOR	2 MONTHS	500
2 1284	TR	15	313	(a)	FALSE ADV-VEHICLE SALES	MISDEMEANOR	2 MONTHS	500
2 1285	TR	15	313	(b)	FALSE ADV-VEHICLE SALES	MISDEMEANOR	2 MONTHS	500
2 1286	TR	15	314	(a)	MISREP-VEH SALES-LICENSING	MISDEMEANOR	2 MONTHS	500

2 1287	TR	15	411	(d)	MISREP-VEH SALES- LICENSING	MISDEMEANOR	2 MONTHS	500
2 1288	TR	15	606	(a)	MISREP BY TITLE SERV AGENTS	MISDEMEANOR	0	500
2 1289	TR	15	606	(b)	MISREP BY TITLE SERV AGENTS	MISDEMEANOR	0	500
2 1290	TR	16	112	(e)	FALSE STMTS- IDENTIFICATION	MISDEMEANOR	0	500
2 1291	TR	16	301	(a)	FRAUD-DRIVERS LICENSE	MISDEMEANOR	2 MONTHS	500
2 1292	TR	16	301	(b)	FRAUD-DRIVERS LICENSE	MISDEMEANOR	2 MONTHS	500
2 1293	TR	16	301	(c)	FRAUD-DRIVERS LICENSE	MISDEMEANOR	2 MONTHS	500
2 1294	TR	16	301	(d)	FRAUD-DRIVERS LICENSE	MISDEMEANOR	2 MONTHS	500
2 1295	TR	16	301	(e)	FRAUD-DRIVERS LICENSE	MISDEMEANOR	2 MONTHS	500
2 1296	TR	16	301	(f)	FRAUD-DRIVERS LICENSE	MISDEMEANOR	2 MONTHS	500
2 1297	TR	16	301	(g)	FRAUD-DRIVERS LICENSE	MISDEMEANOR	2 MONTHS	500
2 1298	TR	17	110		FALSE EVIDENCE-REQD SECURITY	MISDEMEANOR	0	500
2 1299	TR	18	104		RENTAL OF VEH W/FAULTY ODM	MISDEMEANOR	2 MONTHS	500
2 1300	TR	20	108		FALSE REPORT - ACCIDENT	MISDEMEANOR	2 MONTHS	500
2 1301	TR	22	415		TAMPERING WITH ODOMETER	MISDEMEANOR	2 MONTHS	500
2 1302	TR	23	109	(f)	FICTITIOUS INSPECTION CERTS	MISDEMEANOR	0	500
2 1303	TR	23	109	(g)	FICTITIOUS INSPECTION CERTS	MISDEMEANOR	0	500
2 1304	TR	23	109	(h)	FICTITIOUS INSPECTION CERTS	MISDEMEANOR	0	500
2 1305	TR	23	209		FRAUD-VEHICLE EMISSIONS	MISDEMEANOR	0	500

## CHAPTER 15 PROPERTY AND EVIDENCE

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## **15-100            PROPERTY AND EVIDENCE**

The maintenance and disposition of property and the collection and processing of evidence are among the most important police functions carried out by the KCSO. The KCSO has responsibility for the safekeeping of all property which comes into its possession, either as evidence or otherwise, and for returning property to its rightful owner or custodian as quickly as legal process will permit.

### **15-101            RESPONSIBILITY**

The CID Commander will have overall responsibility for the KCSO property and evidence programs. Within the CID, a Deputy will be appointed Property Custodian with the concurrence of the Sheriff and Chief Deputy.

### **15-200            PROPERTY**

#### **15-201            PROPERTY INVENTORY AND AUDIT**

The Chief Deputy will ensure that the following inspections, inventories, and audits of property are performed and documented as directed by the Sheriff:

- a. Inspection to determine adherence to procedures used for the control of property is conducted semi-annually by the CID Commander
- b. An inventory of property will occur whenever the Evidence Custodian is replaced, reassigned, or transferred. Such inventory should be conducted jointly by the newly designated Evidence Custodian and the Sheriff or his designee.
- c. An annual audit of property held is conducted by a supervisor not routinely or directly connected with control of property; and
- d. Unannounced inspections of property storage areas are conducted as directed.

**(CALEA 84.1.6)**

#### **15-202            PROPERTY SECURITY**

The KCSO will store property in its custody in designated, secure areas.

The Property Room of the KCSO and any other area in which property is stored will remain securely locked at all times that they are not in use by the Evidence Custodian or another authorized person. Only the Sheriff and the Evidence Custodian will have unescorted access to property storage areas. Each entry into the Property Room or other area will be recorded with the date, time, and individual entering the room.

**(CALEA 84.1.2)**

#### **15-203            GENERAL PROPERTY PROCEDURES**

- a. Agency personnel will account for all property taken into custody during the course of their duties. Property will be protected from contamination, alteration, destruction, and damage.
- b. All property obtained by an employee because of official duties will be logged into agency records and placed under the control of the Evidence Custodian as soon as possible, but no later than the end of the employee's shift. Property will be considered logged into agency records and placed under the control of the Evidence Custodian when a Property Held Form has been completed, the property has been

appropriately labeled, and it has been given to the Evidence Custodian or deposited in a locked receptacle prohibiting entry by unauthorized persons.

- c. In unusual circumstances, with the approval of the State's Attorney or a designee, evidence may be photographed/processed and released to the owner. If there is any doubt as to release ability or ownership, property will be submitted to the Evidence Custodian for later disposition.
- d. Any photographs taken of property will be attached to the case file.
- e. The KCSO will maintain and record strict control of property in its possession.

**(CATEGORY B)(CALEA 84.1.1)**

**15-204                    SPECIFIC PROPERTY PROCEDURES - DEPUTY RECOVERING PROPERTY OR EVIDENCE**

- a. When property is found or recovered, and the property owner is known, the Deputy will, unless the non-evidentiary property is released on the scene, inform the owner(s) they must provide proper identification and must contact the Evidence Custodian to arrange for retrieval of the property. Property must be claimed within six (6) months (unless being held as evidence) or it is subject to sale as provided below. The notification and the way it is made (mail, telephone, etc.) will be noted on the Property Held Form.
- b. If a Deputy obtains property (other than currency) from a person who is not the owner and ownership cannot be established, the Deputy will advise the finder that, after six (6) months, if the property is not claimed by the rightful owner, it may be auctioned by the Sheriff. Finders will be notified that unclaimed currency will be turned over to the Kent County Treasurer.
- c. The Deputy will complete, accurately and in detail, each section of the KCSO Property Held Form. The Property Held Form will list each item of property or evidence.
- d. The Deputy will ensure that the property is appropriately packaged and labeled, using the KCSO Property/Evidence Tag. The Property/Evidence tag or, as appropriate, the MSP 67 or 67A (see below), will be used in every instance to record and document the evidentiary chain of custody.
- e. The Deputy will ensure the property is entered into the Property Record Issuance Log prior by the end of his or her shift. The Deputy will take the next Property Held Number, which will be entered on the Property Held Form. On the Property Record Issuance Log the Deputy will enter the following information:
  - 1. issue date of the Property Held Number;
  - 2. submitting Deputy's name;
  - 3. case number; the IR or CIR will indicate how the property came into the agency's custody;
  - 4. a brief description of the property; and
  - 5. the victim or property owner's name.
- f. Unless the recovered / found property can be released to the owner prior to the end of the recovering employee's shift, no entries will be made without a case number.
- g. If the recovered item is a motor vehicle which has been towed to the KCSO by a private tow operator, the Deputy will clearly indicate on the PH form that the vehicle may not be released without the owner's payment of the tow charge to the tow operator.



- h. The Deputy will present the labeled property and Property Held Form to the Evidence Custodian if the Custodian is on duty.

**(CATEGORY B)(CALEA 83.3.1, 84.1.1)**

#### **15.204.1 SEIZED PROPERTY REPORTING PROCEDURES**

Maryland Criminal Procedure, Title 12 (Forfeiture – Controlled Dangerous Substance Violations) §12-104(a) requires that a seizing authority provide a receipt to the person from whom the property is seized.

In order to comply with Maryland Law, KCSO personnel who seize property will:

- a. Complete KCSO Form# 324, KENT COUNTY SHERIFF'S OFFICE RECEIPT FOR SEIZED PROPERTY, documenting a description of the property seized. The seizing KCSO personnel shall provide a copy of the KCSO Form #324, to the person from whom it was seized at the location of the seizure, or no later than upon release of the person from KCSO custody. The KCSO personnel completing KCSO Form #324 shall attach the original of said form to the KCSO Property Held Form that relates to the seizure.
- b. If the person from whom the property was seized is determined not to be the owner of the property, within sixty (60) days of the seizure of the property, the CID Commander will complete KCSO Form #320, NOTICE TO OWNER OF SEIZED PROPERTY, documenting the property seized. The CID Commander will retain the original of KCSO Form #320 and attach said form to the related KCSO Property Held form and mail a copy of the KCSO Form #320 to the last known owner of the property seized.

**(CATEGORY B)**

#### **15-204.2 TEMPORARY STORAGE OF PROPERTY**

- a. In the event the Evidence Custodian is not on duty, the KCSO has lockers to accommodate property which must be stored temporarily before it can be placed into the Property Room. Only individuals authorized unaccompanied access to the Property Room have access to the keys for the evidence lockers.
- b. After placing the property into the locker, the Deputy will lock the padlock. The Deputy will record which temporary locker was used on the Property Held Form.
- c. The Deputy will place the completed Property Held form in the CID inbox for processing by the Property Custodian.
- d. If a Deputy receives property which will not fit into an evidence locker or receives property of exceptional value or sensitivity, the Evidence Custodian is available by call out so that arrangements may be made for its immediate secure storage. The KCSO garage can be secured as an evidence room in the event a vehicle or other large object is seized and must be stored before processing.

**(CATEGORY A)(CALEA 84.1.3, 84.1.1)**

#### **15-204.3 PACKAGING AND LABELING PROPERTY FOR STORAGE**

All property submitted by a Deputy for storage will be properly packaged and labeled using the following procedures:

- a. As appropriate, the article will be placed in a properly sized, sealed container. The Deputy will affix to the property a KCSO Property/Evidence Tag, prior to its being placed in the Property Room. Property labels will be affixed in such a manner so as to avoid damaging the property.
- b. If the KCSO Property/Evidence Tag cannot be used, the property will be labeled with the following minimum information:
  1. Case number;
  2. Property Held Number;
  3. Name and ID Number of Deputy;
  4. Offense;
  5. Date and time article were found; and
  6. A description of the property or evidence.
- c. In cases of evidentiary firearms not handled by the crime scene technician, the position of rounds will be documented when applicable. Firearms will be unloaded and, if applicable, the chamber will be opened. Ammunition will be packaged separately.
- d. Exposed cutting edges, blades or other sharp objects will be packaged so as to avoid damaging any trace evidence and, if possible, will be taped or covered in such a way as to prevent injuries.
- e. When the identity of the owner or custodian of property taken into the KCSO's custody is known, the investigating Deputy will notify that person as soon as possible. The notification may be made telephonically. The notification will be documented on the Property Held Form.

The chain of custody for all physical evidence must be maintained and documented on the Property/Evidence Tag or other document.

**(CALEA 84.1.1)**

#### **15-204.4 VEHICLE REGISTRATION PLATES AND DRIVERS' LICENSES**

All seized registration plates and drivers' licenses will be turned in as with any other property. Disposition of these items is coordinated by the Evidence Custodian through an MVA representative.

#### **15-204.5 CASH OR OTHER NEGOTIABLE INSTRUMENTS**

Whenever money is taken into the custody of the Agency, it will be handled in accordance with the following procedures:

- a. When money is recovered, the Deputy making the seizure will promptly count it. If appropriate, the Deputy will issue a receipt to the person from whom the money was recovered;
- b. Upon return to KCSO headquarters, the Deputy will complete a Property Held Form, indicating the amount of the seizure on the form. If other evidence or property is seized at the same time as the cash, the money will be listed on a separate sheet (but with the same property held number).
- c. The Deputy will give the cash and the Property Held Form to the Evidence Custodian. If the Evidence Custodian is not available, the money will be placed in a temporary evidence locker or, in the case of the NET, locked in the file cabinet within the NET office and the Property Held Form put in the CID in-box.

- d. The Evidence Custodian will verify the amount of the cash, resolving any discrepancy with the submitting Deputy. The Evidence Custodian will then take the cash to the Administrative Assistant, who will also verify the amount. The Administrative Assistant will prepare a Kent County Revenue Form reflecting the amount of the cash.
- e. The Evidence Custodian will take the cash and the Revenue Form to the State's Attorney, who will countersign the Revenue Form.
- f. The Evidence Custodian will take the cash, Property Held Form and Revenue Form to the County Treasurer, who will count the cash, sign the Property Held Form in receipt, and deposit the cash in an interest-bearing account. The Property Held Form will be filed in the forfeiture cabinet in the CID.

If money recovered is evidence (e.g., it is bloodstained in a shooting), it will be handled as any other evidence.

**(CATEGORY B)(CALEA 84.1.1)**

## **15-204.6 FIREARMS/EXPLOSIVES**

In addition to the above listed property procedures, when a firearm is seized, the following procedures will be observed:

- a. A Deputy seizing firearms not involving criminal charges (e.g., ex parte, other court order, etc.) will notify the owner to contact the Evidence Custodian in writing to apply for the release of the weapon(s).
- b. Any person requesting the release or release requirements for a firearm taken into custody by the KCSO for any reason will be referred to the Evidence Custodian.
- c. The Deputy will complete a Property Held Form describing the weapon by name, model, serial number, condition / damage or any other identifying characteristics;
- d. The name and address of the owner will be included, if known and if different from the person who had possession of the weapon;
- e. If the seizure of a firearm is court ordered, a copy of the court order will be attached to the Property Held Form.

The following procedures will be followed when a firearm is recovered as Property Held, as opposed to a firearm seized as evidence.

- a. The firearm will be cleared of ammunition and the ammunition packaged separately for storage. If the Deputy encountering the firearm is unfamiliar with unloading it, another employee will be requested to assist with the unloading. In the event of an unusual firearm type, which cannot be verified as unloaded, the weapon will be handled as if it were verified loaded and will not be left unattended. The "loaded" weapon will be transferred person-to-person and the receiving employee will be informed of the firearm's condition.
- b. All firearms taken as Property Held will be tagged with the KCSO Property/Evidence Tag attached to the trigger guard. If the firearm is contained within a box, gun cover or other wrapping, the cover material will be tagged. No markings will be made upon or attached to the firearm.
- c. The condition of each firearm will be noted on the Property Held Form. This condition note will particularly describe any visible damage to the firearm. When circumstances permit, the owner or person from whom the firearm is taken will be asked to initial the condition notation for each firearm.

- d. Each firearm will be handled in such manner as to prevent damaging the firearm if possible, and to prevent injury to the handler or others. No foreign object will be placed in the barrel, cylinder, magazine, or other part of the firearm. No firearm will be dismantled in any fashion. The Evidence Custodian will ensure that the firearm is maintained in the condition in which it was received.

If a large number of firearms are seized, a notification will be made to the Evidence Custodian. They will make arrangements to place the firearms immediately into the Property Room.

The KCSO does not store explosives as evidence or property. The Maryland State Fire Marshall's Office is the repository, if necessary, for explosives

**(CATEGORY B)(CALEA 84.1.1, 84.1.2)**

#### **15-204.7 SEIZED WEAPONS (OTHER THAN FIREARMS)**

When a weapon (other than a firearm) is seized by a Deputy and the individual who had possession of the weapon is not criminally charged, the disposition of the weapon will be completed in the same manner as all other routine property.

**(CATEGORY A)**

#### **15-204.8 CONTROLLED DANGEROUS SUBSTANCES**

Procedures for handling Controlled Dangerous Substances are described below.

#### **15-204.9 SEIZED VEHICLES**

Any vehicle seized by KCSO personnel will include an inventory of any property of significant value, utilizing KCSO Form #134 – Seized Vehicle Inventory. The KCSO Form #134 will be submitted in addition to any other required reports associated with the seizure of said vehicle.

**(CATEGORY B)**

#### **15-204.10 SEIZED AND FORFEITED PROPERTY**

All property acquired through the civil process function or asset forfeiture proceedings will be recorded in the KCSO's property held system like any other property.

All such acquired or seized property will be disposed of only pursuant to legal authority.

**(CATEGORY A)(CALEA 84.1.8)**

#### **15-205 SPECIFIC PROPERTY PROCEDURES - EVIDENCE CUSTODIAN**

- a. The Evidence Custodian will compare the Property Held Form with the property presented or placed in temporary storage by the Deputy. The Deputy will correct immediately any discrepancies noted by the Evidence Custodian.
- b. The Evidence Custodian will enter the property into the Evidence Room Property Log or Evidence Room CDS Log, assign a shelf and bin number to the property, record the location on the Evidence Room Inventory Sheet and place the property in the designated storage area. He or she will record the assigned shelf and bin number or alternate storage location in the appropriate places on the Property Held Form and file the form in the Property Held Book.

- c. The Evidence Custodian will check found or recovered property with serial or other identifying numbers through METERS/NCIC. The results of that check will be recorded on the Property Held Form and the printout will be attached to the form.
- d. The Evidence Custodian will check all firearms through METERS/NCIC upon seizure/recovery.
- e. The Evidence Custodian will decide the secure storage of property and evidence which cannot be accommodated in the Property Room and for items of exceptional value or sensitivity.
- f. When the receiving Deputy has been unable to determine property owner's identity, the Evidence Custodian will make a reasonable attempt to do so following receipt of the property.
- g. The Evidence Custodian will notify the owner about release requirements for seized weapons and that weapons may be subject to forfeiture; and
- h. Whenever a report is completed in connection with any recovered property, the report number will be forwarded to the Evidence Custodian and recorded in the appropriate areas of the Property Held Form.

**(CALEA 82.3.2, 84.1.1)**

#### **15-205.1      TEMPORARY RELEASE OF PROPERTY**

- a. A Deputy who needs to obtain property temporarily for court, review, investigation, or any other purpose will notify the Evidence Custodian. Deputies will notify the Evidence Custodian sufficiently in advance of the need of the property to allow for its orderly issuance.
- b. The Evidence Custodian will record the issuance of the evidence on the appropriate Evidence Room Log. The receiving Deputy is responsible for recording the chain of custody on the Property/Evidence Tag or other form.
- c. When returning property, the Deputy will advise the Evidence Custodian what disposition can be made of the property (release, hold, destroy, etc.).
- d. All property temporarily released from the Property Room for investigative purposes will be returned by the investigating Deputy to the Property Custodian by the end of the same business day. Employees will not retain overnight custody of property in their desks, office areas, vehicles, or any other places.

**(CALEA 84.1.1)**

#### **15-205.2      RELEASE OF PROPERTY**

- a. Agency employees will not convert to their own use or have any claim to any evidence or recovered property.
- b. Persons authorized to receive property eligible for release are the identified owner or the legally authorized representative of the identified owner.
- c. Property, which is not held for court, upon concurrence with the State's Attorney or for other law enforcement purposes will be retained in the Property Room for six (6) months. If not claimed and returned to the owner within that time, the property will be determined to be abandoned and will be disposed of as provided in 15-105.5.
- d. Property will be released only between the hours of 0900 and 1600, Monday through Friday. However, in an emergency or extremely unusual instance when the property must be released at some other time, the Evidence Custodian or other persons designated may be contacted to make arrangements.

- e. Arranging for the return or disposing of property and evidence is the responsibility of the Evidence Custodian in conjunction with the seizing Deputy. Property and evidence will be released or disposed of as soon as legally possible or feasible. Property will not be held merely to inconvenience its owner. Deputies will be responsible for notifying the Evidence Custodian concerning release ability. Deputies must be sure the case is concluded, there are no co-defendants awaiting trial, and no appeals pending.
- f. Arrangements will be made for evidence or suspected stolen property to be viewed only during the above times unless it has been authorized and arranged in advance between the investigating Deputy and the Evidence Custodian.
- g. In order to prevent premature release, the Evidence Custodian must be notified, as soon as it is known, of property originally placed in the Property Room as non-evidentiary material which is subsequently determined to possess evidentiary value.
- h. In all cases, the final disposition of all evidence will be accomplished within six (6) months after all legal requirements (including all appeals) have been met. In the case of serious crimes against persons, the Evidence Custodian will consult the CID Commander before evidence is disposed of. The CID Commander will consult with the Chief Deputy and the State's Attorney, if necessary, to determine whether property should continue to be held.
- i. Property will not be released if it is:
  - 1. contraband;
  - 2. a confiscated motor vehicle;
  - 3. money confiscated as a result of CDS / vice violations;
  - 4. being held as evidence. Any property indicated as evidence on the Property Held Form may not be released until the Property Custodian is notified by the investigating Deputy that it is no longer needed. In the case of an investigating Deputy who has left the KCSO, the CID Commander will make this determination; or
  - 5. a motor vehicle for which the owner has not paid an outstanding towing charge. A Deputy will release a vehicle only upon presentation of a paid receipt from the tow operator and will attach the receipt to the PH form.
  - 6. Prior to any firearm being released that is in the possession of the Kent County Sheriff's Office the following procedures will be followed:
    - i. Check for stolen through METERS;
    - ii. Check through CrimeStar and METERS for outstanding warrant for the requesting owner;
    - iii. Query the Maryland Gun Center (1-855-677-6486 or email: [gun.center@maryland.gov](mailto:gun.center@maryland.gov)) to ascertain if the individual to whom the firearm is to be released has any prohibitions from possessing the firearm. The Maryland Gun Center will provide an emailed report indicating if the requested owner is or is not prohibited from possessing a firearm.
    - iv. If a requested owner is prohibited the firearm will not be released to the individual. A copy of the Maryland Gun Center report will be attached to the property held form.
    - v. If the firearm is not stolen, there are no outstanding warrants, or the requested owner is not prohibited based on the Maryland Gun Center response the KCSO personnel releasing the firearm will make a notation on the corresponding KCSO Property Held Record that all the requirements listed herein have been complied with. The report provided by the Gun Center should be attached to the property held form.

- vi. If for any reason there is doubt as to the actual ownership of a weapon that has come into the possession of the KCSO, said person claiming ownership shall be advised by the KCSO Evidence Custodian to petition the court to seek a Writ of Replevin from the court, which would grant ownership of the weapon in question and authorize the KCSO Evidence Custodian to release the weapon to the person named in the Writ of Replevin.

**(CATEGORY B)(CALEA 84.1.1, 84.1.7)**

### **15-205.3 DECEASED PERSONS - RELEASE OF PROPERTY TO NEXT OF KIN**

The disposition of a deceased person's property is subject to the Estates and Trust Laws of Maryland. However, unless they are being held as evidence or for some other investigative purpose, the personal effects of a deceased person may be released to a competent member of the immediate family (spouse, children, parents, etc.) who has been designated as the deceased's "personal representative" or "executor of estate". If there is any question whatsoever as to ownership or questions regarding relationships, all property must be forwarded to the KCSO Evidence Custodian for later disposition.

**Note: A "Personal Representative" document can be obtained from the Register of Wills Office.**

### **15-205.4 DECEASED PERSONS - NO RELATIVES TO ACCEPT PROPERTY**

When no immediate family member can be located, property will be taken into custody and submitted to the Property Custodian. If the property is not claimed within a period of (6) months, it will be disposed of in accordance with the following section.

### **15-205.5 GUIDELINES FOR DISPOSITION OF UNCLAIMED PROPERTY OR EVIDENCE**

These are the guidelines for the KCSO's disposition of unclaimed property or evidence permitted by §2-311 of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland.

- a. After property or evidence no longer needed for legal proceedings has been in the possession of the KCSO for six (6) months, a notice of the sale of the property will be given by registered or certified mail to the persons entitled to its possession and/or to lien- holders whose names and addresses can be ascertained by the exercise of reasonable diligence. The notice will be sent at the same time the first advertisement is placed in the Kent County News and will advise the person(s) how to claim their property (or state their liens) prior to the sale.
- b. A notice of the sale at public auction will be published in the Kent County News for 2 successive weeks. The notice will include the time, place, and terms of the sale.
- c. Preparation of the legal notices and conduct of the auction will be managed by the Commander of the Services Division. The auction may be conducted by a member of the KCSO staff or a professional auctioneer may be engaged, at the discretion of the SD Commander, subject to the approval of the Sheriff.
- d. The Sheriff or a designee may, on the basis of an appraisal or other reasonable basis, set a minimum price for any item to be sold at auction. If the item does not bring that minimum bid, the Sheriff or a designee may hold the item to be auctioned again or sell the item to any person for at least that minimum price.

The Sheriff or a designee may determine that property identified in this section is of negligible value or for legitimate law enforcement purposes should not be returned to public circulation. In that case, the Sheriff or a designee may destroy the property after rendering it inoperable.

- e. The proceeds from all such sales will be distributed in the following order of priority:
  - 1. to the KCSO, in an amount equal to the expense of the sale (including any appraisal) and all expenses incurred while the property was in the KCSO's custody; and then
  - 2. to lien- holders in order of their priority; and then
  - 3. to the general fund of Kent County.
- f. At any time within 3 years from the date of the sale of the property, any person submitting satisfactory proof of the person's right to the possession of the property will be paid, without interest, the amount distributed to the general fund of Kent County. After the expiration of 3 years from the date of the sale, any claims are absolutely barred.
- g. No employee of the KCSO or member of his or her immediate family may purchase an item at an auction carried out under this section.

## **15-206 FORFEITURE OF SEIZED HANDGUNS**

Under the provisions of §13-201 of the Criminal Procedure Article of the Annotated Code of Maryland, certain seized handguns and other regulated firearms may be forfeited to the KCSO.

Forfeiture may be accomplished by the State's Attorney's Office through a criminal proceeding or through an administrative procedure. This section describes the administrative procedure.

- a. By an appropriate inquiry and investigation, the Property Custodian will attempt to identify and locate the owner of a handgun that is seized.
- b. The handgun may, if it is not needed as evidence, if the owner is qualified to possess it, and if the owner is a resident of the State of Maryland, be returned to the owner.
- c. The handgun may, if it is not needed as evidence, if the owner is qualified to possess it, and if the owner is not a resident of the State of Maryland, be sent for disposition to the appropriate law enforcement unit where the owner is a resident.
- d. If the KCSO has reason to believe the owner knew or should have known that the handgun was worn, carried or transported, or used in violation of §4-203 or §4-204 of the Criminal Law Article, or that the owner is not qualified to possess the handgun, the Evidence Custodian will notify the owner in writing that he or she may, within 30 days, request a review of the KCSO's determination to seize the handgun.
- e. Upon timely request from the owner, the CID Commander will hold an informal review to determine whether the owner knew or should have known of the use or intended use of the handgun. At the owner's request, the CID Commander will meet with him or her to permit a personal presentation.
- f. On the basis of all of the available information, the CID Commander will recommend to the Sheriff whether the handgun should be returned. The Sheriff may decide to return the handgun, and will do so, if the owner is eligible for possession, as soon as the handgun is no longer needed as evidence.
- g. If the Sheriff decides to seize the handgun, the Evidence Custodian will notify the owner by certified or registered mail at his or her last known address. The notification will advise the owner that he or she may, within 30 days, ask the District Court for Kent County for release of the handgun.
- h. The KCSO will hold the handgun for 30 days or pending the outcome of the owner's District Court petition.

**(CALEA 84.1.1)**



#### **15-206.1 DISPOSITION OF FORFEITED HANDGUNS**

The Sheriff may convert to KCSO use handguns forfeited under the provisions of §13-201 of the Criminal Procedure Article of the Annotated Code of Maryland.

Seized or abandoned handguns which are not put to official KCSO use will be transferred to another Maryland law enforcement agency or destroyed. They will not be sold, auctioned, exchanged or in any other manner given to private individuals or returned to the private market.

**(CALEA 84.1.1)**

#### **15-207 FIREARMS RELEASE PROCEDURES**

If a seized firearm is not handled under the procedures in §15-106, an owner attempting recovery must apply to the Property Custodian in writing. The Evidence Custodian will run a wanted check through METERS/NCIC and determine that the owner may legally possess the firearm before releasing it.

**(CALEA 84.1.1)**

#### **15-208 PROCEDURES FOR TRANSFERRING FIREARMS BY INDIVIDUALS CONVICTED OF DISQUALIFYING CRIMES AS DETERMINED BY THE COURT**

Under the provisions of §6-234 of the Criminal Procedure Article of the Annotated Code of Maryland, individuals convicted of a domestic related offense shall be disqualified from possessing any firearm and will be required to transfer said firearms to the KCSO or a Federal Firearms Licensed Dealer (FFL).

Individuals who have had plead guilty to, or have been convicted of a disqualifying crime under Public Safety Article §5-101, in which the Court has deemed to be a domestically related crime must comply with the following requirements regarding firearms:

- a. Transfer, within two (2) business days after conviction, all regulated firearms, rifles, and shotguns they own or possess to a state or local law enforcement agency or a federally licensed firearm dealer, (FFL).
- b. The individual may designate a representative to transfer the firearms to a state or local law enforcement agency or a federally licensed firearms dealer.

In order to legally transfer the firearm(s), the respondent is required to:

- a. Notify the law enforcement agency or federally licensed firearms dealer that they will be transporting the firearms;
- b. Make sure the firearm(s) are unloaded;
- c. Carry a copy of the Order when transporting the firearms;
- d. Go directly to the law enforcement agency or FFL

To comply with Maryland Law, Criminal Procedure §6-234, KCSO personnel who are presented with a Circuit or District Court Form# CC-DC-106 regarding the ORDER TO SURRENDER FIREARMS FOR DOMESTICALLY RELATED OFFENSE UNDER CRIMINAL PROCEDURE or is advised by an individual or his/her designee that they have firearms to surrender shall comply with the following procedures:

#### **DEPUTY Responsibility:**

- a. Notify a CID investigator if on duty. During all other times, KCSO uniform personnel will be responsible to comply with the court order and notify the on-call CID investigator of the court order.

- b. The CID investigator shall be given all reports generated regarding the surrender of the firearms, prior to the end of their shift
- c. KCSO will initiate a CrimeStar Call for Service and obtain a KCSO Property Held Number and complete KCSO Form# 321- SEIZED OR SURRENDERED FIREARMS AND AMMUNITION regarding Disqualifying Domestic -Related Crime.
- d. Ensure the respondent is given a copy of the entire Form# 321.

#### **CID INVESTIGATOR Responsibility:**

- a. If the respondent or their designee surrender guns to the KCSO with two (2) business days after the issuance of the court order, ensure contact with the MSP Gun Center is conducted to ascertain if the individual has any regulated firearms which may or may not be listed on the KCSO form# 321. Contact the respondent if there are any discrepancies.
- b. If the respondent does not contact the KCSO with two (2) business days after the issuance of the court order, contact the respondent to ascertain why they have not complied with the court order. If the individual indicates that they have surrendered their firearms to a Federal Firearm Licensed dealer (FFL), contact the FFL to ascertain what firearms have been transferred to the FFL. The CID investigator will contact the MSP Gun Center to ascertain if the respondent has any regulated firearms which may or may not have been transferred to the FFL.
- c. If the respondent has not surrendered their firearms to the KCSO or transferred them to the a FFL within two (2) business days after the issuance of the court order and diligent efforts are made to contact the individual with negative results, the CID investigator shall contact the Kent County State's Attorney's Office to ascertain if they will approve an application for a search warrant for the removal of any regulated firearm, rifle, and/or shotgun that the individual may own or possess. If the State's Attorney's Office approves the application for the search warrant, the CID investigator will apply for and execute the search warrant upon authorization by a court.

The KCSO will maintain custody of any firearms surrendered until after all appeals are finalized. Once finalized, the weapons will be destroyed per KCSO policy.

#### **15-109 DESTRUCTION OF DRUGS**

The Evidence Custodian will be responsible for destroying drugs after all legal requirements have been satisfied.

Prior to the destruction, the Evidence Custodian will prepare a manifest of the drugs to be destroyed, by property held number. The destruction of drugs will be accomplished by the Evidence Custodian, accompanied by another of the following employees as witness:

- a. the CID Commander;
- b. a Deputy of the rank of Sergeant or above.

The Evidence Custodian and the witness will verify each item from the manifest and place it in a box. After all of the drugs have been verified and placed in the box, the Evidence Custodian will seal the box in the presence of the witness. The Evidence Custodian and the witnesses will transport the drugs to the appropriate destruction facility and place the sealed box into the incinerator.

The Evidence Custodian and the witness will remain until all drugs have been completely destroyed. After all of the items have been destroyed, the Evidence Custodian and the witness will sign the manifest.

Upon return to the KCSO, the Property Held Custodian will mark the Property Held form for each of the items incinerated “destroyed” with the names of those who destroyed the drugs and the date. The Property Held form will be moved to the inactive file.

**(CALEA 84.1.1)**

## **15-300 COLLECTION AND PRESERVATION OF EVIDENCE**

Evidence is any item which has the capacity to prove the existence or non-existence of fact. The most important aspect of evidence collection and preservation is to protect the incident / crime scene. This is dependent on the first Deputy to arrive on the scene. The successful prosecution of a case can depend on how evidence is processed and collected.

The first Deputy on a scene, unless relieved by a detective or higher-ranking Deputy, is responsible for properly protecting and processing the scene.

Dependent on the nature of the incident, the first Deputy on the scene may make use of additional Deputies, evidence tape, ropes, and barricades to preserve the integrity of the scene. In all cases, however, only those persons necessary to assist in protecting, processing, and investigating the scene should be allowed access.

**(CATEGORY B)(CALEA 83.2.1)**

### **15-300.1 LEGAL CONSIDERATIONS**

To satisfy legal concerns regarding physical evidence, a Deputy must be able to:

- a. identify each piece of evidence in court, long after it was collected;
- b. describe the exact location where an item was found;
- c. show the chain of custody of each item from its collection until court presentation; and
- d. explain any changes in the evidence between the time it was collected and the time it is introduced in court.

**(CATEGORY B)**

### **15-300.2 FORENSIC TECHNICIANS**

The KCSO utilizes trained forensic technicians from the Maryland State Police for the purpose of processing homicide scenes, sexual assault scenes, and other serious crime scenes at the direction of the CID Commander. MSP forensic technicians are available by call-out on a 24-hour basis.

MSP Forensic Technicians receive specialized training, including but not limited to:

- a. Recovery of latent fingerprints and palm prints;
- b. Crime scene photography;
- c. Crime or accident/crash scene sketches;
- d. Methods of preserving evidence;
- e. Recording and processing a crime scene;
- f. Collecting, preserving, and transporting physical evidence to include biological materials; and

- g. Recovery of foot, tool, and tire impressions by cast impressions.

**(CALEA 83.1.1, 83.2.1)**

### **15-300.3 REQUESTING A FORENSIC TECHNICIAN**

A Deputy may request an MSP Forensic Technician through “KENT”, after consultation with the shift supervisor and CID Commander

### **15-300.4 PATROL DEPUTY RESPONSIBILITIES**

The first Deputy at a scene will decide about the necessity for assistance from the forensic technician. Patrol Deputies are responsible for processing all incident/crime scenes not processed by a forensic technician. This includes most traffic cases, vandalisms, thefts, and minor assaults. A Deputy who has a question about who should process a particular scene will contact the shift supervisor or CID Commander.

All Deputies are issued and will carry in their vehicles the necessary equipment to process most incident or crime scenes, including camera and film, evidence bags, fingerprint kit, disposable gloves, crime scene tape, and materials for sketching crime scenes.

The Deputy investigating an incident will submit all recovered evidence before the end of his or her shift. The Deputy will open a call for service by the end of the shift and submit the CIR or Incident Report within 3 days.

**(CATEGORY B)(CALEA 83.2.4)**

### **15-301 BASIC CRIME SCENE PROCEDURES**

While each incident / crime scene will be different, patrol Deputies will, unless circumstances prevent, use the following general guidelines for processing a scene:

- a. Carefully approach the scene so as not to disturb potential evidence;
- b. Thoroughly survey the scene to determine its boundaries and secure the area;
- c. Photograph wide shots of the entire scene from several different angles;
- d. Locate, photograph, and mark the location of possible physical evidence. If necessary, take more detailed photographs of the scene and specific items;
- e. Take measurements and prepare a rough sketch or diagram of the scene. Note the location of each piece of evidence and possible points of entry and exit of the scene on the sketch / diagram;
- f. Process the scene for latent fingerprints. Photograph the location of the prints and lift and preserve them on fingerprint cards;
- g. Make notes while processing the scene which will later be used to prepare an investigative report. The report will document the elements of the crime scene to include:
  - 1. the investigative report number;
  - 2. the date and time the Deputy arrived on the scene;
  - 3. the location of the crime;
  - 4. the names of victims, witnesses and suspects (if known);

5. existing conditions (lighting, weather, etc.);
  6. a listing and location of recovered evidence;
  7. the number of photographs taken;
  8. what was photographed;
  9. whether measurements were taken; and
  10. other police personnel at the scene.
- h. Once the scene has been thoroughly documented, evidence will be collected.

**(CALEA 83.2.1, 83.2.6)**

### **15-302            PROTECTING THE SCENE**

Whenever a serious crime occurs that requires the attention of a forensic technician, the patrol Deputy will notify "KENT" and after notifying the shift supervisor and CID Commander request that the forensic technician be called. Meanwhile, the patrol Deputy will protect the scene:

- a. Arrange for crowd control;
- b. Allow only those persons essential to the investigation of the crime and the security of the crime scene into the area. All other persons will be politely but firmly denied access;
- c. Assist the crime scene technician;
- d. Document who is in charge of the scene;
- e. Log all persons entering and leaving the scene and their purpose for being there; and
- f. Log what time and to whom the scene and any evidence were turned over.

**(CATEGORY A)**

### **15-303            CRIME SCENE PHOTOGRAPHY**

Prior to any other activity at a crime scene, a Deputy will make a detailed photographic record of the scene. In general, KCSO Deputies use digital cameras for photography. If a 35-millimeter camera or a video camera is used, only one incident will be recorded on a roll of film or videotape.

- a. Photographs should be taken of the exterior of the building(s) at the crime scene, keeping in mind that a crime scene may start well outside of an enclosure, structure, or building. Photographs should show:
  1. The address;
  2. The relationship of objects in the area where a central point of focus exists, such as a homicide victim in a house;
  3. The photographs should be taken from four (4) approximate equal and opposite corners, making an entire sweep of a scene from each corner;
- b. Photographs should be taken from a victim's point of view, if applicable.
- c. Close-up photographs should be taken with and without a scale inserted in the field of view.

- d. Crime scene photographs may be taken by a responding Deputy, shift supervisor, or a crime scene technician.

**(CALEA 83.2.2)**

### **15-303.1 DIGITAL PHOTOGRAPHY PROCEDURES**

The following procedures will ensure the integrity of digital photographs from the time they are taken until presentation in court.

### **15-303.2 IMAGE CAPTURE**

- a. Photographs will be taken when a Deputy believes that visual documentation will assist in the investigation or prosecution of criminal acts, incidents, or traffic collisions. They must accurately represent the scene as it appeared at the time it was photographed.
- b. Images will be captured only on removable memory media. Images will not be captured on the camera's internal memory.
- c. A Deputy will not capture images from more than one scene or incident on a memory media device.
- d. Images will be captured at the highest possible resolution setting the camera provides.
- e. Images will be captured at the regular lens setting; the "zoom feature" will not be used. To obtain a closer image, the Deputy will move the camera closer to the object.
- f. When possible, the Deputy will review each image captured in the camera's viewing screen prior to taking the next photo or clearing the scene, to ensure that the image is of acceptable quality. No enhancement or alteration of any type may be made to an original captured image. If an image appears unsuitable, the Deputy will make the necessary camera adjustments and retake the photo in order to achieve the desired results.
- g. The Deputy will complete Side A of the Digital Media Evidence Envelope, recording the circumstances of each image captured.
- h. **No Deputy other than the Evidence Custodian may, under any circumstances, delete any image from the memory card or storage media in use.** To do so would jeopardize the integrity of the digital imaging program.
- i. Each camera kit will include memory media on which, as previously noted, images will be exclusively captured. The size of the memory media will be capable of capturing sufficient images of virtually any crime scene. If, however, a Deputy believes there will not be sufficient memory to capture all the images needed from a scene, they will request, through "KENT", that another Deputy, supervisor, or the Evidence Custodian respond to the scene.
- j. Photographs that will require analytical processing (e.g., fingerprints, shoeprints, tool marks) will be captured with a 35MM film camera. When a Deputy believes a photograph may be used for this purpose, he or she will request "KENT" to notify the MSP Forensic Technician after consulting with the shift supervisor or CID Commander.
- k. At the beginning of each tour of duty, the Deputy assigned a digital camera will inspect the camera and its accessories to ensure their operability, including battery level.

### **15-303.3 TRAINING**

Only Deputies trained in the use of the digital cameras may operate them. Prior to issuance of a digital camera, the Deputy will receive training from the Evidence Custodian. The training will include, but not be limited to:

- a. Camera operation
- b. Proper usage
- c. Photographic techniques
- d. Proper completion of associated paperwork
- e. Integrity considerations

### **15-303.4 SUBMISSION OF MEMORY MEDIA**

- a. Upon completion of the tour of duty, a Deputy who has captured digital images will remove the memory media and place the media in a Digital Media Evidence Envelope. The Deputy will complete Side B of the Envelope to ensure proper entry into evidence and chain of custody. Only one memory stick is permitted per envelope. The envelope flap will be tucked, not sealed.
- b. The Deputy will handle the Digital Media Evidence Envelope like any other evidence, obtaining a Property Held number and then giving it to the Evidence Custodian or placing it in a temporary evidence locker if the Evidence Technician is not available.

**(CATEGORY A)**

### **15-303.5 PROCESSING AND STORAGE OF IMAGES**

The Evidence Custodian will be responsible for processing and storage of digital images. The original and primary image will be retained in the native file format and will not be subjected to compression for retention.

- a. The Evidence Custodian will transfer the images from the media device to a Write-Once Compact Disc-Recordable (CD-R). The Evidence Custodian will use a naming convention for the files that will clearly identify them as the original images and write the words "original images" in indelible marker on the CD-R. The CD-R will be returned to the Digital Media Evidence Envelope and stored in the Evidence Room.
- b. After verifying that the transfer has been successful, the Evidence Custodian will clear the media device by formatting and will return it to the Deputy who submitted it.
- c. Only the Evidence Custodian will manipulate or enhance digital images, using the original image on the CD-R as the basis for his or her work. Once it is determined that an image is to be enhanced, a "working image" will be made by copying the original image from the evidence CD-R to a directory on the Evidence Custodian's workstation.
- d. Only normal darkroom techniques will be applied to any digital image. This includes, but is not limited to, the overall lightening or darkening of images, normal cropping to fit printers, color balancing, contrast adjustment, and un-sharp masking. The Evidence Custodian will transfer the enhanced images from the computer to a Write-Once Compact Disc-Recordable (CD-R). The Evidence Custodian will use a naming convention for the files that will clearly identify them as enhanced images and will write the words "enhanced images" in indelible marker on the CD-R. The CD-R will be returned to the Digital Media Evidence Envelope and stored in the Evidence Room.

- e. Requests for prints of digital images or enhancements to digital images will be made by the Deputy to the Evidence Custodian. Any resulting prints will be clearly labeled "original image" or "enhanced image."

Digital images will be released to defendants or their counsel only with the approval of the Kent County State's Attorney.

#### **15-304 CRIME SCENE SKETCHES**

Crime scene sketches are the responsibility of all Deputies, regardless of rank or position. Crime scene sketches are an important tool in describing a crime scene just as an accident diagram is important in describing an accident. Deputies assigned to draw field sketches will keep their preliminary sketches and carefully complete a final sketch.

Crime scene sketches will contain, but are not limited to the following basic elements:

- a. Measurements, and the full name of any person assisting in taking measurements;
- b. Relation of the crime scene to other rooms, buildings, geographical features, or roads;
- c. Address, floor or room number as appropriate;
- d. Location of significant features of the scene including the victim;
- e. Date and time of preparation
- f. Names of persons preparing a sketch;
- g. Direction of north;
- h. Location of items of physical evidence recovered; and
- i. A legend of symbols used to identify objects or points of interest on the sketch.

When a sketch is not drawn to scale, the sketch will include a notation "not to scale, dimension and distances are tape measured."

#### **15-305 EVIDENCE COLLECTION**

Evidence collection will be performed in a logical manner and in accordance with Agency policies and methods taught at the Academy. The process will start with the collection of fragile, easily lost evidence or objects which need to be moved immediately, such as loaded weapons. An attempt will be made to collect as much physical evidence as possible, to include collecting materials from known sources (e.g., hair, fibers, fabrics, paint, glass, soil) for comparison purposes. The Deputy responsible for processing the scene should continue to take photographs as each item is collected and of any new evidence discovered during the collection process. As evidence is collected, its location should also be noted for inclusion on the crime scene sketch.

- a. Most items of evidence will be collected in Agency-provided evidence bags; however, other items such as paper containers, envelopes, packets, plastic or metal cans and glass vials may also be used. All containers must be clean and free from contamination.
- b. Items will be protected from cross contamination, (e.g., a suspect tool will not be placed in the same container as a portion of painted wood frame from the scene).
- c. Each item will be immediately marked or labeled and put into a sealed evidence container. If the item itself is marked, it should be done so as not to damage or contaminate the evidence.



- d. Moist or wet evidence (blood, other body fluids, plants, etc.) will be collected in paper containers and, if appropriate, have a bio-hazard label applied. If there is the possibility of saturation through the paper container, the evidence may be placed in an unsealed plastic container. To prevent deterioration and contamination, items should be transported immediately to KCSO headquarters for air drying or refrigeration.
- e. Evidence in the form of organic matter, such as food, body fluids, or human tissue may present special problems for preservation. Unless preventive measures are taken, natural decomposition will destroy this type of evidence prior to laboratory examination. Evidence of this nature should be placed in the refrigerator in the evidence room.
- f. Latent prints on non-absorbent, non-porous, smooth surfaces can be collected at the scene. If the latent print is in such a position to make lifting the print difficult, the print should be photographed prior to any attempt to lift the print. If the print is too difficult to collect at the scene, the item may be taken and placed in an evidence locker at KCSO headquarters with an explanation to the crime scene technician.
- g. Evidence of latent prints on absorbent, porous, smooth surfaces should not be lifted at the scene, but rather the article seized and placed in an evidence locker at KCSO headquarters with an explanation to the evidence custodian.
- h. The hands of a homicide victim should be carefully covered with paper bags, before the body is moved from the crime scene to ensure adequate results in the event of trace metal or fingernail scraping examinations.
- i. If possible, elimination prints will be obtained from victims and possible suspects for comparison.

Each time a piece of evidence is turned over to other personnel, the chain of possession / custody section of the appropriate form will be completed.

**(CATEGORY A)(CALEA 83.2.1, 83.3.1)**

## **15-306 LATENT FINGER AND PALM PRINTS**

Latent prints can be located with the naked eye with the use of a light source. A flashlight held at oblique angles to the surface being examined will make the latent print more visible.

Once located, the latent print needs to be developed by using a fingerprint powder that contrasts to the surface the print is on. A light application of fingerprint powder in a circular motion over the print will cause the print to become more visible.

After the print is developed, the print should be lifted by using lifting tape of the appropriate width. To begin the lifting process, the lifting tape is placed on the surface next to where the print is located. The tape is put in such a position so the tape will be applied to the print from one side to the other in one motion to avoid air bubbles and double lifts. To lift the print, the tape is lifted from one end in a steady, constant motion. The developed print will be transferred to the lifting tape.

Preservation of the lifted print is accomplished by putting the tape lift on a card of contrasting color or on a sheet of clear laminate plastic. Once the lift is put on a card, it is preserved in the condition in which it was lifted. Another way of preserving a print is to photograph the print after development but prior to lifting. A millimeter scale is to be included in the photograph.

Lifts will be marked with a case number, a lift number, and the Deputy's initials.

Lifts will be placed in a small envelope marked with the case number, the lift numbers, and the date, time, and location lifted, and the Deputy's initials. The envelope will be sealed with evidence tape.

The Deputy will fully complete a Property Held form, a form MSP 67, *Request for Laboratory Examination* <sup>B</sup> *Chain of Custody Log*, including the Chain of Custody section, and give the form and the fingerprints to the Evidence Custodian or place them in a temporary evidence locker.

**(CALEA 83.2.3)**

## **15-307 SEIZURE OF ELECTRONIC EQUIPMENT**

Computers and other devices capable of data storage are often used in criminal activity and must be seized as evidence. Improper handling of computers, computer equipment and/or other data devices may result in the damage or loss of evidence. If the Deputy planning a search and seizure knows in advance that computer equipment or other devices capable of data storage are to be seized, he/she should consider enlisting the aid of someone trained in the area of forensic computer seizures.

Particularly for networked or business computers where the business or network proprietor is not involved in the criminal activity, Deputies should seek the assistance of a computer specialist before disconnecting a computer. In some cases, disconnecting a computer on a network could severely damage an entire system, disrupt legitimate business, and create Deputy and KCSO liability.

When planning for the seizure of computer equipment or other devices capable of data storage, the following essential questions should be addressed:

- a. Is there probable cause to seize hardware?
- b. Is there probable cause to seize software, disks, manuals, handwritten notes, printouts, and other related materials?
- c. Is there probable cause to seize data?
- d. Will a computer forensics expert or other expert be needed?

**(CALEA 83.2.5)**

### **15-307.1 ELECTRONIC EQUIPMENT SEIZURE PROCEDURES**

The following procedures are taken from the International Chiefs of Police (IACP) "Best Practices for Seizing Electronic Evidence" and should be used as guidelines to help reduce the possibility of damaging or losing computer evidence or other evidence contained in any device capable of storing data when an expert is not available on the scene.

If a computer or device is off, do not turn it on. If a computer or device appears to be running a program which is deleting data, then immediately disconnect the power cord from both the power source and the back of the computer. Do not use the on/off switch. Disconnect the telephone lines and, if appropriate, any network cables that are attached to the computer.

If the computer or device is not running and deleting data, then photograph the screen and make notes regarding the computer or device setup, to include all connections. Unplug the computer from the power source (do not use the on/off switch).

Place evidence tape over each drive slot. Mark and disconnect the computer. Mark each piece of equipment in accordance with evidence collection procedures.

Safely package the computer or device. Do not place diskettes and other magnetic media such as tapes in plastic bags, Styrofoam, or other packing material that can build up static electricity.

Seize any related materials. Seize software and hardware manuals, handwritten notes, printouts, and any other related material on or near the computer that may be necessary to aid in the operation of the computer or device or in the recovery of evidence.

Carefully transport the computer equipment or device. Protect the items from extreme heat and cold, water or fluids, and electromagnetic or radio emissions from car speakers or police radios.

**(CALEA 83.2.5)**

## **15-307.2 EVIDENTIARY ANALYSIS OF ELECTRONIC EQUIPMENT CAPABLE OF DATA STORAGE**

Even if a computer or other device capable of data storage has been legally seized, a search warrant is required before the contents may be examined.

Once the warrant has been obtained, an expert who is trained in forensic examination should analyze it. Data may be destroyed or inadvertently altered by improper handling. Expert assistance in forensic examination is available through the MSP Computer Crimes Unit. **(CALEA 83.2.5)**

## **15-308 REQUESTS FOR EXAMINATION OF EVIDENCE**

When a Deputy investigating an incident recovers evidence which requires processing or examination that Deputy will prepare a form MSP 67 and a Property Held Form for the items to be examined. Evidence will be marked and packaged in a sealed container as previously described in this Chapter and delivered to the Evidence Custodian's control by the recovering Deputy prior to the end of the Deputy's shift.

The Evidence Custodian will verify that the forms have been correctly and fully completed, record the evidence in the KCSO evidence system, ensure that the evidence is packaged in accordance with MSP Crime Lab requirements, and then place the item for pickup by the MSP Crime Lab.

Results of examinations may be initially accepted from the Crime Lab in verbal form; however, the Evidence Custodian will request a follow-up written report.

When the written results are received from the MSP Forensic Lab, the evidence custodian files the results in the investigation case folder in the Administrative Aide's office and provides a copy to the investigating Deputy.

Each person receiving custody of any evidence will sign the chain of possession/custody section of the request or property form.

The Maryland State Police Forensic Laboratory is accredited by the American Society of Crime Laboratory Directors (ASCLD/LAB)

**(CATEGORY A)(CALEA 83.2.1, 83.3.2)**

## **15-309 SPECIAL PROCEDURES FOR DRUGS**

The following procedures will be used when handling known or suspected controlled dangerous substances (CDS).

### **15-209.1 PREPARATION OF CDS TO BE SENT TO MSP CRIME LAB**

CDS submitted for analysis to the Maryland State Police Lab (checked and submitted by the Evidence Custodian) must meet the following guidelines:

- a. Exhibits must be packaged individually and appropriately identified. Items such as pills, tablets and capsules should be accurately counted, but need not be weighed. Items involving traces or residue of suspected CDS need only be accounted for in number, not weight.
- b. Any items involving wet vegetable matter, such as marijuana, must be dried prior to submission to the MSP Forensic

- c. All evidence to be analyzed will be placed in a heat-sealed clear polyvinyl pouch and the required forms attached to the outside.
- d. When only a sample of an exhibit is to be sent to the MSP Crime Lab, the remaining portion will be placed in a separate sealed pouch, with a copy of the property record attached, and retained by the Property Custodian.
- e. All CDS submissions shall follow the guidelines of the Maryland State Police Forensic Sciences Division. The complete up-to-date submission procedures can be found on the following website:

<https://mdsp.maryland.gov/Organization/Pages/CriminalInvestigationBureau/ForensicSciencesDivision/ForensicSciencesSubmissions.aspx>

Evidence will be submitted to the MSP Crime Lab as soon as possible after a seizure. Delays in submission may lead to the evidence not being ready when a case comes to court. Requests for "Rush" cases will not be given priority where lengthy delays in submission are involved.

**(CATEGORY A)(CALEA 83.3.2)**

## **15-309.2 MSP FORM 67A**

The form MSP 67A, *Request for Laboratory CDS Examination -- Chain of Custody Log/Laboratory Report* is used to record the items submitted the chain of custody, and the laboratory results. This form, except for the chain of custody area, must be typed because of its multiple copies, and the fact that it will be presented in court. The copies of this form will not be separated prior to submission.

Recovered CDS, along with the form, is delivered to the accredited MSP Crime Lab by the Property Custodian for analysis. The Agency copy will be returned with the CDS after testing. Chain of custody is critical for successful prosecution of CDS cases:

- a. Line 1 of the Chain of Custody area of the form requires the name of the person from whom or the place from which the evidence was originally taken.
- b. Following lines require the printed name, signature and date and time of each person who subsequently handles the evidence.

The following information will assist in completing the form:

- a. Installation/Agency: Kent County Sheriff's Office.
- b. Suspect: Full name of the suspect.
- c. Date of Offense: Enter the date in order of month, day, and year.
- d. Crime Laboratory File No.: Leave blank. This number will be assigned by the MSP Crime Lab when the CDS is submitted for analysis.
- e. Agency Case No.: the KCSO case number.
- f. Property Held No.: the KCSO Property Held Number.
- g. County: County of occurrence, usually Kent.
- h. Asterisk (\*): It is important to indicate probable cause items(s) in the column provided with an asterisk (\*).
- i. How Collected: Indicate with an "X" the appropriate type of collection.

- j. Items: Correct wording is to be used as outlined in the CDS Packaging Guide. Fill in the items carefully with the most important item first (e.g., probable cause item(s)). List count (e.g., number of pills, but no weights on this form). Every item submitted may not be examined, depending on case load.
- k. Laboratory Report: Do not write in the heavily framed dark area. This area is for the report upon completion of analysis.
- l. Chain of Custody Area: Complete as instructed earlier in this section.

### **15-309.3 OBTAINING CDS EVIDENCE FOR COURT**

Deputies will be notified by the Evidence Custodian when CDS-related property has been analyzed and can be obtained for court presentation. The temporary release of all CDS will conform to the procedures as outlined for other evidence.

### **15-310 FIREARMS ANALYSIS**

The KCSO uses the MSP Crime Lab for the analysis of firearms. Any request for the examination of a firearm will require the completion of form MSP 67 with the Chain of Custody completed.

Deputies must keep in mind that the functionality of a weapon to be used to sustain an element of a criminal charge must be determined and certified by the MSP Crime Lab.

### **15-311 DNA EVIDENCE**

The development of DNA matching has had a major impact on law enforcement and improvements in technology continue to advance this important means of identification. DNA evidence can be vital both in cases where the identity of the offender is not known and in cases where it is used to verify an offender's participation in a crime or his or her presence at the scene.

#### **15-311.1 FIRST RESPONDER RESPONSIBILITIES AND PRECAUTIONS**

- a. Great care must be taken to avoid cross-contamination of DNA evidence, either by co-mingling evidence that may come from a DNA-rich crime scene or by contaminating evidence with a Deputy's own (or someone else's) DNA.
- b. In most cases, a crime scene which is believed to contain significant amounts of DNA evidence will be processed by an MSP Forensic Technician, who has special training in identifying and handling DNA evidence. In this case, the first responder's responsibilities are to:
  - 1. Recognize that there may be DNA evidence to be retrieved;
  - 2. Identify potential sources of DNA evidence; and
  - 3. Protect the evidence by limiting access to the crime scene, either by crime scene tape or by other means.
- c. If emergency medical personnel (or others) are at the crime scene (e.g., attending to an injured person), the first responder will observe and note where those responders have been in the crime scene and what they have done, including what they have touched or moved. When the forensic technician arrives, the first responder will brief the forensic technician, identifying all of the areas that have been disturbed and the nature and extent of the disturbance.

- d. In the case of an uncomplicated crime scene where the first responder will process the scene him or herself, the Deputy will approach evidence-gathering slowly and methodically. The Deputy will always wear latex or “Nitrile” gloves to prevent contamination of any DNA evidence with the Deputy’s own DNA. The Deputy will be alert for any evidence (such a cigarette butts, tissues, or other items which may contain DNA evidence.

#### **15-311.2 COLLECTION, STORAGE, AND TRANSPORTATION OF DNA EVIDENCE**

In most ways, the principles for collection, storage, and transportation of DNA evidence are similar to those for other types of physical evidence. All of the procedures described elsewhere in this Chapter for identifying, marking, bagging, transporting, and placing evidence into property held apply to DNA evidence. However, some additional precautions or concerns apply to potential DNA evidence:

- a. Universal precautions for handling bio-hazardous materials are always followed in handling potential DNA evidence. That is, hand protection and, if necessary, face and clothing protection, will be worn.
- b. In processing a crime scene where DNA evidence may be of value, items of evidence should be collected in the smallest discrete units possible (e.g., separating individual pieces of clothing), in the event separate garments contain different individuals’ DNA.
- c. Items containing potential DNA evidence are almost always collected in paper bags, so that any body fluids will have the opportunity to air-dry. If necessary and time allows, the Evidence Custodian will set or lay items out in the evidence room to allow them to dry.
- d. If possible, the item on which the DNA may have been deposited should be taken into evidence; if it cannot be (e.g., evidence on a large piece of furniture), the Deputy will swab for evidence with sterile swabs and sterile water.
- e. Collection of DNA samples from known sources for comparison with evidentiary material is always performed when possible and is performed by the KCSO Evidence Custodian. The Evidence Custodian will obtain and document the written voluntary permission of the individual from whom the comparison sample is collected, unless the sample is collected under a court order. The
- f. Evidence will be taken by applying a sterile swab to the inside of the subject’s cheek, allowing the swab to air-dry for several minutes, and then placing the swabs in an envelope for further processing.
- g. The KCSO evidence room is equipped with a refrigerator in which blood samples in tubes may be stored until they can be processed, as necessary.

#### **15-311.3 TRAINING**

All Deputies receive training at the Academy in the collection and preservation of evidence, including DNA evidence. Deputies receive periodic updates to that training through the in-service training process.

#### **15-311.4 SUBMISSION OF DNA EVIDENCE FOR ANALYSIS**

- a. The KCSO uses the Maryland State Police Crime Laboratory for DNA analysis. The MSP Crime Lab has been accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board.
- b. Like other evidence submitted for analysis, potential DNA evidence will be transmitted with form MSP 67. The following protocols will be observed:
  - 1. The chain of custody will be strictly observed.

2. Items will be grouped on an MSP 67 by location and time. That is, if a case includes both crime scene evidence (gathered at a single time) and a confirming DNA sample from a suspect, they should be transmitted via separate MSP 67s. Similarly, if an investigator returns to a crime scene and gathers additional DNA evidence, it should be transmitted via a separate MSP 67.

**(CALEA 83.2.7)**

# CHAPTER 16

## COURTHOUSE AND GOVERNMENT BUILDING SECURITY

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## **16-100 COURTHOUSE SECURITY**

### **16-101 BACKGROUND**

By law, the Sheriff of Kent County is responsible for the security of the Kent County Circuit Courtroom. The Sheriff of Kent County provides a Deputy and/or certified Special Police to be Courthouse Security Officers (CSOs) to provide security at the main entrance to the courthouse as well as monitoring security at other locations within the courthouse. The KCSO does not have direct responsibility for security of the District Court, except to the extent that it is an occupant of the courthouse but will respond in the event of emergency.

### **16-102 PROGRAM RESPONSIBILITY**

Overall responsibility for the security of the Kent County Circuit Court rests with the Chief Deputy. All KCSO employees assigned to the Kent County Courthouse are under the command of the Chief Deputy. The KCSO Services Division Commander is responsible for the daily on-site operations of security and first-line supervision of CSOs.

- a. Security within the Circuit Courtroom is provided by a sworn KCSO Deputy
- b. Building, occupant, and visitor building security are provided by a Deputy and/or certified Special Police CSOs, who are full-time employees of the KCSO.

The Chief Deputy is responsible for conducting and documenting a survey of Court security plans and procedures every three (3) years.

**(CALEA 73.1.1, 73.2.1)**

### **16-103 STANDING COURT SECURITY COMMITTEE**

Each Court facility or location shall establish a Court Security Committee. The County Administrative Judges of Circuit Court and District Court shall appoint the committee members, who shall include a representative of the local law enforcement/ Sheriff's Office (Kent County Sheriff or Chief Deputy), Circuit Court bench and/or District Court bench, Court administration, Clerk of Court, representatives of building tenant agencies, Department of General Services/ landlord representative, and other key stakeholders (which may include the State's Attorney's Office, Office of the Public Defender, Office of Parole and Probation, Finance department, etc.), and member of the county bar association. The committee may add members as local conditions warrant.

The committee shall meet no less than semi-annually to discuss safety and security issues. The responsibilities of the committee shall include but are not limited to development of security policies and procedures; development and delivery of routine security awareness training; conducting an annual security review of the court facility; and assuring the proper dissemination of building security information.

Directives concerning Circuit Court facility security shall be written as directed by the Court Security Committee. Each directive shall be reviewed by the committee and approved by the Administrative Judge of the Circuit Court facility. Directives concerning District Court facility security shall be written and reviewed by the Court Security Committee and approved by the Administrative Judge of the District Court. If in a joint facility, Circuit Court and District Court shall jointly chair the committee and review and approve all policies and procedures.

### **16-104 SECURITY ORIENTATION FOR COURT EMPLOYEES**

All employees working in the Kent County Courthouse shall receive security orientation when hired and shall review procedures periodically. Fire and evacuation drills shall be practiced periodically, as prescribed locally. All Kent County Courthouse occupants shall participate in emergency drills when scheduled.

Every judge and Court employee shall know how to respond to:

- a. bomb threats,
- b. violence in or near the court facility,
- c. court facility closures,
- d. fire and building evacuations,
- e. medical emergencies; and
- f. weather emergencies.

#### **16-105           WORKPLACE VIOLENCE**

Courthouse employees should be encouraged to report personal safety concerns to KCSO court security personnel and the employee's supervisor. All supervisors should recognize the sensitive nature of the request and take steps to minimize embarrassment. Options may include but are not limited to the accompaniment to their vehicle and screening of employee's visitors or phone calls.

#### **16-106           INCIDENT REPORTING**

Courthouse employees shall immediately report all security incidents to their immediate supervisor and to the CSO, who in turn shall report said incidents to the KCSO as provided elsewhere within this appendix.

An incident shall be defined as a threat to or assault against the court or court community, including court personnel, litigants, attorneys, witnesses, jurors, or others using the court facility. It also includes any event or threatening situation that disrupts the court or compromises the safety of the court or the court community.

A reportable incident is not limited to a violation of law but may include any act or circumstance that may interfere with the administration of justice. Examples include but are not limited to:

- a. threats from the public,
- b. threats from an employee
- c. disruptive behavior on court property,
- d. assaults, robberies, intimidation, or threats to the court community either on or away from court property,
- e. assaults, robberies, intimidation, or threats adjacent to the court facility that affect access to the court facility; or,
- f. workspace quarrels between employees leading to acts of violence.

The KCSO Courthouse Security Supervisor is responsible to notify the Sheriff of any incidents that threaten the facility or any person therein and to notify the appropriate outside agencies.

**(CATEGORY B)(CALEA 73.1.1)**

## **16-200 COURTHOUSE SECURITY OPERATIONS**

### **16-201 USE OF FORCE**

Sworn KCSO Deputies are authorized to use force in the conduct of their duties, consistent with the provisions of this manual. A Deputy or Special Police CSO(s) are certified law enforcement officers and are authorized to use force, as prescribed by law and as per KCSO rules, regulations, policies, and procedures found elsewhere in the KCSO Administrative and Operations Manual. Deputies and Special Police Officer CSOs are issued and trained in the use of firearms.

**(CATEGORY B)**

### **16-202 ROLE OF THE CSO**

CSOs must always be mindful that they are responsible for the safety of personnel that work in the courthouse as well as those that visit or have business to transact in the courthouse. In every instance in which enforcement of the law requires more than verbal persuasion, the civilian CSO will summon and defer to sworn law enforcement assistance.

### **16-203 POST OF DUTY**

The principal post of duty for the CSOs is the Security Command Center (SCC) in the main lobby of the courthouse. From that location, the CSOs will carry out their principal functions: screening all persons seeking access to the courthouse; monitoring closed circuit television (CCTV) cameras located throughout the courthouse facility and monitoring automated door-sensing equipment.

The SCC will be in operation from 0815 to 1630, Monday through Friday; court holidays excluded. The SCC will also be in operation at any time there are Circuit Court activities (such as jury trials) or any other activities which require that the courthouse remains open for persons who are not regularly granted non-escorted access.

During the hours of operation, the Cross-Street doors will be open for public access and the SCC will always be staffed by at least one CSO or uniform, sworn member of the KCSO.

### **16-204 KEY/ACCESS CARD CONTROL**

Strict control of all locking devices should be maintained. All persons issued court facility keys should be listed in documentation registers and noted in building contingency plans. Concentrated efforts shall be made to confirm the return of these keys immediately upon the separation of any court facility employee.

Kent County Courthouse electronic access (proximity) cards are provided to select personnel as authorized by the Circuit Court Judge. The proximity cards are controlled and disseminated by the KCSO Office Manager. This individualized card is programmed to allow access to specified areas. The access card also provides a record of each employee's movement in the building. The electronic access card shall also be terminated by removal from the data system upon separation of any courthouse facility employee.

### **16-205 COMMUNICATIONS**

Each CSO will be issued and will have in his or her possession at all times while on duty a KCSO portable radio. One channel will be used for communications with Kent County 9-1-1, hereafter known as "KENT" and with KCSO Headquarters and Deputies. A separate channel will be used for internal communications at the courthouse. The CSO's use of the radios will be consistent with Chapter 18 of this Manual. Each CSO will be assigned a call sign which he or she will use for all radio communications.

## 16-206 BEGINNING OF TOUR OF DUTY

Upon arrival at the SCC, the CSO will:

- a. Perform a radio check with "KENT" by reporting 10-41(beginning tour of duty).
- b. Review all electronic monitoring equipment for alarms or malfunctions and take any required corrective action. If any defects are found, report same immediately to the KCSO Services Division Commander or if he/she is unavailable, report the defect to KCSO Headquarters,
- c. Activate and check the walk-through and hand-held magnetometers. If any defects are found, report same immediately to the KCSO Services Division Commander or if he/she is unavailable, report the defect to KCSO Headquarters,
- d. Prior to opening the Cross-Street doors, perform a complete walk-through of the public areas of the building, beginning on the third floor, including all rest rooms.
- e. Return to the SCC and review the courts' dockets to determine if any law enforcement officer is a party in a private matter before the courts that day.
- f. Open the Cross-Street doors.

(CATEGORY A)

## 16-207 ADMISSION TO COURTHOUSE - GENERAL

The Kent County Courthouse is a public building. Two (2) guiding principles of our democratic form of government include the right of a public trial and access to the courts. These rights must be weighed in conflict with the need to maintain the safety of all participants in the litigation process and the security of the process itself.

Thus, absent clear and discernable intention to create disruption, all persons must be given access to the courthouse and the functions carried out within it. However, anyone who creates a disturbance which disrupts the conduct of the court's business will be removed. Additionally, no one is authorized to access the courthouse with any item which could facilitate disruption therein.

Among the items which may not be brought into the courthouse, except by authorized persons are:

- a. Weapons or items which could be used as weapons, including firearms, knives or other cutting instruments, scissors, knitting/crochet needles, bottle/can/letter openers, tools, and O.C. or other chemical sprays.
- b. Explosive or incendiary devices,
- c. Illicit drugs.

For the purpose of these procedures, all such prohibited items are collectively referred to as "contraband".

A sign is posted outside the Cross-Street entrance notifying the public that **"No weapons are permitted in this court facility. All persons and parcels are subject to a search for weapons and other prohibited or restricted items as a condition of entry. Persons in violation of this order may be held in contempt of court."**

**Law Enforcement Officers** (LEOs) and **Correctional Officers** (COs), who are on **"official business"**, may be permitted access to the courthouse with duty firearms (or with other weapons in the event of an emergency). LEOs entering the courthouse on private/personal business (e.g., researching deeds or titles, obtaining licenses

or permits, as plaintiffs, defendants, or witnesses or as defendants in any criminal or civil matters are not permitted to be armed within the courthouse as per Court Administrative Order XXVII. Retired LEOs will not be permitted access to the courthouse with firearms or any other weapon in their possession.

## **16-208                    SECURITY SCREENING**

KCSO personnel assigned to a security screening shall be trained on all security equipment. KCSO personnel's demeanor at all screening locations shall be highly professional always. Screening operations and general explanations of policies and procedures required to facilitate screening shall be done courteously but firmly. KCSO personnel shall not state their professional or personal opinions on the policies and procedures to any member of the public or media.

Some courthouse employees have been issued photographic identification cards and proximity cards and other individuals have been issued only proximity cards which give them the ability to pass through screening at the Cross-Street entrance without being subject to screening procedures. Attorneys displaying a valid Maryland Bar Card may also pass-through screening at the Court Street entrance without being subject to screening procedures. Additionally, Judges, LEOs and COs in uniform or LEOs in plain clothes showing proper ID may pass through screening at the Cross-Street entrance without being subject to screening procedures, provided they are on official business as defined in 16A-208 of this document. All other persons seeking entrance to the courthouse must enter through the Cross-Street entrance and will be screened each time they enter the building.

Screening consists of:

- a. X-ray of packages, parcels, pocketbook, briefcases, etc.
- b. Passing through the walk-through magnetometer or being screened by magnetometer wand; and
- c. A thorough hand-search of all bags, handbags, purses, briefcases, backpacks, waist packs or any other container in which contraband could be concealed.
- d. Search of person

**(CATEGORY A)**

### **16-208.1                    X-RAY**

Most individuals seeking entrance will be requested to remove all metal objects (such as keys, change, and cellular telephones) from their pockets and place them in a container which will be placed on the "X-ray belt for examination.

**(CATEGORY A)**

### **16-208.2                    WALK-THROUGH MAGNETOMETER**

After an individual's items have completed an X-Ray examination, the individual will then be requested to pass through the walk-through magnetometer. See "Medical Exception" below for alternatives to this general rule. The individual will be instructed to pass through the magnetometer in the following manner:

- a. Arms at side, not touching the scanner sides,
- b. Hands out of any pockets, open and empty; and,
- c. Walk straight through at a normal speed.

CSOs will be sensitive to people wearing difficult-to-remove jewelry; as hand scanning may be the preferred alternative method for screening.

**(CATEGORY A)**

### **16-208.3 HAND SCANNING**

Hand scanning will be used when an individual fail to clear the walk-through magnetometer after all attempts have been made to remove metal objects in the person's possession and for persons who for medical reasons cannot use the walk-through magnetometer.

**The proper method for using the hand wand is:**

- a. Verify that all pockets have been emptied,
- b. Ask the person to stand with legs apart and arms raised,
- c. The CSO will position himself/herself in front of the person, keeping his/her eyes on the person during the entire search,
- d. Activate the hand-held scanner,
- e. Cover the person's entire body with the hand scanner, keeping the scanner approximately four (4) inches from the person's body while scanning.

If the hand-held scanner detects a metal object on the person, he/she will be requested to remove the object for the CSO's examination. If removal of the object is not possible, the CSO will examine the object by sight before continuing the scan. If the object is not readily visible, the CSO will request the person to step out of public view and request that the person rearrange his/her clothing to allow the CSO to observe the object more definitively. More intrusive searches may be conducted only by a KCSO Deputy and only under the guidelines for searches provided in this Manual.

CSOs will at all times respect individuals' rights to privacy; however, without compromising the security of the courthouse.

If a person states that he or she cannot or will not be scanned with the hand scanner, the individual must submit to a hands-on search (see Medical Exceptions, below).

**(CATEGORY A)**

### **16-208.4 MEDICAL EXCEPTION**

A person who claims medical reasons for not submitting to scanning by the walk-through magnetometer will be permitted to bypass that device but will be thoroughly scanned utilizing the hand scanner.

If a person claims medical reasons as a prohibition from submitting to hand-held scanning, the person will be subject to a "hands-on" search, which should be done out of public view and only by a KCSO Deputy.

If the person refuses to be scanned or searched, they will be denied access to the courthouse.

**(CATEGORY A)**

### **16-208.5 HAND-SEARCH OF POSSESSIONS**

The CSO will request any person who is carrying an item in which contraband could be concealed to place the item on the counter and to open it for inspection. The CSO shall inquire of the person submitting the item for search if there may be anything located within the item containing contraband or an object that could cause injury to the CSO or others within the courthouse. If the person responds in the affirmative, the CSO should inquire further as to what the contraband or possible injurious object may be before searching the item. If the CSO determines that it is safe to conduct the hand search of the item, he or she will do so and will physically

manipulate the object to detect possible contraband. If the CSO is not comfortable with the circumstances involving a search, he/she will summons assistance for the hand search by a sworn KCSO Deputy.

**(CATEGORY A)**

#### **16-208.6      CONTRABAND DISCOVERED**

If during a magnetometer or hand-search of a person or item, the CSO discovers a person in possession of contraband that the person is otherwise legally permitted to possess, the individual will be instructed that he or she may not enter the Courthouse with the item. The individual may leave the courthouse, dispose of the item, and then return for re-search and entry, if appropriate.

If during a magnetometer or hand-search of a person or item, the CSO discovers a person in possession of contraband that the person is not permitted to possess, the individual will be detained by the sworn CSO, the contraband shall be secured and a KCSO sworn Deputy not assigned to the courthouse security detail will be summonsed to take the appropriate law enforcement action.

Under no circumstance will a CSO hold or be responsible for any item for a person while he or she enters the courthouse.

**(CATEGORY A)**

#### **16-209      DELIVERY AND SERVICE PERSONS**

Uniformed employees, representing recognized delivery services will be permitted to enter the courthouse with packages or parcels for delivery, without inspection, upon presentation of proper identification.

For other deliveries, the CSO will telephone the recipient of the delivery for authorization. The authorization will be recorded in the delivery/service log and the delivery person will be allowed access. The delivery person will be required to pass through the magnetometer, but the packages may enter without inspection.

For service persons with tools or other items which would otherwise be considered contraband, the CSO will telephone the recipient of the service for authorization. The authorization will be recorded in the delivery log and the service person will be allowed access. The service person will be required to pass through the magnetometer and any toolbox or container will be searched for weapons.

Kent County Government maintenance personnel, known to the CSO or others possessing proper Kent County Government identification may enter the Cross-Street entrance with tools without inspection.

#### **16-210      CSO RESPONSE**

A CSO will monitor every duress alarm, door-ajar alarm, disturbance observed on the CCTV system or call for assistance from Courthouse personnel or visitors. Upon receiving notice of any of the aforementioned circumstances the CSO shall summons assistance as per the protocols established for such responses to incidents within the Kent County Courthouse

#### **16-211      EMERGENCIES**

- a. Fire. In the event of a fire alarm, the automated fire system will immediately begin announcing a fire evacuation. The CSO will facilitate evacuation through the Cross-Street entrance. After all persons are believed to have been evacuated, the CSO will remain outside the Cross-Street entrance to provide security and to provide fire personnel's entry into the Courthouse.

When the emergency is concluded, the CSO will return to the SCC, ensure that all systems have been returned to normal operation and then screen all entrants to the building as previously described.



- b. Bomb threat. A CSO who receives a bomb threat will immediately:
  - 1. Press \*57 on the telephone to lock in the source of the call.
  - 2. Contact "KENT", **by telephone only**.
  - 3. Contact KCSO Headquarters
  - 4. Call the clerks of both the District and Circuit Courts. The decision to evacuate the facility rests with the Judges of the respective courts or, in their absence, with the chief clerks of the respective courts. In the event of a decision to evacuate, the CSOs will follow the procedures outlined above for fire evacuation. **Once a bomb threat is received, all wireless transmissions, including radio, walkie-talkie, and cellular telephone, must cease.**
- c. Inclement weather. The decision to close the courthouse rests with the Judges of the respective courts or, in their absence, with the chief clerks of the respective Courts. If the courthouse is open on time or the opening is delayed, CSOs are considered essential personnel and must report to duty at their regularly scheduled time. If the courthouse is closed entirely, CSOs are non-essential personnel and are not required to report for duty.
- d. Natural disaster. In the event of a natural disaster which requires evacuation of the courthouse, the CSOs will follow the procedures outlined above for fire evacuation.
- e. Civil disturbance/demonstration. In the event of a civil disturbance or demonstration on the Courthouse grounds, the CSOs will notify "KENT". CSOs shall close and secure the Cross-Street door in the event of an imminent threat to the security of the courthouse and the safety of its occupants. In that event, in addition to notifying "KENT" and KCSO Headquarters, the CSOs will immediately notify the chief clerks of the respective courts.

#### **16-211.1 PRIMARY STAGING AREAS FOR COURTHOUSE EVACUATIONS**

The primary staging areas for evacuees from the courthouse will be the Chestertown Town Office and the Kent County Visitor's Center, both located on Cross Street. In the event that these areas are not safe depending on the emergency, persons will be directed to stage at other locations by fire or law enforcement personnel.

#### **16-212 END OF TOUR OF DUTY**

At the end of the tour of duty, the CSO will:

- a. Close the Cross-Street doors,
- b. Deactivate the walk-through magnetometer and secure all electronic and other equipment,
- c. Perform a thorough walk-through of the public areas of the building, beginning on the third floor, including all rest rooms.
- d. Report 10-42 (end of tour of duty) on the mobile radio and then secure the radio.
- e. Special Police Officers will remove magazine and ammunition from issued firearm and secure firearm, and gun belt in designated secure locker.

**(CATEGORY A)**

## **16-213 LOGS**

A daily log will be maintained at the SCC by the CSOs on a form developed for that purpose. The form will show the date, time, location, and brief description of each significant event, and action taken by the CSO, including, but not limited to:

- a. Alarms to which the CSOs respond,
- b. Contraband discovered,
- c. Persons denied entry,
- d. Emergencies; and
- e. Other noteworthy incidents or circumstances to be determined by the CSO.

The Chief Deputy or a designee will review the log at least weekly.

**(CATEGORY A)**

## **16-214 MAIL SECURITY**

All courts shall create standard operating procedures for the handling of mail to include staff training on mail security and proper response to suspicious packages. It is recommended that the following steps be implemented at all court facilities to improve mail security:

- a. keep the area for processing incoming and outgoing mail separate from all other operations, as practicable,
- b. require deliveries to be made in a restricted, defined area,
- c. control or limit access of employees, known visitors and escorted visitors to the mail sorting area with access control cards, as practicable,
- d. post proper procedures for responding to a suspicious package,
- e. designate and post evacuation routes for emergency situations,
- f. maintain and publish a list of phone numbers to call in an emergency,
- g. maintain a Suspicious Package Profile.

The Clerk of the Circuit Court for Kent County receives **ALL** U.S. Mail entering the Kent County Courthouse. The clerk has designated a separate room for all incoming mail which is inspected by the clerk or his designee prior to the mail being forwarded throughout the Courthouse. In the event of a suspicious package the clerk or his/her designee shall immediately report same to the sworn CSO who in turn will report same to the KCSO as described elsewhere within this appendix.

## **16-215 MONEY DEPOSITS**

All courts and courthouse offices should take special precautions with money deposits. Options may include, but are not limited to, armored car pickup or law enforcement escort. Courts should also address the predictability of money deposits and make all reasonable efforts to ensure that money deposits are not made by the same employee at the same time each day. The KCSO shall provide escorts for money deposits if requested. Sworn KCSO personnel shall conduct all money deposit escorts.

## **16-300 COURTROOM SECURITY OPERATIONS**

Circuit Courtroom security is the responsibility of a sworn KCSO Deputy assigned to that duty by the Chief Deputy or the Commander of the Patrol Division.

District Courtroom security is the responsibility of the District Court who provides personnel to perform security duties.

### **16-301 EQUIPMENT**

- a. The following equipment has been identified for the protection of the Circuit Courtroom and the Circuit and District Court Judge's chambers:
  1. Duress alarms at four locations within the courthouse.
  2. Armed Deputy.
  3. Long-handled mirror for inspecting under tables and benches in the Circuit Courtroom.
- b. The Deputy assigned to provide courtroom security will have his or her, sidearm, and mobile 2-way radio with him or her at all times. Before the beginning of the court's session, the Deputy will perform a radio check with "KENT" to ensure the adequacy of communications. The radio will not be turned on while the Deputy is in the courtroom and court is in session, but it will be immediately available for emergency communications.
- c. All equipment utilized by KCSO personnel for security of the Kent County Courthouse is specifically identified, available for immediate use, maintained in a state of readiness and tested at regularly prescribed intervals by KCSO personnel or certified vendors.

**(CALEA 73.2.1, 73.4.1, 73.4.2, 73.4.3, 73.4.1)**

### **16-302 COURTROOM CHECK**

All courtrooms shall be locked or otherwise secured when not occupied. Key or card access shall be restricted. Before the beginning of the court's session, the assigned Deputy will perform a thorough search of the courtroom for unattended parcels and other suspicious items. The Deputy will do a thorough search of the grand jury room, the jury room, and the grand jury box for weapons or other contraband which may have been placed for inmates brought to court. The Deputy will ensure that the side gates to the well of the court are closed and that entry to the well can be made only through the center gate.

**(CALEA 73.2.1a)**

### **16-303 POSITION IN COURTROOM**

Unless otherwise directed by the sitting Judge, the Deputy will position him or herself where he or she will have an unobstructed view of the courtroom. At any time that prisoners are in the courtroom, the Deputy will not leave the courtroom unless an armed Kent County Detention Center (KCDC) Officer with external communications is present, and the Deputy has alerted the KCDC Officer that he or she is leaving.

### **16-304 EQUIPMENT CHECKS**

At least once each month, then KCSO Services Division Commander, or a sworn KCSO Deputy will certify to the Chief Deputy a test of all courthouse equipment, including duress alarms, through actual activation.

**(CALEA 73.4.3)**

## **16-305 USE OF RESTRAINTS**

Restraint of prisoners in the Circuit Courtroom is generally the responsibility of the KCDC. However, in the event the Judge directs the KCSO Deputy to take a person into custody, the following procedures will apply:

- a. At the direction of the Judge, the Circuit Courtroom Deputy will take custody of the detainee and move the detainee to the rear of the courtroom. The Deputy will handcuff the detainee only for reasons of safety or if the detainee refuses to submit to control. Detainees with disabilities will be restrained based on their compliance with the custodial detention.
- b. The Circuit Courtroom Deputy will obtain the body attachment, which also serves as the commitment document, from the Court. If the Court recesses and the Deputy may leave the courtroom, the Deputy will remove the detainee from the courtroom, and then restrain the detainee with handcuffs. After an appropriate search, the courtroom Deputy will transport the detainee to the KCSO for processing.
- c. The Circuit Courtroom Deputy may not leave the courtroom while the Judge is sitting. If the Court continues to sit, the Courtroom Deputy will, using cellular telephone or mobile radio, summon a second KCSO Deputy to take custody of the detainee. When the second Deputy arrives, the Circuit Courtroom Deputy will take custody of the detainee and the court papers. The second Deputy will remove the detainee from the courtroom, and then restrain the detainee with handcuffs. After appropriate search, the second Deputy will transport the detainee to the KCSO for processing.
- d. At the KCSO, the body attachment will be served. The detainee will be processed and then delivered to the Kent County Detention Center along with the court's body attachment, which is the commitment document.

**(CATEGORY B)(CALEA 73.3.2)**

## **16-306 JUROR LIST SECURITY**

All reasonable measures shall be taken to control access to the jury list and all information contained on the jury list. KCSO personnel having access to juror lists shall secure same and keep their contents confidential.

### **16-306.1 JUROR SECURITY**

Jurors should be provided secure, separate space for meeting and deliberation that are kept locked when not in use. The jury room shall be carefully examined by the KCSO Deputy providing courtroom security before use.

## **16-307 JUDGE PARKING**

Courts should have secure parking for judges. It is recommended that parking occur in an enclosed area with access control device to limit vehicle and pedestrian access. It is also recommended that judges should have direct access to secured corridors or elevators from the parking area. If secure parking locations are not feasible, the court should coordinate with local public safety and/or law enforcement on potential methods of improving the security of parking facilities, including, but not limited to police escorts, improved lighting, reserved parking, etc. CSOs shall monitor courthouse parking areas through CCTV.

## **16-400 HIGH PROFILE/SUSPECTED THREATS TRIALS**

If, after discussion with the Circuit Court Judge, the Sheriff determines that a case is of sufficient public interest and/or controversy that there is a potential for disruption, he will direct the KCSO Patrol Division Commander to develop a special event plan following the procedures described in Chapter 13 of this Manual. The plan will be tailored specifically for that trial, but will include some or all of the following elements and such other elements as may be appropriate:

All courts shall immediately advise the KCSO of any proceeding and/or trial that the court believes presents a risk of violence or other problems. Prompt information sharing and coordination is essential for preparation of security operational plans, judicial protection, and ensuring building security by KCSO personnel.

To prepare for a high-profile/ threat trial, the KCSO should have an operational plan that includes detailed information on policies and procedures, individual and team assignments, judicial directives, trial operations, prisoner operations, and emergency response procedures. The purpose of the plan is to provide all KCSO court security personnel with specific information pertaining to a particular case or court proceeding. This operational plan shall be provided to the presiding judge. The following are suggested documents to include in an operational plan:

- a. threat source profile
- b. threat analysis and assessment.
- c. intelligence and informational reports.
- d. daily activity log.
- e. weapons policy.
- f. key assignment log.
- g. media reports and news articles.
- h. copies of indictments, arrest, and search warrants.
- i. prisoner processing forms and criminal histories.
- j. defendant photographs.
- k. area maps and courthouse floor plans.
- l. aerial photographs of courthouse and adjacent areas.
- m. primary and alternate prisoner transport routes.
- n. courtroom space design layout.
- o. prisoner, media, and visitor courtroom seating assignments.
- p. key agency emergency contact list; and
- q. court security personnel post assignments.

In order to comply with added security regarding high profile or a trial that involves suspected threats the KCSO Patrol Division Commander shall consider and plan for the following where appropriate:

- a. Deployment of personnel to the courthouse to provide additional security, and specific assignments for each post.
- b. Deployment of walk-through and hand-held magnetometers at the door to the courtroom or courthouse, depending on the level of risk.
- c. Deployment of the Tactical Entry Team (TET).
- d. Activation of police mutual aid agreements to provide additional staffing.
- e. Coordination with Maryland State Police (MSP) and appropriate Federal law enforcement agencies.

## **16-500 SUBMISSION OF FENTANYL/CARFENTANYL RELATED EVIDENCE AT COURT TRIAL**

Due to the dangers associated with Fentanyl and Carfentanyl, the Honorable Harris P. Murphy of the Circuit Court of Kent County on June 26, 2019, has ordered the following:

- a. Evidence bags marked as containing Fentanyl/Carfentanyl shall not be opened in the Circuit Court of Kent County under any circumstance.
- b. The evidence bag will not be permitted in the Jury Room at any time. The written report and chain of custody form shall be the only documented evidence related to the Fentanyl/Carfentanyl permitted in the Jury Room.
- c. Careful consideration should also be given to all other forms of evidence presented in a Court trial to ensure appropriate safeguards are implemented.

## **16-600 KENT COUNTY GOVERNMENT BUILDING SECURITY**

### **16-601 BACKGROUND**

As of 7/1/19, the Sheriff of Kent County shall have the responsibility for security of the Kent County Government Building located at 400 High Street, Chestertown MD. The Sheriff of Kent County shall use a Deputy and/or Special Police Commissioned Building Security Officers (BSOs) to provide security at the main entrance to the Government Building as well as monitoring security at other locations within the building.

### **16-602 PROGRAM RESPONSIBILITY**

Overall responsibility for the security of the Kent County Government Building rests with the Chief Deputy. All KCSO employees assigned to the Kent County Government Building are under the command of the Chief Deputy. The KCSO Services Division Commander is responsible for the daily on-site operations of security and first-line supervision of BSOs.

Employee and visitor building security is provided by the Deputy and/or Special Police Commissioned BSOs, who are full-time employees of the KCSO. The Chief Deputy is responsible for conducting and documenting a survey of security plans and procedures every two (2) years.

### **16-603 STANDING BUILDING SECURITY COMMITTEE**

The Kent County Commissioners shall establish a Government Building Security Committee. The Committee shall include a representative of the local law enforcement/ Sheriff's Office (Kent County Sheriff or his/her designee), the Kent County Administrator, and representatives of building tenant agencies. The committee may add members as local conditions warrant.

The committee shall meet no less than annually to discuss safety and security issues. The responsibilities of the committee shall include but are not limited to:

- a. development of security policies and procedures.
- b. development and delivery of routine security awareness training.
- c. conducting an annual security review of the building facility; and
- d. assuring the proper dissemination of building security information.

Directives concerning building facility security shall be written as directed by the Building Security Committee. Each directive shall be reviewed by the committee and approved by the Kent County Administrator.

#### **16-700 SECURITY ORIENTATION FOR BUILDING EMPLOYEES**

All employees working in the Kent County Government Building shall receive security orientation when hired and shall review procedures periodically. Fire and evacuation drills shall be practiced periodically, as prescribed locally. All Kent County Government Building occupants shall participate in emergency drills when scheduled.

Every employee shall know how to respond to:

- a. bomb threats.
- b. violence in or near the building facility.
- c. Government Building facility closures.
- d. fire and building evacuations.
- e. medical emergencies; and
- f. weather emergencies.

#### **16-701 WORKPLACE VIOLENCE**

All Government Building employees should be encouraged to report personal safety concerns to KCSO Building security personnel and the employee's supervisor. All supervisors should recognize the sensitive nature of the request and take steps to minimize embarrassment. Options may include but are not limited to the accompaniment to their vehicle and screening of employee's visitors or phone calls.

#### **16-702 INCIDENT REPORTING**

All Government Building employees shall immediately report all security incidents to their immediate supervisor and to the BSO, who in turn shall report said incidents to the KCSO as provided elsewhere within this appendix.

An incident shall be defined as a threat to or assault against any occupant of the Government Building, including Kent County Government employees, and visitors using the building facility. It also includes any event or threatening situation that disrupts the normal building operations or compromises the safety of the employees and building visitors.

A reportable incident is not limited to a violation of law but may include any act or circumstance that may interfere with the normal building operations. Examples include but are not limited to:

- a. threats from the public.
- b. threats from an employee.
- c. disruptive behavior on the building property.
- d. assaults, robberies, intimidation, or threats to the building community either on or away from the building property.
- e. assaults, robberies, intimidation, or threats adjacent to the facility that affect access to the facility.

- f. workspace quarrels between employees leading to acts of violence.

The KCSO Government Building Security Supervisor is responsible to notify the Sheriff of any incidents that threaten the facility or any person therein and to notify the appropriate outside agencies.

**(CATEGORY B)**

## **16-800 GOVERNMENT BUILDING SECURITY OPERATIONS**

### **16-801 USE OF FORCE**

Sworn KCSO Deputies are authorized to use force in the conduct of their duties, consistent with the provisions of this manual. BSO(s) are special police commissioned officers who are authorized to use force, as prescribed by law and as per KCSO rules, regulations, policies, and procedures found elsewhere in the KCSO Administrative and Operations Manual. BSOs are issued and trained in the use of less lethal weapons and firearms.

**(CATEGORY B)**

### **16-802 ROLE OF THE BSO**

BSOs must always be mindful that they are responsible for the safety of personnel that work in the Government Building as well as those that visit or have business to transact in the building. In every instance in which enforcement of the law requires more than verbal persuasion, the BSO will summon and defer to sworn law enforcement assistance.

### **16-803 POST OF DUTY**

The principal post of duty for the BSOs is the Security Command Center (SCC) in the main lobby of the Government Building. From that location, the BSOs will carry out their principal functions: screening all persons seeking access to the building; monitoring closed circuit television (CCTV) cameras located throughout the building facility and monitoring automated door-sensing equipment.

The SCC will be in operation from 0830 to 1630, Monday through Friday; Government holidays excluded. The SCC will also be in operation any time there are Kent County Commissioner's activities or any other activities which require the building remain open for visitors who are not regularly granted non-escorted access.

### **16-804 KEY/ACCESS CARD CONTROL**

Strict control of all locking devices shall be maintained. Kent County Government Building electronic access (proximity) cards are provided to Kent County Government employees assigned to the Government Building. This individualized card is programmed to allow access to specified areas. Kent County Government Building employees shall have access to the building using their proximity cards at the rear Calvert Street entrance. The access card also provides a record of each employee's movement in the building.

All personnel issued building keys/proximity card shall be listed in documentation registers and noted in building contingency plans. The electronic access card shall be terminated by removal from the data system upon separation of any Kent County Government Building employee. Concentrated efforts shall be made to confirm the return of these keys immediately upon the separation of any Kent County Government Building employee.

### **16-805 COMMUNICATIONS**

Each BSO will be issued a KCSO portable radio which shall be in his or her possession at all times while on duty. One channel will be used for communications with Kent County 9-1-1, hereafter known as "KENT" and with KCSO Headquarters and Deputies. A separate channel will be used for internal communications within the Government Building. The BSO's use of the radios will be consistent with Chapter 18 of this Manual. Each BSO



will be assigned a call sign which he or she will use for all radio communications.

#### **16-806 BEGINNING OF TOUR OF DUTY**

Upon arrival at the SCC, the BSO will:

- a. Perform a radio check with "KENT" by reporting 10-41(beginning tour of duty).
- b. Review all electronic monitoring equipment for alarms or malfunctions and take any required corrective action. If any defects are found, report same immediately to the KCSO Services Division Commander or if he/she is unavailable, report the defect to KCSO Headquarters.
- c. Activate and check the walk-through and hand-held magnetometers. If any defects are found, report same immediately to the KCSO Services Division Commander or if he/she is unavailable, report the defect to KCSO Headquarters.
- d. Prior to opening the main lobby doors, perform a complete walk-through of the public areas of the building, beginning on the third floor, including all rest rooms.
- e. Return to the SCC and open the main lobby doors.

**(CATEGORY A)**

#### **16-900 ADMISSION TO GOVERNMENT BUILDING - GENERAL**

The Kent County Government Building is a public building. Thus, absent clear and discernable intention to create disruption, all persons must be given access to the building and the functions carried out within it. However, anyone who creates a disturbance which disrupts the normal conduct of building operations shall be removed. Additionally, no one is authorized to access the Government Building with any item which could facilitate disruption therein.

Among the items which may not be brought into the courthouse, except by authorized persons are:

- a. Weapons or items which could be used as weapons, including firearms, knives or other cutting instruments, scissors, knitting/crochet needles, bottle/can/letter openers, tools, and O.C. or other chemical sprays.
- b. Explosive or incendiary devices.
- c. Illicit drugs.

For the purpose of these procedures, all such prohibited items are collectively referred to as "contraband".

Law Enforcement Officers (LEOs) who are on "official business", may be permitted access to the building with duty firearms (or with other weapons in the event of an emergency). LEOs entering the building on private/personal business are not permitted to be armed within the building.

#### **16-901 SECURITY SCREENING**

KCSO personnel assigned to a security screening shall be trained on all security equipment. KCSO personnel's demeanor at all screening locations shall be highly professional. Screening operations and general explanations of policies and procedures required to facilitate screening shall be done courteously but firmly. KCSO personnel shall not state their professional or personal opinions on the policies and procedures to any member of the public or media.

Kent County employees who have been issued proximity cards shall pass through screening at the main lobby entrance without being subject to screening procedures. Additionally, Kent County Government Building employees shall have access to the building using their proximity cards at the rear Calvert Street entrance. All other persons seeking entrance to the building, including friends and relatives of employees, must enter through the main lobby entrance and be screened each time they enter the building.

Screening consists of:

- a. X-ray of packages, parcels, pocketbook, briefcases, etc.
- b. Passing through the walk-through magnetometer or being screened by magnetometer wand; and
- c. A thorough hand-search of all bags, handbags, purses, briefcases, backpacks, waist packs or any other container in which contraband could be concealed.
- d. Search of person

**(CATEGORY A)**

#### **16-902 X-RAY**

Most individuals seeking entrance will be requested to remove all metal objects (such as keys, change, and cellular telephones) from their pockets and place them in a container which will be placed on the "X-ray belt for examination.

**(CATEGORY A)**

#### **16-903 WALK-THROUGH MAGNETOMETER**

After an individual's items have completed an X-Ray examination, the individual will then be requested to pass through the walk-through magnetometer. See "Medical Exception" below for alternatives to this general rule.

The individual will be instructed to pass through the magnetometer in the following manner:

- a. Arms at side, not touching the scanner sides.
- b. Hands out of any pockets, open and empty; and,
- c. Walk straight through at a normal speed.

BSOs will be sensitive to people wearing difficult-to-remove jewelry; as hand scanning may be the preferred alternative method for screening.

**(CATEGORY A)**

#### **16-904 HAND SCANNING**

Hand scanning will be used when an individual fail to clear the walk-through magnetometer after all attempts have been made to remove metal objects in the person's possession and for persons who for medical reasons cannot use the walk-through magnetometer.

**The proper method for using the hand wand is:**

- a. Verify that all pockets have been emptied.
- b. Ask the person to stand with legs apart and arms raised.

- c. The BSO will position himself/herself in front of the person, keeping his/her eyes on the person during the entire search.
- d. Activate the hand-held scanner.
- e. Cover the person's entire body with the hand scanner, keeping the scanner approximately four (4) inches from the person's body while scanning.

If the hand-held scanner detects a metal object on the person, he/she will be requested to remove the object for the BSO's examination. If removal of the object is not possible, the BSO will examine the object by sight before continuing the scan. If the object is not readily visible, the BSO will request the person to step out of public view and request that the person rearrange his/her clothing to allow the BSO to observe the object more definitively. More intrusive searches may be conducted only by a KCSO Deputy and only under the guidelines for searches provided in this Manual.

Without compromising the security of the building, the BSOs will at all times respect individuals' rights to privacy. If a person states that he or she cannot or will not be scanned with the hand scanner, the individual must submit to a hands-on search (see Medical Exceptions, below).

#### **(CATEGORY A)**

### **16-905 MEDICAL EXCEPTION**

A person who claims medical reasons for not submitting to scanning by the walk-through magnetometer will be permitted to bypass that device but will be thoroughly scanned utilizing the hand scanner.

If a person claims medical reasons as a prohibition from submitting to hand-held scanning, the person will be subject to a "hands-on" search, which should be done out of public view and only by a KCSO Deputy.

If the person refuses to be scanned or searched, they will be denied access to the building.

### **16-906 HAND-SEARCH OF POSSESSIONS**

The BSO will request any person who is carrying an item in which contraband could be concealed to place the item on the counter and to open it for inspection. The BSO shall inquire of the person submitting the item for search if there may be anything located within the item containing contraband or an object that could cause injury to the BSO or others within the building. If the person responds in the affirmative, the BSO shall inquire further as to what the contraband or possible injurious object may be before searching the item. If the BSO determines that it is safe to conduct the hand search of the item, he or she will do so and will physically manipulate the object to detect possible contraband. If the BSO is not comfortable with the circumstances involving a search, he/she will summons assistance for the hand search by a sworn KCSO Deputy.

### **16-907 CONTRABAND DISCOVERED**

If during a magnetometer or hand-search of a person or item, the BSO discovers a person in possession of contraband that the person is otherwise legally permitted to possess, the individual will be instructed that he or she may not enter the building with the item. The individual may leave the building, dispose of the item, and then return for re-search and entry, if appropriate.

If during a magnetometer or hand-search of a person or item, the BSO discovers a person in possession of contraband that the person is not permitted to possess, the individual shall be detained by the BSO, the contraband shall be secured and a KCSO sworn Deputy not assigned to the Government Building security detail will be summonsed to take the appropriate law enforcement action.

Under no circumstance will a BSO hold or be responsible for any item for a person while he or she enters the building.

## **16-908 DELIVERY AND SERVICE PERSONS**

Uniformed employees, representing recognized delivery services will be permitted to enter the building with packages or parcels for delivery, without inspection, upon presentation of proper identification.

For other deliveries, the BSO will telephone the recipient of the delivery for authorization. The authorization will be recorded in the delivery/service log and the delivery person will be allowed access. The delivery person will be required to pass through the magnetometer, but the packages may enter without inspection.

For service persons with tools or other items which would otherwise be considered contraband, the BSO will telephone the recipient of the service for authorization. The authorization will be recorded in the delivery log and the service person will be allowed access. The service person will be required to pass through the magnetometer and any toolbox or container will be searched for weapons.

Kent County Government maintenance personnel, known to the BSO or others possessing proper Kent County Government identification may enter the main lobby entrance with tools without inspection.

## **16-909 BSO RESPONSE**

A BSO will monitor every duress alarm, door-ajar alarm, disturbance observed on the CCTV system or call for assistance from building personnel or visitors. Upon receiving notice of any of the aforementioned circumstances the BSO shall summons assistance as per the protocols established for such responses to incidents within the Kent County Government Building.

## **16-910 EMERGENCIES**

### **a. Fire.**

1. In the event of a fire alarm, the automated fire system will immediately begin announcing a fire evacuation. The BSO will facilitate evacuation through the main lobby entrance. After all persons are believed to have been evacuated, the BSO will remain outside the main lobby entrance to provide security and fire personnel's entry into the building.
2. When the emergency is concluded, the BSO will return to the SCC, ensure that all systems have been returned to normal operation and then screen all entrants to the building as previously described.

### **b. Bomb threat.**

A BSO who receives a bomb threat will immediately:

1. Press \*57 on the telephone to lock in the source of the call.
2. Contact "KENT", **by telephone only**.
3. Contact KCSO Headquarters.
4. Call the County Administrator who make the decision to evacuate the facility. In the event of a decision to evacuate, the BSOs will follow the procedures outlined above for fire evacuation. **Once a bomb threat is received, all wireless transmissions, including radio, walkie-talkie, and cellular telephone, must cease**

- c. Inclement weather.

The decision to close the building rests with the County Administrator. If the building is open on time or the opening is delayed, BSOs are considered essential personnel and must report to duty at their regularly scheduled time. If the building is closed entirely, BSOs are non-essential personnel and are not required to report for duty.

- d. Natural disaster.

In the event of a natural disaster which requires evacuation of the building, the BSOs will follow the procedures outlined above for fire evacuation.

- e. Civil disturbance/demonstration.

In the event of a civil disturbance or demonstration on the County Government Building grounds, the BSOs will notify "KENT". BSOs shall close and secure the main lobby door in the event of an imminent threat to the security of the building and the safety of its occupants. In that event, in addition to notifying "KENT" and KCSO Headquarters, the BSOs will immediately notify the County Administrator.

#### **16-911            PRIMARY STAGING AREA FOR GOVERNMENT BUILDING EVACUATIONS**

The primary staging areas for evacuees from the building shall be the Kent County Public Library located at 408 High Street, Chestertown MD. In the event that this area is not safe depending on the emergency, persons will be directed to stage at other locations by fire or law enforcement personnel.

#### **16-912            END OF TOUR OF DUTY**

At the end of the tour of duty, the BSO will:

- a. Close the main lobby doors.
- b. Deactivate the walk-through magnetometer and secure all electronic and other equipment.
- c. Perform a thorough walk-through of the public areas of the building, beginning on the third floor, including all rest rooms.
- d. Report 10-42 (end of tour of duty) on the mobile radio and then secure the radio.
- e. Remove magazine and ammunition from issued firearm and secure firearm, less lethal weapons, and gun belt in designated secure locker. Remove magazine from building premises.

**(CATEGORY A)**

#### **16-913            LOGS**

A daily log will be maintained at the SCC by the BSOs on a form developed for that purpose. The form will show the date, time, location, and brief description of each significant event, and action taken by the BSO, including, but not limited to:

- a. Alarms to which the CSOs respond.
- b. Contraband discovered.
- c. Persons denied entry.

- d. Emergencies; and
- e. Other noteworthy incidents or circumstances to be determined by the CSO.

The Chief Deputy or a designee will review the log at least weekly.

**(CATEGORY A)**

#### **16-914 MAIL SECURITY**

All building departments shall create standard operating procedures for the handling of mail to include staff training on mail security and proper response to suspicious packages. It is recommended that the following steps be implemented within all building departments to improve mail security:

- a. keep the area for processing incoming and outgoing mail separate from all other operations, as practicable.
- b. require deliveries to be made in a restricted, defined area.
- c. control or limit access of employees, known visitors and escorted visitors to the mail sorting area with access control cards, as practicable.
- d. post proper procedures for responding to a suspicious package.
- e. designate and post evacuation routes for emergency situations.
- f. maintain and publish a list of phone numbers to call in an emergency.
- g. maintain a Suspicious Package Profile.

The Deputy Clerk of the Kent County Commissioner's Office receives **ALL** U.S. Mail entering the Kent County Government Building. Mail shall be inspected and sorted by the Deputy Clerk. Sorted and inspected mail shall be placed in the appropriate department's mailbox located in the rotunda near the Calvert Street employee entrance. In the event of a suspicious package the deputy clerk or his/her designee shall immediately report same to the sworn BSO who in turn will report same to the KCSO as described elsewhere within this appendix.

#### **16-915 MONEY DEPOSITS**

All County offices should take special precautions with money deposits. Options may include, but are not limited to, armored car pickup or law enforcement escort. Departments should also address the predictability of money deposits and make all reasonable efforts to ensure that money deposits are not made by the same employee at the same time each day. The KCSO shall provide escorts for money deposits if requested. Sworn KCSO personnel shall conduct all money deposit escorts.

#### **16-916 EQUIPMENT CHECKS**

At least once each month, then KCSO Services Division Commander, or a sworn KCSO Deputy will certify to the Chief Deputy a test of all Government Building equipment, including duress alarms, through actual activation.

## **CHAPTER 17 COMMUNICATIONS**

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**17-001            COMMUNICATIONS**

**17-002            POLICY**

The Kent County Sheriff's Office receives communications services from Kent County Office of Emergency Services (KCOES), the agency which provides emergency services County-wide. The KCSO has entered into a Memorandum of Agreement with KCOES for the provision of those services through its operating communications arm, ("KENT"). This MOA shall be reviewed at least quadrennially. This Chapter describes the parameters of the agreement between the KCSO and the Kent County Office of Emergency Services.

**(CALEA 81.1.1)**

**17-100            PROCEDURES**

**17-101            SYSTEM OPERATIONS**

- a. All radio operations are conducted in accordance with Federal Communications Commissions (FCC) procedures and requirements. The FCC's rules and regulations are available on the FCC's website.
- b. "KENT" provides 24-hour, toll-free voice and TDD telephone access for emergency calls via the 9-1-1 system to residents of Kent County.
- c. The telephone system located at "KENT" is designed to separate emergency from non-emergency calls.
- d. "KENT" has 24-hour two-way radio capabilities providing continuous communication between "KENT" and the Deputies.
- e. "KENT" maintains multi-channel radio equipment capable of two-way operation on a joint public safety frequency.
- f. "KENT" maintains relevant information pertaining to each request for service. The information includes:
  1. Log Number
  2. The date and time of the request
  3. The name and address of the complainant, if possible
  4. The type of incident reported
  5. The location of the incident reported
  6. The identification of the Deputies assigned as primary and backup
  7. The time of dispatch
  8. The time of the Deputy's arrival
  9. The time of the Deputy's return to service
  10. The disposition or status of reported incident

**(CALEA 81.1.2, 81.2.1, 81.2.2, 81.2.3, 81.3.4)**



## **17-102            MAINTAINING RADIO CONTACT**

- a. Patrol Deputies will notify “KENT” when they begin and end their shifts and will maintain continuous radio contact with “KENT” throughout their shifts. When a Deputy is transporting a prisoner or passenger of the opposite gender, the Deputy will relay his or her call sign, location, destination, and odometer reading at the beginning of the trip, and the same information at the end of the trip.
- b. Patrol Deputies will call in their status whenever they are going out of service.
- c. Each KCSO Deputy is assigned a permanent call sign used for identifying the Deputy during radio transmissions. The KCSO will supply “KENT” with a list of these numbers and will update this list as needed.
- d. Deputies arriving at the scene will determine if more assistance is necessary or if a supervisor is required. The supervisor may make an independent determination based on his/her monitoring the radio traffic.
- e. “KENT” will monitor the status of each Deputy by keeping track of the time that each Deputy has been on a call.
- f. Deputies are issued radios capable of communicating with other responding law enforcement agencies, as described below. However, “KENT” will assist with those communications, as needed, and will relay information from other responders who may be using different means of communication
- g. Deputies will always keep their portable radios on, unless the situation warrants otherwise; i.e. bomb threat, Deputy safety, avoid detection, courtroom duty, etc.
- h. Each Deputy’s mobile radio is equipped with a “Signal 13” button. When that button is activated, it triggers a notification to “KENT” that the Deputy is in distress. If the Deputy does not respond appropriately to “KENT’s” queries, all available units will be dispatched to the Deputy’s last reported location.

**(CATEGORY B)(CALEA 81.2.4)**

## **17-103            INFORMATION AVAILABILITY**

- a. The Patrol Commander or a designee will ensure that “KENT” has the following information:
  - 1. The call sign of the Sheriff and each KCSO Deputy.
  - 2. Current shift assignments for all Patrol Deputies, including identification of the Shift Supervisor.
  - 3. Residence address and available telephone number of every agency member.
  - 4. Cell phone number(s) of every agency member.
  - 5. A current copy of the KCSO Manual.
- b. “KENT” will maintain access to current maps of “Kent” County and surrounding areas.
- c. As the County’s emergency dispatchers, “KENT” personnel have immediate access to other emergency service agencies, such as Chestertown and Rock Hall Police, State Police, fire, rescue, ambulance, and animal control. “KENT” keeps a real-time record of all law-enforcement and other emergency assets on duty.

- d. "KENT" will rely upon reports and requests of responding Deputies for information on incidents in progress. Determinations as to the number of Deputies to be assigned to an incident and the need for a supervisor will be made by the responding Deputy and communicated to "KENT". "KENT" does not manage tactical dispatch for the KCSO and does not have tactical dispatching plans.
- e. "KENT" Emergency Communications Specialists (ECS) are METERS/NCIC certified. They have the capability of making inquiries for Deputies at any time.

**(CALEA 81.2.4, 81.2.5, 81.2.9)**

#### **17-104            CALLS FOR INFORMATION AND SERVICE**

"KENT" maintains a procedure for responding to calls for information or services. This includes:

- a. Judging characteristics of the call to determine whether an emergency or non-emergency response is required.
- b. Informing the caller of the KCSO's response. This may include:
  - 1. the dispatch of a Deputy on a call for service;
  - 2. referral to the KCSO on a non-emergency basis;
  - 3. referral to another appropriate agency on an emergency or non-emergency basis.

**(CALEA 81.2.6)**

#### **17-105            VICTIM/WITNESS CALLS**

- a. Emergency requests for service from victims and witnesses will always be handled through the dispatch of a Deputy.
- b. During regular working hours, victim/witness requests for information and/or non-emergency services, including both initial and subsequent requests, will be forwarded to the Victim Services Provider at the Kent County State's Attorney's Office
- c. After regular working hours, victim/witness requests for information and/or non-emergency services, including both initial and subsequent requests, will be relayed to the shift supervisor. The shift supervisor will contact the victim or witness and determine what response is appropriate.

**(CALEA 81.2.7)**

#### **17-106            RECORDING AND PLAYBACK**

"KENT" has the capability of immediate playback of recorded telephone traffic while maintaining a continuous recording of radio transmissions and emergency telephone conversations.

- a. Recordings are retained for a minimum of 90 days
- b. Recordings are stored in a locking file cabinet accessible only by the Director of KCOES.
- c. The KCSO will be given access to any recording of its operations, or of any other matter under its investigative jurisdiction, upon the request of a member of the Command Staff to the Director of KCOES.

**(CALEA 81.2.8)**

#### **17-107            EMERGENCY MESSAGES**

Upon receipt of an emergency message by “KENT”, the ECS will contact the on-duty Patrol Supervisor for a determination how the information should be delivered. Examples of emergency messages would include but are not limited to death messages and notification of serious illness or injury received from foreign law enforcement agencies.

**(CALEA 81.2.11)**

#### **17-108            MISDIRECTED EMERGENCY CALLS**

“KENT” promptly handles and reroutes misdirected emergency calls via transfer to surrounding counties or other authorities having jurisdiction in the matter.

**(CALEA 81.2.12)**

#### **17-109            BUSINESS AND RESIDENTIAL ALARMS**

“KENT” has a separate phone line for incoming calls from business and residential alarm companies. Deputies will be dispatched to answer such calls in the regular course of business. Further information on alarm response will be found in Chapter 11 of this Manual, Patrol.

**(CALEA 81.2.13)**

#### **17-110            SECURITY MEASURES**

- a. “KENT” is located in a secured environment with access limited to authorized personnel only.
- b. All equipment located in “KENT” is secure and protected.
- c. The Kent County Detention Center (KCDC) maintains a generator as an alternate source of power to ensure continued operation of “KENT’s” emergency communication equipment in the event of the failure of the primary power source. Under a separate MOU with the KCSO, the KCDC inspects this system at least monthly and documents that inspection.
- d. The generator and transmission lines are in a secure building.

**(CALEA 81.3.1)**

#### **17-111            EMERGENCY FIRST AID INSTRUCTION**

“KENT” ECS are trained in and use a computer-based emergency medical dispatch system for giving first aid advice to callers. However, this service is not authorized by or under the direction of the KCSO.

**(CALEA 81.2.14)**

#### **17-112            ROTATION OF CALLS**

The KCSO and the MSP have entered into a Memorandum of Understanding governing the assignment of calls in Kent County. Under that agreement:

- a. the MSP will have primary responsibility for accidents on Federal and State roads;
- b. the KCSO will have primary responsibility for accidents on County roads and accidents involving County vehicles, including KCSO vehicles;

- c. calls for assistance will be rotated between the two agencies, subject to the availability of resources.
- d. the MSP has primary responsibility for response to calls for service at State-owned or -operated facilities.
- e. each agency will be responsible for investigation of criminal offenses when specifically requested.

Of course, all of these provisions are subject to the availability of resources and the first priority is timely response to calls for service. "KENT" will dispatch calls in accordance with this MOU.

## **17-200 RADIO PROTOCOL**

Because "KENT" provides emergency radio services to all of Kent County's law enforcement, fire, ambulance, and rescue services, it is essential that Deputies adhere strictly to the following guidelines for communications.  
**(CATEGORY A)**

### **17-201 SYSTEM USE**

When using a mobile or portable radio, hold the microphone approximately one (1) inch from the mouth, press the microphone button firmly, then speak slowly and clearly toward the mouthpiece in a normal voice. Do not hold the microphone directly in front of the mouth, but slightly at a 45-degree angle, so as to speak across the microphone.

**(CATEGORY A)**

### **17-202 ASSIGNED CALLS**

Calling a Deputy: Deputies should respond by giving his/her radio number and tell dispatch to "go ahead" when called by the "KENT":

Example:

**Communications operator:** ""KENT" to K-2"!

**Deputy:** "K-2, go ahead".

Trip Information: "KENT" ECS will provide the Deputy with the basic call information:

- a. Location;
- b. Nature of call;
- c. Special interest information; i.e. weapon involvement, vehicle involvement, crime in progress, etc.

**(CATEGORY A)**

### **17-203 SELF-INITIATED CALLS**

Sometimes the Deputy will initiate the call:

Example:

**Deputy:** "K-2 to "KENT""

**Communications Operator:** ""KENT" to K-2, go ahead"

When a Deputy locates a need for law enforcement action or initiates a case, "KENT" will be made aware of the following basic information:

- a. Deputy's location;
- b. Location of problem;
- c. Nature of call;
- d. Special interest information; and
- e. Additional assistance needed, if any.

**(CATEGORY A)**

#### **17-204 TRAFFIC STOPS**

A Deputy will notify "KENT" of every traffic stop by giving his/her radio number and advising of the stop. The Deputy will stand-by until acknowledged by an ECS before giving further information.

The Deputy will then give the type of stop if other than traffic, license number of vehicle, his/her location, and number of occupants. The ECS will run a wanted check of the vehicle upon request.

**(CATEGORY A)**

#### **17-205 CHECKING DEPUTY WELFARE**

"KENT" will check on the Deputy after 2 minutes and every 3 minutes thereafter. If the Deputy feels the situation is under control, he/she should advise the ECS "OK", unless he/she is going back in service immediately.

#### **17-206 REGISTRATION AND WANTED CHECKS**

A Deputy requesting a registration or wanted check will notify "KENT" by giving his/her radio number, the ten-code indicating "prepare to make written copy" and the ten code for the check:

Example:

**Deputy:** "K-2 to "KENT", 10-63, 10-28 through (State)."

After the request has been made, the Deputy will stand-by until acknowledged by "KENT". This will give "KENT" a chance to clear any other traffic before the check. Once an ECS is prepared for the check, he/she will acknowledge the Deputy:

Example:

**ECS:** "KENT" to K-2, go ahead with your 10-28".

The Deputy may then give the registration information to the ECS:

Example:

**Deputy:** "K-2, 10-28 on Frank-Boy-Mary-1-2-3."

Wanted checks on subjects will be given last name first, first name, full middle name, and then the date of birth, race, and gender. All registration checks will also be checked for wanted by the ECS; the Deputy will not need to request both.

Example:

**Deputy:** "K-2, 10-29 on Smith, John DOB 01-01-34"

A response will be given to the Deputy by an ECS as follows:

Example:

**ECS:** "KENT" to K-2".

**Deputy:** "K-2, go ahead"

**ECS:** "K-2, 10-74 on Smith"; or "10-74 on plate."

## **17-207 DRIVER'S LICENSE CHECKS**

Request of dispatch: A Deputy requesting a driver's license check will notify "KENT" by giving his/her radio number followed by "10-27". Once the Deputy has notified "KENT" of the driver's license request, he/she will stand-by until an ECS has cleared any other communications traffic. When the ECS has acknowledged the Deputy, the Deputy will give the driver's license number and state. The driver's name and date of birth will not be used, unless the driver's license number is not known.

Driver's license checks are run on request.

Example request:

**Deputy:** "K-2 to "KENT", 10-27"

**ECS:** ""KENT" to K-2, go ahead"

**Deputy:** "10-27, David 484664927, Iowa".

When the ECS has secured the license information, he/she will notify the Deputy by calling his/her radio number and advising 10-27.

The Deputy will prepare to copy and acknowledge by giving his/her radio number. The ECS will then give the driver's license information to the Deputy in the following manner:

- a. Status of license; i.e. valid, invalid, suspended, or revoked;
- b. Class of license;
- c. Expiration date;
- d. Restrictions;
- e. Current points if available; and
- f. Number of pages of record.

Example:

**ECS:** "Kent" to K-2, 10-27"

**Deputy:** "K-2, go ahead"

**ECS:** "Valid 96-2000; issued 10-10-96 not valid for cycle."

## **17-208          TEN CODE USE**

Deputies will familiarize themselves with and use the following signal, Ten Codes, and phonetic alphabet used by the KCSO and "KENT".

**Signal 13** - Officer needs assistance

### **Phonetic Alphabet**

<b>A</b> Adam	<b>J</b> John	<b>S</b> Sam
<b>B</b> Boy	<b>K</b> King	<b>T</b> Tom
<b>C</b> Charles	<b>L</b> Lincoln	<b>U</b> Union
<b>D</b> David	<b>M</b> Mary	<b>V</b> Victor
<b>E</b> Edward	<b>N</b> Nora	<b>W</b> William
<b>F</b> Frank	<b>O</b> Ocean	<b>X</b> X-Ray
<b>G</b> George	<b>P</b> Paul	<b>Y</b> Young
<b>H</b> Henry	<b>Q</b> Queen	<b>Z</b> Zebra
<b>I</b> Ida	<b>R</b> Robert	

## TEN CODES

10-0 Caution	10-50 Accident (F, PI, PD)
10-1 Unable to copy -- change location	10-51 Wrecker needed
10-2 Signal good	10-52 Ambulance needed
10-3 Stop Transmitting	10-53 Road blocked at . .
10-4 Acknowledgment (OK)	10-54 Livestock on highway
10-5 Relay	10-55 Intoxicated driver
10-6 Busy B unless urgent	10-56 Intoxicated pedestrian
10-7 Out of service	10-57 Hit and run (F, PI, PD)
10-8 In service	10-58 Direct Traffic
10-9 Repeat	10-59 Convoy or escort
10-10 Fight in progress	10-60 Squad in vicinity
10-11 Dog case	10-61 Personnel in area
10-12 Stand by (stop)	10-62 Reply to message
10-13 Weather B road report	10-63 Prepare to make written copy
10-14 Prowler report	10-64 Message for local delivery
10-15 Civil disturbance	10-65 Net message assignment
10-16 Domestic problem	10-66 Message cancellation
10-17 Meet complainant	10-67 Clear for net message
10-18 Quickly	10-68 Dispatch information
10-19 Return to . . .	10-69 Message received
10-20 Location	10-70 Fire alarm
10-21 Call . . . by telephone	10-71 Advise nature of fire
10-22 Disregard	10-72 Report progress on fire
10-23 Arrived at scene	10-73 Smoke report
10-24 Assignment completed	10-74 Negative
10-25 Report in person (meet) . .	10-75 In contact with . . .
10-26 Detaining subject, expedite	10-76 En-route . . .
10-27 (Drivers) license information	10-77 ETA (estimated time arrival)
10-28 Vehicle registration information	10-78 Need assistance
10-29 Check for wanted	10-79 Notify coroner
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## **17-300 CELLULAR TELEPHONES**

The KCSO provides each Deputy and identified non-sworn staff with a cellular telephone.

- a. Staff issued cellular telephones will carry their cellular telephones with them at all times, charged and turned on.
- b. Staff must be aware that cellular telephone coverage in the County is not universal.
- c. Staff will use their cellular telephones while on duty to send information which is too lengthy, too sensitive, or otherwise inappropriate for the mobile radio system.

**(CATEGORY A)**

## **17-301 BILLING**

- a. The KCSO pays for basic telephone service, which includes a specified number of monthly anytime minutes. That allowance should be adequate for use of the cellular phone for official business.
- b. A staff member may use the cellular telephone for personal use; however, all charges in excess of the basic charge are the responsibility of the staff member, unless he or she can demonstrate that more than the base numbers of minutes were used for necessary KCSO business.
- c. Telephone bills will be sent to the KCSO Administrative Office. The Office Manager will contact each staff member each month with his or her payment amount. Telephone bills must be paid within 5 days of the date of notification by the Office Manager.
- d. The Office Manager is responsible for resolving billing disputes with the telephone service provider.

**(CATEGORY A)**

## **17-302 MAINTENANCE AND REPAIR**

Questions about cellular telephone operation, maintenance, or repair should be addressed to the Office Manager.

**(CALEA 81.2.10)**

## **17-400 MOBILE COMPUTER AIDED DISPATCH (CAD)**

All KCSO vehicles assigned to sworn personnel are equipped with Mobile Data Terminals (MDTs). KCSO MDTs have the capabilities of interfacing with the Kent County Office of Emergency Service (KCOES) Computer Aided Dispatch.

KCSO sworn personnel shall log-on to the Mobile CAD application on their MDT upon beginning a tour of duty.

The Mobile CAD is designed to aid KCSO personnel and provide them with information regarding calls for service that will enable them to perform their job functions in a more efficient and effective manner.

**(CALEA 81.2.4, 81.2.5, 81.2.6 & 81.2.11)**

## CHAPTER 18 RECORDS AND REPORTS

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## **18-001 RECORDS AND REPORTS**

The KCSO's operational recordkeeping function is based on the CrimeStar Law Enforcement Records Management System. While the KCSO continues to maintain some manual records, recordkeeping is increasingly accomplished electronically through the use of CrimeStar.

## **18-100 CRIMESTAR FUNCTIONALITY**

CrimeStar is a comprehensive system for input, review, storage, and retrieval of a wide variety of law enforcement information. Through its various modules, CrimeStar is capable of tracking and storing information on a full range of law enforcement functions, including:

- a. Calls for service
- b. Incident Reports (IRs)
- c. Criminal Investigation Reports (CIRs)
- d. Supplemental Reports
- e. Collision/Crash Reports (ACRS)
- f. Warrants
- g. Documents for Civil Service
- h. Arrest and Booking
- i. Field Interviews
- j. Mug shots
- k. Email service.

Information is entered into and retrieved from CrimeStar either from desktop computers located at KCSO Headquarters or laptop computers located in KCSO vehicles. Desktop computers synchronize with the CrimeStar database instantaneously; laptop computers resynchronize when the KCSO Deputy goes to the location equipped with an antenna and gives the "resynchronize" command. The parking lot at KCSO Headquarters is equipped for resynchronization.

CrimeStar also serves as a master name index, giving the KCSO electronic search capability for all individuals who have been named in KCSO reports as subjects, victims, complainants, and arrestees. The KCSO has a manual master index which is retained but has been replaced by CrimeStar.

CrimeStar also includes special identifying procedures for juveniles, based on the date of birth. When an individual access a juvenile record, a special notice appears to alert the user to take special precautions with the record.

The KCSO will maintain records in Crime Star to include at a minimum:

- a. service calls and crimes by type;
- b. service calls and crimes by location; and
- c. stolen, found recovered and evidentiary property files.

**(CALEA 82.1.2, 82.3.1, 82.3.2)**

## **18-101 SECURITY, INTEGRITY, AND ACCESS TO CRIMESTAR DATA**

The CrimeStar System is operated and maintained on behalf of the KCSO by the Kent County Information Technology (IT) Department.

The CrimeStar database is housed on a server in a locked cabinet in the County's secure Emergency Management Center. Only the Kent County IT Department has access to the server.

CrimeStar is backed up daily; backed-up data is stored on a separate storage device.

All KCSO sworn personnel and those administrative staff authorized by the Sheriff are given access to CrimeStar. Each computer on which CrimeStar is installed is Windows password-protected; additionally, CrimeStar itself requires that each individual have a unique user ID and password. The KCSO IT Department uses automated programs for Windows and CrimeStar password management; the programs provide an audit trail for all log-ons to the system and require users to change their passwords every 90 days.

All approved staff have 24/7 access to CrimeStar (either "read only" or "read-write", depending on their access level).

**(CALEA 82.1.1)**

All hard-copy central files are kept in locking file cabinets which are secured when the office is not occupied. Both adult and juvenile files are accessible only by the Sheriff, Chief Deputy, CID Commander, Office Manager, and Office Assistant. If records should be needed during hours when the office is not occupied (and not available through CrimeStar), one of these individuals is always available by call in.

All of the same security procedures apply to juvenile records maintained in CrimeStar.

The KCSO Office Manager shall provide the Sheriff with a monthly report documenting "Calls for Service" and "Calls by Type and Location".

**(CALEA 82.1.1, 82.1.2, 82.1.6, 82.3.2)**

### **18-101.1 SECURITY, INTEGRITY, AND ACCESS TO METERS/NCIC DATA**

Only KCSO personnel certified by DPSCS shall have access to a METERS/NCIC terminal and shall abide by all KCSO and DPSCS rules, regulations, and procedures regarding the access, use and dissemination of METERS/NCIC data or records.

KCSO personnel authorized access to METERS/NCIC data or records shall only use same in the performance of their official duties at the KCSO. Those personnel with terminal access to NCIC (federal) criminal history data shall maintain the required criminal history log.

KCSO computers that have access to METERS/NCIC data or records shall not be visible to public view.

KCSO personnel shall not disseminate METERS/NCIC data records to anyone not authorized to receive said data or records.

KCSO personnel may maintain METERS/NCIC data or records in an "open" investigation file. Said data or records shall be secured when not in the possession of the investigator and kept from the view of unauthorized persons.

KCSO personnel shall not retain METERS/NCIC data or records in any agency or personal file after the case is closed or suspended.

The method of disposal of METERS/NCIC data or records shall be by shredding.

## **18-102            MANUAL RECORDS**

In addition to the information maintained electronically in CrimeStar, the KCSO maintains certain records manually and in hard copy.

Hard copies of all completed IRs, CIRs, Supplements, ACRS, Arrest Reports, and LiveScan fingerprint cards (accompanied by the memory media containing the subject's photograph) are forwarded to the Office Manager, who is responsible for overseeing the processing of that information and the maintenance of the KCSO's manual central records system.

The KCSO Manual Central Records System consists of the following elements for adult offenders:

- a. The arrest records of adult offenders arrested prior to January 1, 2008, are identified in the KCSO ID Number Card File. The arrestee was assigned a unique number that became the individual's identifier. The number is the first letter of the individual's last name, the calendar year of the arrest, and a serial number by letter of the alphabet. The cards are filed alphabetically.
- b. The arrest of all adult offenders arrested prior to January 1, 2008, is documented on a Criminal Information History Card, which includes identifying information about the individual and the date and charges of each arrest. The cards are filed by ID number.
- c. All adult offenders will be assigned a Criminal Information History File, which includes all arrest reports and any executed arrest warrants for the individual. These files are filed alphabetically.
- d. The KCSO Mug Shot File (for pre-CrimeStar offenders), includes the photograph taken at the time of the individual's arrest(s), which are filed by ID number.
- e. KCSO Mug Shot Books (for pre-CrimeStar offenders), include photographs of arrestees filed by race, gender, and a separate ID number.

The KCSO Central Records for Juveniles are kept in a separate file from those of adults and consist of the following:

- a. The arrest records of juvenile offenders arrested prior to January 1, 2008, are identified in the KCSO ID Number Card File. The juvenile arrestee was assigned a unique number that became the individual's identifier. The number is the first letter of the individual's last name, the calendar year of the arrest, and a serial number by letter of the alphabet.
- b. The arrest of all adult offenders arrested prior to January 1, 2008, is documented on a Criminal Information History Card which is kept in the Criminal Information History File. This file also contains copies of any arrest reports, juvenile referrals, and mug shots (for pre-CrimeStar offenders).
- c. The KCSO has utilized the "LiveScan" fingerprint system since 2005 for both adult and juvenile offender fingerprints.
- d. The KCSO also maintains a pre-CrimeStar Master Name Index, which includes the name of each adult and juvenile perpetrator and victim, and related CIR/IR report numbers.

All of these records are maintained by the KCSO indefinitely.

**(82.1.2, 82.3.1, 82.1.5, 82.3.6)**

### **18-103            MANUAL PROCESSING**

Upon receipt of reports and other materials from the Criminal Investigation Division Commander, the Office Manager will:

- a. In the case of an arrest, take the digital photograph from the media submitted with the fingerprint cards and move the digital photograph into CrimeStar.
- b. File the arrest report and any attached warrants in a new or existing Criminal History Information File, establishing a new file if this is the individual's first arrest.
- c. If an arrestee is a juvenile who has been charged with one of the crimes listed in Appendix 18-A, notify the Superintendent of Kent County Schools via telefax and file a copy of the notification and telefax receipt in the corresponding investigative case file.
- d. File the IRs, CIRs, TAs, and supplements by month and year.

### **18-104            UNIFORM CRIME REPORTING SYSTEM**

The KCSO participates in the Uniform Crime Reporting System (UCRS) administered by the State of Maryland and the Federal Bureau of Investigation. The KCSO Office Assistant receives training from the State in and has the responsibility for meeting the reporting requirements of the UCR System.

- a. On a daily basis, the Office Assistant extracts information from Arrest Reports and CIRs and tallies the recordable incidents on logs provided by the State.
- b. On or before the 5<sup>th</sup> day of each month, the Office Assistant compiles the daily tally information into the monthly report, on the forms prescribed by the State, and forwards them to the Maryland State UCRS office.
- c. In carrying out these functions, the Office Assistant is guided by detailed, written instructions on the categorization of offenses provided by the FBI.

**(CALEA 82.1.4)**

### **18-200            FIELD REPORTING SYSTEM**

The KCSO maintains a comprehensive field reporting system, using CrimeStar. The goal of the system is to ensure that all activities of KCSO personnel are accurately accounted for and that a report is prepared in every instance of:

- a. a citizen report of crime;
- b. a citizen complaint;
- c. an incident resulting in the dispatch of a KCSO Deputy;
- d. a criminal or non-criminal case initiated by a KCSO Deputy; and

- e. an incident involving an arrest or summons.

KCSO personnel are trained in the use of CrimeStar during field training.

**(CALEA 82.2.1, 82.2.2)**

## **18-201 CALLS FOR SERVICE**

The “Call for Service” is the building block for CrimeStar. A Deputy will complete a call for service for any significant police activity which takes him or her from routine patrol duties. For example:

- |                              |                             |
|------------------------------|-----------------------------|
| a. dispatched calls          | j. school bus monitoring    |
| b. court attendance          | k. property recovered       |
| c. speed enforcement         | l. court security           |
| d. citizen flag downs        | m. bank checks              |
| e. traffic accidents         | n. criminal summons service |
| f. patrol checks             | o. 911 hang-ups             |
| g. assisting other agencies; | p. traffic hazards          |
| h. civil process             | q. business or home alarms  |
| i. school security           | r. training                 |

As the Deputy creates a call for service, CrimeStar automatically generates a unique incident number. The incident number carries through with the incident on all subsequent system entries and is the means by which the records on the incident are retrieved. CrimeStar requires the Deputy to complete certain required information.

If the incident is of the type which requires a written report (as described below), the Deputy will indicate “report taken” in the disposition section of the call for service.

**(CALEA 82.1.5, 82.2.3)**

## **18-202 DISPOSITION OF CALLS FOR SERVICE**

Using the daily report generated by CrimeStar, the Supervisor reviews all calls for service to determine that they have been completed fully and accurately and to see if the Deputy’s determination concerning a follow-up report is correct. If any of the information is incorrect, the supervisor corrects it.

The Patrol Commander or a designee reviews the calls for service and records all which require a written report in a log. Deputies have 3 days from the completion of a call for service to submit a full report of the incident. The Patrol Commander monitors the log to ensure that required reports are received.

## **18-203 IR REPORTS**

A Deputy will complete a CrimeStar incident report (IR) for every significant incident which does not result in the completion of a Criminal Investigation Report (CIR). Examples include, but are not limited to:

- a. Alcohol influence reports
- b. Fleeing and eluding



- c. Natural or unattended deaths
- d. Canine deployment

The Deputy will, within 3 days, complete the report in CrimeStar, print the report, and place it in the Patrol Commander's box for review. Prior to the end of their respective shift, the shift supervisor shall be responsible to review all incident reports in the Patrol Commander's box, identify corrections or additions to the report, if necessary, or approve the report as submitted. The shift supervisor reviewing a report shall place their initials on the upper right-hand corner of the last page of the IR and either return it to the submitting deputy if corrections or additions are necessary or place it back in the Patrol Commander's box if approved. The Patrol Commander or a designee shall be responsible for final approval of the report. When the report is finally approved, the Patrol Commander or a designee will use the case management module of CrimeStar to record the completion and approval of the report and lock the record.

When a report has been approved, a copy of the report will be returned to the Deputy for his or her records and the original forwarded to the Office Manager, along with any supporting documentation.

If the report is one which must be forwarded to the State's Attorney (e.g., and alcohol influence report), a second copy will be returned to the Deputy. It is the Deputy's responsibility to provide the copy to the State's Attorney's Office.

**(CATEGORY B)**

#### **18-204 CIR REPORTS**

A Deputy will complete a CrimeStar CIR for every crime which is reported by a citizen or which the Deputy discovers.

The Deputy will, within 3 days, complete the report in CrimeStar, print the report, and place it in the review box. A patrol sergeant will review the report and note any corrections that need to be made. If corrections are needed the Deputy will make said corrections and when completed place a copy of the report back in the review box. The patrol sergeant will make a final review and approve the report.

When a report is finally approved, a copy may be returned to the Deputy for his or her records and the original forwarded to the CID commander.

The CID Commander reviews and maintains a log of all CIRs received. The CID Commander sends a reminder to the reporting Deputy every 15 days for follow-up reports due on CIRs.

When the case is closed, the CID Commander or a designee will use the case management module of CrimeStar to record the completion and approval of the report and lock the record.

**(CATEGORY B)**

#### **18-205 DOCUMENTING STOLEN VEHICLES**

Whenever a Deputy takes a report of a stolen vehicle, the Deputy taking the report must, before the end of his/her shift:

- a. Complete, at a minimum, the "General Information" and "Vehicles" tabs of the CrimeStar incident report module.
- b. Print the report and provide it to one of the KCSO employees authorized to enter stolen vehicle information into NCIC.

The fully completed report will be due according to the normal reporting schedule; in the narrative section of the report, the Deputy will document that he or she has provided the information to the appropriate party for entry into NCIC.

**(CALEA 82.1.5, 82.2.1a-e, 82.2.4)**

#### **18-206            MARYLAND AUTOMATED CRASH REPORTING SYSTEM (ACRS)**

A KCSO Deputy will complete a Maryland Automated Crash Reporting System (ACRS) report for every vehicle collision/crash which is reported by a citizen or which the Deputy discovers and meets the reporting requirements. (See KCSO Administrative and Operations Manual, Chapter 12, Section 703 for accidents that require an ACRS report)

The Deputy will, within 3 days, complete the report in ACRS and submit the report electronically through ACRS to the KCSO supervisor responsible for approving ACRS reports. The KCSO supervisor responsible for approving ACRS reports will review the report and if it requires corrections, will electronically return the report through ACRS to the appropriate Deputy for said corrections. Once the ACRS report has finally been reviewed and approved, the KCSO supervisor responsible for approving ACRS reports will electronically submit the report to the ACRS state database.

The KCSO supervisor responsible for approving ACRS reports will print out the approved ACRS report and forward same to the KCSO Administrative Aide for manual filing.

#### **18-300            RELEASE OF INFORMATION**

The Sheriff is the custodian of all records in the possession of the KCSO.

All KCSO records are subject to state and federal privacy laws and to the Maryland Public Information Act (PIA). The interpretation and application of those laws can be complex. Therefore, only the Sheriff, the Chief Deputy or, at their direction, the Office Manager, or the Office Assistant, will release information or records to the general public. Only reports authored by KCSO personnel shall be released to the general public. Persons requesting reports authored by other agencies shall be referred to the agency authoring the report.

For the purposes of this section, "sociological information" shall not be released as part of a public record as per SG §10-617. "Sociological information" is defined as information which identifies an individual including an individual's address, driver's license number or any other identification number, medical or disability information, name, photograph or computer-generated image, Social Security number or telephone number. Any "sociological information" contained in any KCSO report which is released to the public shall be redacted prior to said report's release.

The aforementioned provisions do not apply to records which are the subject of discovery or other court action or for investigative purposes as approved by the Sheriff. Additionally, the aforementioned provisions do not apply to motor vehicle accident reports, with the exception that information identifying a juvenile shall not be released from a motor vehicle accident report.

**(CATEGORY B)**

#### **18-301            FORM OF INFORMATION REQUESTS, CHARGES FOR DOCUMENTS**

A person asking for the release of information from the KCSO must address the request to the Sheriff in writing, so that there will be no question what specific records the person is seeking. The KCSO is under no obligation to create records which do not already exist in response to a request.

The KCSO will make the determination to grant or deny access to a record as quickly as possible, but in any event within 30 days as required by the Maryland Public Information Act (PIA).

## **18-302 INVESTIGATORY RECORDS**

The PIA provides that inspection of investigatory records of the KCSO may be withheld when the Sheriff determines that disclosure would be contrary to the public interest. Investigatory records of the KCSO include (but are not limited to):

- a. IR reports;
- b. CIR reports;
- c. Criminal case files;
- d. Intelligence and informant files;
- e. Criminal information history records, as defined in section 18-100, above; and
- f. Motor vehicle collision/crash reports. (ACRS)

When the KCSO receives such a request from the general public, the request will be referred to the Sheriff or Chief Deputy for determination of release status.

## **18-303 PERSONS IN INTEREST**

A “person in interest” (generally the subject of a record or a designee), may be denied access to investigatory records in more limited circumstances, that is, only when the release would:

- a. interfere with valid and proper law enforcement proceedings;
- b. deprive another person of a right to a fair trial or an impartial adjudication;
- c. constitute an unwarranted invasion of personal privacy;
- d. disclose the identity of a confidential source;
- e. disclose investigative techniques or procedures;
- f. prejudice an investigation; or
- g. endanger the life or physical safety of an individual.

## **18-304 INVESTIGATORY REPORTS REQUESTS**

### **18-304.1 CRIMINAL INVESTIGATION REPORTS**

As a general rule, Criminal Investigation Reports (CIRs) will be released to:

- a. any victim identified in the CIR;
- b. the attorney for any victim identified in the CIR;
- c. the insurance company of any victim identified in the CIR.

Criminal Investigation Reports will be disseminated as follows:

- a. The “face page”, property report page and vehicle report page of a CIR will be provided to crime victims, their attorneys, and their insurance companies upon proper request. All adult and juvenile suspect identifiers shall be redacted from the CIR.
- b. KCSO will charge \$5.00 for each report, with the exception of a report that exceeds ten (10) pages in length, and then the fee will be \$5.00, plus \$0.25 for each page in excess of ten (10) pages. Fees must be paid before the report is released to the requestor. In his sole discretion, the Sheriff may waive fees if it is in the public interest to do so.
- c. Victims of domestic assaults will be provided, free of charge, the entire CIR, with no suspect identifiers or arrest information redacted, as required by Maryland law.

**(CATEGORY B)**

#### **18-304.2 TRAFFIC COLLISION/CRASH REPORTS**

Reports of investigation of traffic collisions/crashes are among the most commonly requested KCSO records.

As a general rule, Maryland Automated Crash Reporting System report (ACRS) and Detailed Crash Investigation Reports (DCIR) will be released to:

- a. any driver involved in the collision/crash, as identified in the ACRS;
- b. any person injured in the collision/crash, as identified in the ACRS;
- c. the attorney for any driver or person injured as indicated in the ACRS;
- d. the insurance company of any person involved in a collision/crash as indicated in ACRS.

The KCSO will charge \$5.00 for each copy of a Maryland Automated Crash Reporting System report (ACRS)

The KCSO will charge \$5.00 for each copy of a Detailed Crash Investigation Report (DCIR) with the exception of a DCIR that exceeds ten (10) pages in length, and then the fee will be \$5.00, plus \$0.25 for each page in excess of ten (10) pages. Fees must be paid before the report is released to the requestor.

In his/her sole discretion, the Sheriff may waive fees for an ACRS or DCIR, if it is in the public interest to do so.

All juvenile identifiers shall be redacted from an AR and DCIR where a juvenile is charged with an offense where incarceration is a possible penalty for the offense cited in the report, with the exception of an ACRS or DCIR that is provided to a State’s Attorney or other prosecutor.

**(CATEGORY B)**

#### **18-304.3 MOBILE VIDEO RECORDINGS (MVR) MEDIA AND BODY WORN CAMERAS (BWC)**

Mobile Video Recordings (MVR) and Body Worn Cameras (BWC) are evidentiary in nature. Only the Sheriff or his/her designee shall make the determination on allowing the viewing and/or copying of the video. Careful consideration shall be taken in this decision to ensure the release or viewing of the footage will not hinder or bias the case

- a. All requests to view KCSO MVR or BWC footage shall be submitted to the Sheriff using KCSO Form #145 Request to View Camera Footage. This form shall be made available to the general public via the KCSO public website.
- b. The Sheriff or his/her designee shall review the request. If approved for viewing, the Chief Deputy or his/her designee shall redact any civilian and/or their property not involved in the incident to ensure security of the civilian's identification. Any other pictures or events not directly associated with the incident shall also be redacted.
- c. Once redaction is completed, the Chief Deputy shall contact the requestor to schedule a date/time to view the recording.
- d. If the requestor requests a copy of the MVR or BWC video, they must submit a written request to the Sheriff. If approved by the Sheriff or his/her designee, there will be a fee of fifty dollars (\$50.00) assessed. An additional fee of five dollars will be assessed for shipping and handling if a copy of the MVR or BWC is mailed to the requestor.
- e. The Kent County State's Attorney will be notified of any requests for a copy of a KCSO MVR BWC video.
- f. The Kent County State's Attorney will not be charged a fee for duplicating a KCSO MVR or BWC video.

**(CATEGORY B)**

## **18-305 CRIMINAL RECORDS INQUIRIES BY POLICE AGENCIES**

KCSO criminal history records information found in the CrimeStar RMS will only be disseminated to criminal justice agencies/persons and/or authorized agencies for:

- a. Criminal justice investigations;
- b. Criminal justice agency employment investigations.

**(CALEA 82.1.1)**

### **18-305.1 TELEPHONE REQUESTS**

Telephone requests from law enforcement agencies may be honored if the requesting party is personally known to the KCSO employee receiving the request. If not, the requestor will be asked to send the request, on agency letterhead, by telefax, so that identity may be verified.

**(CATEGORY B)**

### **18-305.2 IDENTITY VERIFICATION**

When requesting criminal history records information in person, the requestor must establish his identity by a valid driver's license with a photograph or a badge or identification card. If uncertainty exists concerning the identity of the requestor, contact with the requestor's agency or means of identification may be required.

## **18-306 JUVENILE RECORDS**

Maryland statutes place strict limits on agencies' ability to release information relating to juveniles. As noted above, the KCSO maintains records of juveniles separate from those of adults.

The general principle of the Maryland law is that, in addition to their internal use in the KCSO, juvenile records may be disclosed only to

- a. the Department of Juvenile Justice;
- b. to another law enforcement agency in the investigation and prosecution of the child; or
- c. in limited circumstances, to the Superintendent of Kent County Schools.

Release of juvenile information, other than to the Kent County Schools in the circumstances required by law, will only be made with the approval of the CID Commander.

**(CATEGORY B)**

#### **18-307            SANCTIONS FOR UNAUTHORIZED DISCLOSURES**

Improper dissemination of information to unauthorized agencies or persons may result in:

- a. Agency Administrative Disciplinary Action; and
- b. Civil suits

#### **18-308            LEGAL PROCESS FOR RELEASE OF INFORMATION**

For the purpose of this section, legal process is any court order served upon the KCSO for the production, inspection, or disclosure of KCSO records.

All court orders or subpoenas for police records will be processed as follows:

- a. The Chief Deputy or a designee will accept subpoenas and court orders for the production or inspection of police records in State/Federal courts or related legal proceedings;
- b. Subpoenas *Duces Tecum* will be referred to the State's Attorney's Office to determine which records should be produced for pre-trial discovery;
- c. When there is doubt regarding court orders from federal courts and other jurisdictions, the Chief Deputy or a designee will consult with the State's Attorney;
- d. When a Subpoena *Duces Tecum* involves a homicide case, the Chief Deputy or a designee will confer with the State's Attorney for compliance determination and, subsequently, notify concerned investigators.

**(CALEA 82.1.1c, 82.1.2e)**

#### **18-400            EXPUNGEMENT OF RECORDS**

##### **18-401            GENERAL POLICY**

Employees receiving requests for expungement procedure information will refer the requestor to the Clerk of the appropriate court of jurisdiction (District or Circuit), where the requestor may file a petition/application for the expungement of records.

The following are subject to expungement rules and procedures:

- a. Arrest name indices
- b. Arrest reports;

- c. Criminal identification indices;
- d. Criminal Photographs;
- e. All fingerprints and handwriting samples;
- f. Records of detention or confinement.

#### **18-402 EXPUNGEMENT PROCEDURES**

Criminal records are subject to State expungement regulations. When court-ordered expungement procedures are initiated, records are physically removed from the storage location.

When expungement orders are received from the court, KCSO records are then sealed in envelopes and stored in locked file cabinets, inaccessible to the law enforcement body.

Criminal history report information recipients and petitioners are notified in writing of the expungement order, and compliance thereof.

The Chief Deputy will:

- a. Prepare KCSO responses to inquiries;
- b. Execute the provisions of expungement orders served on the Agency;
- c. Inform the Sheriff of any such actions.

**(CALEA 82.1.2)**

#### **18-403 EXPUNGEMENT ACCESS GUIDELINES**

Expunged records cannot be disclosed, released, disseminated, reviewed, inspected, accessed, or copied without an order from the court of original jurisdiction.

#### **18-404 EXPUNGEMENT COMPLIANCE REQUIRED**

Expungement compliance will be acknowledged to the appropriate court and petitioner with a "Certification of Compliance" within 30 days of notification by the Chief Deputy or his/her designee.

#### **18-500 RECORD RETENTION**

The policy of the KCSO is to maintain records in a manner which allows the Agency to fulfill its legal duties. This task may be accomplished by:

- a. Creating only those records necessary for the operational and administrative functions of the Agency; and by
- b. Storing records in the most economical manner which provides the level of access needed to make the information useful and meet the operational and administrative needs of the Agency; and by
- c. Disposing of records which no longer serve a useful function for the Agency. Juvenile records will be destroyed by shredding or burning when the juvenile for whom the record exists reaches age 21

**(CALEA 82.1.2)**

## **18-501 RECORDS RETENTION SCHEDULE AND RECORDS DISPOSAL**

The KCSO Records Retention Schedule is included in this manual as Appendix 18-B.

All official KCSO records which have reached the end of their retention period will be disposed of by incinerating or shredding.

**(CALEA 82.1.3)**

## **18-502 RECORDS MAINTAINED IN OPERATIONAL COMPONENTS**

All operational components are authorized to maintain, for official purposes, copies of records in the KCSO central records system.

Most components additionally maintain various logs and other tracking records described in this Chapter or elsewhere in this manual.

The only distinct official record-keeping systems authorized in the KCSO are those maintained by the Criminal Investigation Division:

- a. Criminal Investigative case files are maintained by the CID. Active investigation cases are maintained by individual investigators. Once a case is closed it will be maintained in the KCSO records repository.
- b. Records of evidence and seized or recovered property are maintained by the CID.
- c. The Narcotics Enforcement Team (NET) is the repository of several sets of official records:
  1. NET IRs and CIRs;
  2. Informant files;
  3. Intelligence files; and
  4. *Case Explorer* records.

**(CALEA 82.3.5)**

## **18-600 REPORT MATRIX**

The Chief Deputy/Accreditation Manager maintains a matrix of all major periodic reports and activities required by this Manual, including the activities required by CALEA. The activities are identified by the responsible party, the CALEA standard, the KCSO Manual Provision, and the frequency of the activity.

Each year, the Chief Deputy/Accreditation Manager will update the matrix for the coming year's activities and distribute the matrix to the Command Staff. The Chief Deputy and the Sheriff will use the matrix to ensure compliance with all CALEA and Manual requirements.

**(CALEA 11.4.1)**

## **18-700 FORMS CONTROL**

The Chief Deputy is responsible for managing the forms used by the KCSO. This responsibility will include:

- a. maintaining an inventory of all forms created and approved for use by the KCSO.



- b. reviewing all proposed KCSO forms to ensure that they are complete, accurate, and do not duplicate another form already in existence;
- c. obtaining the approval of the Sheriff for issuance and use of any form.

No form will be created or used in the conduct of KCSO business which has not been approved by the Sheriff.

18-701

#### **RECOMMENDATIONS FOR NEW OR CHANGED FORMS**

An employee who has a suggestion for a new form, for the modification of an existing form, or the combination of several existing forms, will submit that suggestion, along with mock-ups of the new form(s) to the Chief Deputy through the chain of command.

**(CALEA 11.4.2)**

# APPENDIX 18-A

## REPORTABLE JUVENILE OFFENSES

### 1. BACKGROUND.

As a general matter, the Courts and Judicial Proceedings Article of the Maryland Code provides that police records relating to juveniles may not be divulged, except by court order. An exception to that provision is found in the Maryland Safe School Act of 2010 and §7-303 of the Education Article. These sections provide:

**Notification to the Local Superintendent and the School Principal:**

If a student age 5 years of age or older and under 22 years of age who is enrolled in a public or non-public school system is arrested and charged for a reportable offense, the law enforcement agency making the arrest shall notify the local superintendent and principal of the arrest and the charges **within 24 hours of the arrest** or as soon as practicable.

The reportable offenses are listed below.

### 2. POLICY AND PROCEDURE

The KCSO will adhere strictly to this statutory requirement. The Criminal Investigation Division Commander, in the process of reviewing all arrest reports, is responsible for identifying juvenile arrests which meet the reporting criteria. When KCSO personnel investigate a reportable offense, the investigating deputy will ascertain from the offending juvenile, if/where they attend school in Maryland. This information will be forwarded to the CID Commander or the on-call CID investigator, so that the appropriate notification(s) can be made. When an arrest meets these criteria, the CID Commander will notify the Superintendent's designee of the Kent County Public Schools or the Headmaster/Director/Principal of the non-public school where the student is enrolled. The notification will be made by telefax, using the form (KCSO #434) designed for that purpose and by a follow-up by phone call. Additionally, the principal of the Kent County Public School where the child is enrolled will be notified by phone. In the event that the offense occurs during a time when the CID Commander is unavailable, the on-call CID investigator will be advised of the reportable offense by the investigating deputy. The on-call CID investigator shall make the notification(s) as described herein. In the event that a student enrolled in school outside Kent County, but in Maryland, is arrested and charged with a reportable offense, the CID Commander or the on-call CID investigator will make contact with a law enforcement agency servicing that jurisdiction to ascertain who should be notified and make said notification. A record of the notification(s) required herein shall be documented via a CrimeStar, Call for Service.

### 3. REPORTABLE OFFENSES

**Criminal Law Article:**

§ 4-101, § 4-102, § 4-203, § 4-204, § 4-503, § 5-602 through § 5-609, § 5-612 through § 5-614 § 5-617, § 5-618, § 5-627, § 5-628, § 6-103 through § 6-105, § 9-504, § 9-505, § 9-802, § 9-803.and § 14-101.

**Courts Article:**

§ 3-8A-03(d)(4)

- First degree murder – CR 2-201
- Second degree murder – CR 2-204

- Manslaughter, except involuntary manslaughter – CR 2-207(a)
- Mayhem
- Maiming, as previously proscribed under former Article 27 §§ 385 and 386 of the Code
- First degree assault – CR 3-202
- Second degree assault – CR 3-203
- First degree rape – CR 3-303
- Second degree rape – CR 3-304
- First degree sexual offense – CR 3-305
- Second degree sexual offense – CR 3-306
- Third degree sexual offense – CR 3-307
- Robbery – CR 3-402
- Robbery with a dangerous or deadly weapon – CR 3-403
- Carjacking – CR 3-405(b)(1)
- Armed carjacking – CR 3-405(c)(1)
- Kidnapping – CR 3-502
- Abduction – CR 3-503
- Carrying or wearing a concealed weapon – CR 4-101
- Carrying or wearing a concealed weapon on school property – CR 4-102
- Wearing, carrying, or transporting a handgun; unlawful use in the commission of a crime – CR 4-203
- Use of an antique firearm capable of being concealed on the person or any handgun in the commission of an act of violence – CR 4-204
- A crime using assault weapons – CR 4-303
- Sale, transfer, etc. of stolen pistol – CR 4-305/CR 4-306
- Restrictions on sale, transfer, and possession of pistols and revolvers – CR 4-306(b)(1)
- Use of a machine gun for crime – CR 4-404
- Use of a machine gun for aggressive purpose – CR 4-405(a)
- Sale of firearms – PS 5-106
- Possession of a regulated firearm by a prohibited person – PS 5-133
- Selling/transferring regulated firearm to a prohibited person– PS 5-134
- Possession, sale, transfer, or disposal of a stolen regulated firearm– PS 5-138

- Knowingly manufacture, transport, possess, control, store, sell, distribute, or use a destructive device; or possess explosive material, incendiary material, or toxic material with intent to create a destructive device– CR 4-503
- A crime using short-barreled rifles and short-barreled shotguns – PS 5-203(a)
- Manufacturing, distributing or dispensing CDS; possession of CDS in a quantity indicative of an intent to manufacture, distribute, or dispense – CR 5-602
- Manufacturing, distributing, or possessing an equipment to produce CDS– CR 5-603
- Manufacturing, distributing, or possessing equipment to print, imprint, or reproduce an authentic or imitation trademark, or other identifying mark, onto a drug or the container or label of a drug, rendering the drug a counterfeit substance– CR 5-604
- Maintaining a Common Nuisance– CR 5-605
- False prescription for a CDS with intent to distribute the controlled dangerous substance – CR 5-606
- Possess with intent to distribute a non-controlled substance that the person represents as a controlled dangerous substance– CR 5-617
- Possess or purchase a non-controlled substance that the person believes is a controlled dangerous substance– CR 5-618
- Using firearms in drug-trafficking crimes – CR 5-621(b)(1)
- Manufacturing, distributing or dispensing CDS; possession of CDS in a quantity indicative of an intent to manufacture, distribute, or dispense in violation of § 5-602, or conspire to commit any of these crimes in a school vehicle, or in, on, or within 1,000 feet of real property owned by or leased to an elementary school, secondary school, or county board and used for elementary or secondary education– CR 5-627
- Engaging a minor to manufacture, distribute or dispense CDS in a sufficient quantity to indicate intent to distribute the CDS– CR 5-628
- Arson in the first degree – CR 6-102(a)
- Malicious destruction to property – CR 6-301
- *Auto theft – CR 7-105*
- *Inducing false testimony or avoidance of a subpoena – CR 9-302*
- *Retaliation for testimony – CR 9-303*
- *Intimidating or corrupting a juror – CR 9-305*
- Making a false bomb threat– CR 9-504
- Manufacturing, possessing, transporting, or placing a device or container labeled as representing a toxic material with intent to terrorize or threaten– CR 9-505

- Threatening an individual, or a friend or family member of an individual, with physical violence with the intent to coerce, induce, or solicit the individual to participate in or prevent the individual from leaving a criminal gang– CR 9-802
- Threatening an individual, or a friend or family member of an individual, with physical violence with the intent to coerce, induce, or solicit the individual to participate in or prevent the individual from leaving a criminal gang in a school vehicle, or in, on, or within 1,000 feet of real property owned by or leased to an elementary school, secondary school, or county board and used for elementary or secondary education– CR 5-803.
- The arrest and charges for an offense related to a student's membership in a criminal gang. Maryland Education Article Section § 7-303 (7)(b).

# APPENDIX 18-B

## RECORDS RETENTION SCHEDULE

This schedule shows the retention period for official records of the KCSO. All records listed on this schedule will be disposed of by shredding or burning. Under Retention Period, the notation "I" indicates that a record will be kept indefinitely.

RECORD NAME	RETENTION PERIOD
<b>KCSO ADMINISTRATION</b>	
General Orders - Active	Retained until superseded, rescinded or cancelled - send to inactive file
KCSO Manual Distribution Forms	1 year
Slot Machine Records	I
Staff Meeting Minutes	I
CALEA Annual Report	I
CALEA Proofs of Compliance	3 years after reaccreditation
KCSO Explorer Post Activities Reports	1 year
<b>PERSONNEL ADMINISTRATION</b>	
Personnel Records:	I
Performance Appraisal Records	I
Performance Evaluations	3
Personnel Orders	I
Personnel Training Records	I
Semi-Annual Personnel/Vehicle Inspections	I
Personnel Counseling Records	I
Request for Secondary Employment	I
Personnel Equipment Inventory	I
Individual Personnel Time Sheets	1 year
Individual Personnel Overtime Reports	1 year
Individual Personnel Leave Request Forms	1 year
Leave and Duty Schedules	3 years
Monthly Personnel Performance Reports	I
Internal Affairs Investigative Reports for current employees	I
Personnel Application Records - Hired	3 years
Personnel Application Records – Not Hired	Kent County Office of Human Resources – kept 1 year

Personnel Background Investigations - Hired	I
Personnel Background Investigations – Not Hired	Shredded by KCSO upon conclusion of process
Psychological Examinations	I (while employed)
Psychological Examinations – Applicant Not hired	Shredded by KCSO
Psychological Examinations – Personnel who retire, resign, or are terminated	Kent County Office of Human Resources
Medical Examinations	I (while employed)
Medical Examinations – Applicant Not hired	Shredded by KCSO
Medical Examinations – Personnel who retire, resign, or are terminated	Kent County Office of Human Resources
<b>FISCAL</b>	
Sheriff's Fees Collected	3 years
Sheriff's Fees Returned	3 years
Fingerprint Fees Collected (stopped practice in April 2012)	3 years
Accounts Payable	3 years
Explorer Post Financial Account Audit	I
Petty Cash Audit	3 years
Invoices Forwarded for Payment	3 years
Budget Requests	3 years
Monthly KCSO Overtime Reports	3 years
Capital Equipment Inventory	I
Grant Requests/Reports	Current Grant year + 3 years
<b>LAW ENFORCEMENT OPERATIONS</b>	
Traffic Accident Reports (MAARS) (ACRS)	3 years
Response to Resistance Reports	1 year
Municipal Violations	1 year
Uniform Criminal/Civil Citations	1 year
Tobacco/Alcohol Citations	Age 21
Uniform Crime Reports	3 years
KCSO Arrest Book	1 year
Patrol Division Criminal Investigation Report Logs	1 year
Patrol Division Incident Report Logs	1 year
Patrol Division Traffic Accident Logs	1 year

Traffic Citations	1 year
Traffic Warnings	1 year
Safety Equipment Repair Orders	1 year
Criminal Index Cards	I
Mug Shots	I
Criminal History Cards	I
Criminal History Files	I
Juvenile Index Cards	Age 21
Juvenile Mug Shots	Age 21
Juvenile History Files	Age 21
Criminal Investigation Files	I
Criminal Intelligence Files	5 years after last entry
Sexual Assault Rape Kit Evidence	I
Property Held Records	I
Evidence Room Property Logs	I
Evidence Room Controlled Dangerous Substance (CDS) Logs	I
Evidence Room Entry Logs	I
Patrol Division Monthly Reports	I
Criminal Investigation Division (CID) Monthly Reports	I
KCSO Detainee Log - Adult	
KCSO Detainee Log - Juvenile	I
NET Activity Report	I
NET IR/CIR Logs	1 year
Domestic Violence Protective Orders	Duration of order
School Security Deputy Monthly Activity Reports	3 years
Warrants - Open	Retained until served or recalled
Open Missing Person Reports	I
Citation Book Issuance Control Ledger	3 years
DR-15A Issuance Control Ledger	3 years
Preliminary Breath Test Logs	1 year
RADAR Calibration/Certification/Repair	3 years
School Bus Enforcement Reports	3 years
Vehicle Pursuit Report/Review	3 years
In-Car Video/Audio Tape Logs	3 years
K-9 CDS Training Aid Inventory	3 years



K-9 Activity Reports	3 years
Commercial Vehicle Monthly Enforcement	3 years
Race Based Traffic Stop Data Sheets	1
Sex Offender Registration Logs	1
Betterton Monthly Reports	1 year
Galena Monthly Reports	1 year
Millington Monthly Reports	1 year
<b>LEGAL</b>	
United States Laws	As current, then destroy
State Laws	As current, then destroy
County Laws	As current, then destroy
Town Laws	As current, then destroy
Attorney General's Opinions	As current, then destroy
<b>LIAISON</b>	
Memorandum of Understanding	As current, then destroy
Memorandum of Agreement	As current, then destroy
Mutual Aid Agreements	As current, then destroy
Contracts with Local Government	As current, then destroy
<b>SUPPLY &amp; SERVICES</b>	
Monthly Motor Vehicle Reports	Life of vehicle
Contracts with Vendors	As current, then destroy
Equipment Loss/Damage Reports	1 year
Daily Patrol Division Office Inspection Reports	1 year
<b>PUBLIC RELATIONS</b>	
VWSP Monthly Report	1
Press Releases	1 year
Community Survey Results	1 year
KCSO Annual Report	1
School Resource Officer Annual Report	1
Quarterly Crime Prevention and Community Involvement Reports	1 year
KCSO Website Accuracy Reports	1 year
<b>TRAINING</b>	
Lesson Plans/Approvals	4 years after reaccreditation
Maryland Police and Corrections Training Commission Regulations	As current, then destroy

Wor-Wic Technical Community College Regulations	As current, then destroy
Tactical Entry Team Training	1
Firearms Training	1
K-9 Training	1
In-Service Training	1
Ad-hoc Training Committee Minutes	3 years
<b>MEDICAL RECORDS</b>	
Sick Leave Forms-	1 year
Workman's Compensation Records	1
Duty Related Illness or Injury Report	1

# APPENDIX 18-C

## MANDATED REPORTING

The following are reports to be submitted to agencies outside of the KCSO:

<b>Position Responsible</b>	<b>Name of Activity</b>	<b>Recipient</b>	<b>Due Date</b>
Accreditation Manager	MD Center for School Safety-Use of Force Reporting	Link located on Shared Drive Forms Fill-In	1st of January, April, July, and October of each calendar year
Accreditation Manager	Annual Serious Incidents/Discipline Report	Link located on Shared Drive Forms Fill-In	1st of May of each calendar year
Accreditation Manager	DNA Training Certification	Link located on Shared Drive Forms Fill-In	1st March of each calendar year
Accreditation Manager	Annual Response to Resistance Report	PCTC.mandates@maryland.gov Form located on Shared Drive Form Fill-in	1st of March of each calendar year
Accreditation Manager	Use of Force Resulting in Monetary Damage	Rachel M. Kesselman -GOCOPYVS- rachelm.kesselman@maryland.gov Form located on Shared Drive Forms Fill-in	1st of March of each calendar year
Accreditation Manager	Community Policing Report	Due 1st of October PCTC.mandates@maryland.gov Form located on the Shared Drive Forms Fill-in	1st of October of each calendar year
Accreditation Manager	Annual KCSO Search Warrant Report (NOT SWAT)	Rachel M. Kesselman-GOCOPYVS- rachelm.kesselman@maryland.gov Form located on Shared Drive Forms Fill-in	1st of January of each calendar year

<b>Position Responsible</b>	<b>Name of Activity</b>	<b>Recipient</b>	<b>Due Date</b>
Tactical Team Supervisor	Semi-Annual Activation/ Deployment Report-SWAT	Rachel M. Kesselman -GOCPYVS rachelm.kesselman@maryland.gov Form located on Shared Drive Form Fill-In	15th of January and July of each calendar year
Chief Deputy	Report of civilian in-custody death or on-duty deputy death	Rachel M. Kesselman -GOCPYVS- rachelm.kesselman@maryland.gov Form located on Shared Drive Form-Fill-In	Per Incident
Chief Deputy	Maryland Firearms Data Template	Mddata@uwyo.edu & hkemerer@oag.state.md.us Form located on Shared Drive Forms Fill-in	1st of September for previous calendar year (August-July)
Chief Deputy	Annual Report of Sexual Assault Evidence Kits	Rachel M. Kesselman -GOCPYVS rachelm.kesselman@maryland.gov Form located on Shared Drive Form Fill-In	1st of September each calendar year
ALL KCSO Sworn Staff	DNA Training	Link located on Shared Drive Forms Fill-In	1st of February of each calendar year
Sheriff	Semi-Annual Activation/ Deployment Report-SWAT	Forward copy from Tactical Team Supervisor to the Kent County Administrator	15th of January and July of each calendar year

## **CHAPTER 19**

### **PRESS RELATIONS**

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## **19-001 PRESS RELATIONS**

## **19-002 PUBLIC INFORMATION POLICY**

The KCSO places a high value on the public's right to know the activities of their local law enforcement agency. Public awareness of the events that affect their lives makes them better partners in fighting crime and builds support for the KCSO's law enforcement efforts. The local press is a primary link to the citizens of Kent County; the KCSO will develop and maintain a positive relationship with local print and broadcast media to keep its public informed.

## **19-003 SOLICITING MEDIA INPUT**

The relationship between the press and the KCSO is vital to the public's timely receipt of information concerning the law enforcement environment in Kent County. The KCSO will therefore seek input from the major media outlets in Kent County concerning its public information policies on a quadrennial basis.

**(CALEA 54.1.2)**

## **19-100 GENERAL GUIDANCE**

All KCSO employees who are authorized by the Sheriff to communicate with the press will:

- a. restrict any statements to the facts. They will not make personal or subjective statements concerning official KCSO business.
- b. not make comments "off-the-record". If it is appropriate for the KCSO to comment, comments will be on the record and for attribution; if it is not appropriate for the KCSO to comment, no comment will be made.
- c. bear in mind that the health and safety of victims, the rights of the accused, the reputation of the KCSO, and the well-being its employees may depend on an employee's discretion.
- d. maintain an open and professional relationship with the press.

**(CATEGORY B)(CALEA 54.14)**

## **19-200 PROCEDURES**

The release of law enforcement information to members of the media or community can have considerable implications. Not only does the information become a matter of public record, but improper release of such information may significantly interfere with the investigative process, create poor public relations, require a change of venue, be improperly interpreted, incorrectly reflect the performance of the KCSO, and have ramifications on pending court cases. Therefore, all supervisors will control the release of information to the public and news media.

## **19-201 DUTIES OF PUBLIC INFORMATION FUNCTION**

The Sheriff or a designee is responsible for the public information function of the KCSO. He will act as the point of control for disseminating information to the community, media, and other criminal justice agencies. General functions and duties of persons trained and authorized to release information to the media include, but are not limited to:

- a. Assisting news personnel in covering routine news stories, and at the scenes of incidents;
- b. Preparing and distributing KCSO news releases;

- c. Arranging for and assisting at news conferences;
- d. Coordinating and authorizing the release of information about victims, witnesses, and suspects;
- e. Coordinating and authorizing the release of information concerning confidential KCSO investigations and operations; and
- f. Developing procedures for releasing information when other public service agencies are involved in a mutual effort.
- g. Providing guidelines for the use of social media by the KCSO.

**(CALEA 54.1.1, 54.1.4)**

## **19-202            PRESS RELEASES**

In keeping with the goal of maintaining the public's awareness of events in their community, the KCSO will prepare and issue a News Release for every reported crime, every motor vehicle accident involving injuries or for which charges were filed, and every traffic citation involving driving while intoxicated. The Deputy responding to or involved in an incident will forward the call for service through email to the "KCSO Sworn" email group before the end of the shift during which the incident occurs.

The Patrol Commander will review news releases and provide them, at least once per week, to an approved list of news outlets.

Only the Sheriff or a designee may make press releases concerning on-going criminal investigations.  
**(CATEGORY B)**

## **19-203            MEDIA ACCESS TO SCENES OF INCIDENTS**

Bonafide news media representatives will have reasonable access to scenes of major fires, natural disasters, or other catastrophic events, and perimeter of crimes scenes provided the media representatives, including photographers, do not interfere with law enforcement operations. Incidents that arise between news media representatives and members of the KCSO will be referred to the Sheriff.

**(CALEA 54.1.3)**

## **19-204            TELEPHONE INQUIRIES**

KCSO employees are authorized to give public information over the telephone to known representatives of the news media. In cases where the media representative is not known, verification of identity may be accomplished with a telephone call to the employing agency.

## **19-205            IMPARTIALITY**

News information will be released impartially. Information will not be withheld, delayed, or selectively released to favor a particular media representative or agency. Specific inquiries made independently by media representatives may, however, be honored at the time of the inquiry.

Investigative information will be released only by the Sheriff or a designee. Media requests for investigative information will be referred to the Sheriff, his designee, or the Commander of the CID. Investigative information which may be released is applicable only to cases over which the KCSO has primary responsibility and jurisdiction. In matters under the principal control of another agency, that agency's guidelines will control the release of information.

- a. Investigative information which may be released, unless otherwise restricted, includes:
  1. The type or nature of an incident such as a fire, accident, homicide, suicide, rape, robbery, assault, or burglary;
  2. The location, date and time, injuries sustained, damages, and a description of how the incident occurred;
  3. Amount and type of property taken, including value when known (rounded to nearest hundred dollars);
  4. The identity and general address (town or area) of a victim;
  5. The name, age, and address of any person over the age of 18 charged with a crime;
  6. The fact that a juvenile (a person under the age of 18) has been taken into custody, including gender, age, general area of residence, and nature of the charge;
  7. Requests for aid in locating evidence, a complainant, or a suspect. A person's race may be released as descriptive information in such cases;
  8. Numbers of Deputies, or people and names of agencies involved in an event or investigation, and length of the investigation; and
  9. The name of Deputy in charge of the case, his/her position, or area of assignment.
- b. Information which will not be released in connection with the investigation of an event or crime, unless authorized by the Sheriff or Chief Deputy includes:
- c. The identity of any victim of an abduction, sexual assault, or child abuse, or related information which, if divulged, would tend to lead to the victim's identification;
- d. Investigative techniques and names of undercover or special investigation Deputies will not be released.
- e. The identity of any juvenile who is a suspect or a defendant in any case over which the juvenile court has jurisdiction;
- f. The identity of any critically injured or deceased person prior to notification of next of kin;
- g. The specific cause of death, until determined by the State or County Medical Examiner;
- h. Investigative information pertaining to evidence in a criminal case:
  1. Contents of confessions or failure or refusal of the accused to make a statement;
  2. Photographs of the accused without the consent of the Sheriff;
  3. The results of any examination or tests conducted or refusal by the accused to submit to any examinations or tests;



4. The identity, testimony, or credibility of any prospective witness; and
5. Information received from other law enforcement agencies without their approval.
6. Contents of suicide notes;
7. Personal opinions pertaining to the merits of the case or quality of evidence gathered;
8. Personal opinions pertaining to the guilt or innocence of the accused;
9. Unofficial statements concerning personnel or internal affairs matters;
10. Home addresses and telephone numbers of KCSO employees; and
11. Valuables or cash overlooked by crime perpetrators.

**(CATEGORY B)**

## **19-207            ARREST INFORMATION**

- a. Certain facts may generally be released at the time of, or immediately following an arrest and formal charging. For example:
  1. The name of the accused, age, description, general residence address, and marital status.  
**Note: Only age, gender, general residence address and crimes committed will be released for juveniles arrested.**
  2. The nature or text of the charge as contained in a complaint, warrant, indictment, or information;
  3. The identity of the investigating and arresting Deputies, or agency, and the length of the investigation; and
  4. The circumstances immediately surrounding an arrest, such as:
    - i. Time and place of arrest;
    - ii. Method of arrest;
    - iii. Resistance, and any injuries resulting;
    - iv. Possession and use of weapons by the suspect; and
    - v. Description of items or contraband seized.
- b. Arrest information which will not be released (except by the Sheriff, Chief Deputy, or a designee to aid an investigation or warn the public) generally falls into two categories.
  1. After an event, but before arrest or during investigations, information should not be released regarding:
  2. The identity or location of any suspect, except that the existence of a suspect may be acknowledged without further comment;
  3. Results of an investigative procedure (such as a line-up, polygraph, fingerprinting, lab, or ballistics test). However, the fact that tests are performed may be acknowledged without further comment;

4. Information which, if prematurely disclosed, would significantly interfere with an investigation or apprehension, particularly: unchecked leads; unverified information; specifics of "M.O."; details known only to a suspect or Deputy; and information which may cause a suspect to flee or avoid apprehension;
  5. Identity of a prospective witness;
  6. Identity of a victim/witness which would prejudice an investigation to a significant degree or place the victim in clear personal danger.
- c. After an arrest and formal charging, but prior to adjudication, certain information is restricted to ensure constitutional guarantees of a fair and impartial trial. Also, improper disclosure could form the basis for a legal defense. Therefore, during this sensitive period, information should not be released regarding:
1. Prior criminal record, character, or reputation of a defendant;
  2. Existence, or contents of any confession, admission, or statement of a defendant, or a failure to make such;
  3. Performance or results of any tests or a defendant's refusal or failure to submit to investigative tests such as a polygraph, etc.;
  4. Identity, credibility, character, statement(s) or expected testimony of any witness, or prospective witness;
  5. Statement(s), prospective testimony, character, or credibility of any victim;
  6. Any opinion about the guilt or innocence of a defendant, or the merits of the case, including arguments and evidence, or whether their use in court is expected;
  7. Possibility of a guilty plea, plea bargaining, or other disposition; and
  8. Reports, transcripts, or summaries of proceedings from which the press and public have been excluded by judicial order.

**(CATEGORY B)**

**19-300            SPECIFIC OPERATIONAL ISSUES**

**19-301            CRIME OR INCIDENT SCENES**

- a. General access. Deputies will extend every courtesy to bonafide news media representatives (reporters and photographers) who are actively covering an incident at the scene. These courtesies will permit closer access, generally providing an opportunity to view the scene, than that granted to the general public and will provide for vehicles and equipment to be located closer, so long as such courtesy does not interfere with either the mission or with general traffic flow. Also, where there is danger of personal injury, access will be restricted until the supervisor in charge determines the area is safe.

- b. Direct access at crime scenes. Direct access by media personnel will be allowed only after all known evidence has been processed and the on-site investigation has been completed. This restriction is necessary to preserve the integrity of the scene. After such integrity is ensured, media mobility will not be restricted except that permission must be obtained from owners or their representative when photographs, films or videotape are to be taken on private property.
- c. Hostage or barricade situations. In hostage or barricade situations, the Sheriff or Chief Deputy will designate a preliminary press area immediately upon arrival at the scene and establish it closer to the scene when it is safe to do so.

**(CATEGORY A)(CALEA 54.1.3)**

## **19-302            PHOTOGRAPHING, TELEVISIONING, RECORDING**

- a. In public places. News media representatives will be allowed to freely photograph, film, or videotape at the scene of any incident so long as their activity does not significantly interfere, compromise, or jeopardize the investigation. Deputies may take protective measures, such as covering a body, in order to prevent photographing or televising it, if such actions are necessary.
- b. Of suspects/accused persons. Suspects or persons in custody will not be deliberately posed for photographs, telecasts, or interviews. Deputies will not pose themselves with a suspect, nor enter into any agreement to have a suspect or person in custody at a prearranged time and place to be photographed, televised, or interviewed. No action will be directed against the news media to prevent or impede their lawful right to photograph such persons at crime scenes or in other public places.
- c. News media access. Media access to, and movement within, fire lines at commercial and residential fire scenes is controlled by the ranking fire official. When news media arrive at such events, the ranking Deputy on the scene will confer with the ranking fire official and assist in establishing an observation point from which media may observe and/or photograph the scene.
- d. Mobility of media. All decisions governing media mobility rest with the judgment of the ranking fire official. Every effort should be made to accommodate media needs in recognition of the unpredictable duration of fires.

**(CATEGORY B)(CALEA 54.1.3)**

## **19-303            INTERVIEWING PERSONS IN CUSTODY**

News media representatives will not be permitted to interview persons in custody.

**(CATEGORY B)**

## **19-304            CONFIDENTIAL OR INTERNAL INVESTIGATIONS**

- a. Confidential operations. Confidential intelligence or investigative information from the CID will not be disclosed, except with the express permission of the Sheriff or Chief Deputy.
- b. Internal investigations. Sensitive or investigative information (particularly the identity of Deputies involved) will not be disclosed, except with the express permission of the Sheriff or Chief Deputy.
  - 1. When information is released on internal investigations, it will conform with State law and the rights of the Deputies; and

2. When details of an internal investigation are to be released to news media, disclosure will be made only after the case has been closed.

**(CATEGORY B)**

#### **19-305 SUICIDES**

The fact that a suicide has occurred may be acknowledged, along with factual information. The name, address, age, gender, occupation of the victim may also be released after notification of next of kin. The fact that a suicide note exists may also be acknowledged, without further comment. Contents of all such messages are considered personal and confidential and will not be made public.

#### **19-306 CITIZEN REQUESTS**

Should a citizen request that information concerning an incident not be released or reported to the media, Deputies will explain that crime information is generally considered public information and therefore, available to news media. Deputies will also explain that such a request will be noted in the official report on the incident. Once so noted, the decision to publish unrestricted information about the event will be left to the media.

## CHAPTER 20

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## **20-100 COMMUNITY POLICING**

Community policing is a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime and other quality of life issues.

To provide a more comprehensive focus on community policing the KCSO has adopted, where appropriate and practical, the Guiding Principles of Community Policing identified by the U.S. DOJ, Office of Community Oriented Policing as they relate to the KCSO as follows:

- a. Crime Prevention is the responsibility of the total community.
- b. The KCSO and community share ownership, responsibility, and accountability for the prevention of crime.
- c. The KCSO's effectiveness is a function of crime control, crime prevention, problem solving, community satisfaction, quality of life and community engagement.
- d. Mutual trust between the KCSO and the community is essential for effective policing.
- e. Crime prevention must be a flexible, long-term strategy in which the KCSO and the community collectively commit to resolving the complex and chronic causes of crime.
- f. Community policing requires the knowledge, access, and mobilization of community resources.
- g. Community policing can only succeed when KCSO administrative, supervisory, line-personnel and government officials enthusiastically support its principles and tenets.
- h. Community policing depends on decentralized, community-based participation in decision making.
- i. Community policing allocates resources and services based on analysis, identification and projection of patterns and trends, rather than incidents.
- j. Community policing requires an investment in training with special attention to problem analysis and problem solving, facilitation, community organization, communication, mediation and conflict resolution, resource identification and use, networking and linkages and cross-cultural competency.

The Kent County Sheriff's Office is committed to establishing close ties with and responding to the needs of the community, as well as the development and perpetuation of community relations and crime prevention programs. All KCSO employees will perform community relations and crime prevention activities daily with the intent to reach a reasonable balance between reactive and proactive law enforcement.

## **20-101 EMPLOYEE ROLE**

The daily conduct of every employee, both sworn and civilian, reflects on the KCSO. The responsibility for meeting the KCSO's community relations objectives is therefore shared by all personnel. Successful community relations depend upon a unified, coordinated effort that requires participation, enthusiasm, and the skills of all employees.

When any employee comes into possession of information which reflects on community attitudes, concerns, or problems, he or she will provide a written report to his or her commander/supervisor. The commander/supervisor will then forward the written report to the Accreditation Manager. The KCSO Field Interview Report Form may be used for this purpose where appropriate.

**(CALEA 45.2.3)**

## **20-102    COMMAND COMMITMENT**

The KCSO is committed to correcting actions, practices, and attitudes that may contribute to community-police tensions and grievances from citizens. As an elected official and the top law enforcement officer in Kent County, the Sheriff regularly attends community functions and makes himself available to citizens who have concerns about the operations of the KCSO. The Sheriff regularly seeks the input of community leaders, both elected and unelected, concerning citizen satisfaction with law enforcement in the County. The Chief Deputy assists the Sheriff in this effort.

Under the direction of the Sheriff, the Chief Deputy also:

- a. Establishes liaison with existing community organizations or establishes community groups where they are needed;
- b. Develops community involvement policies for the KCSO;
- c. Publicizes agency objectives, community problems, and successes via various information outlets;
- d. Conveys information transmitted from citizens' organizations to the Sheriff and elsewhere internally to the KCSO;
- e. Improves agency practices bearing on police/community interaction;
- f. Identifies additional training needs for KCSO employees focusing on community involvement; and
- g. Develops problem-oriented or community policing strategies.

**(CALEA 45.2.1)**

## **20-103            PROGRAM COORDINATOR**

The Accreditation Manager will have principal responsibility for the KCSO's Community Policing Program. The Coordinator's role will include:

- a. Establishing liaison with formal community organizations and other community groups;
- b. Assisting with establishing community groups where such groups do not exist.
- c. Submitting an annual report to the Sheriff, which includes:
  1. a description of current concerns voiced by the community;
  2. a description of potential problems that have a bearing on law enforcement activities within the community;
  3. a statement of recommended actions that address previously identified concerns and problems; and
  4. a statement of progress made toward addressing previously identified concerns and problems.
- d. submitting an annual report to the Maryland Police Training and Standards Commission (MPTSC) by July 1 of each year as required by law.

**(CALEA 45.1.2, 45.2.2)**

## **20-104            PROGRAMS**

The KCSO has established active community involvement programs, including:

- a. Neighborhood Patrols
- b. Traffic Safety Initiatives
- c. Adolescent Substance Abuse Council
- d. Local Drug and Alcohol Advisory Council
- e. Prescription Drug Collection Program
- f. School Security Partnership and Crisis Management
- g. Community Crime Prevention Presentations
- h. Child Fingerprinting

## **20-105            CITIZEN/CALEA SURVEYS**

Citizen surveys can help ensure that the KCSO's policies and procedures accurately reflect the needs of the community. The KCSO conducts a survey of citizens' attitudes, opinions, and needs on an on-going basis, via its website, with respect to:

- a. Overall KCSO performance
- b. Overall competence of KCSO employees;
- c. Deputies' attitudes and behavior toward citizens;
- d. Public trust of agency
- e. Concern over safety and security within the primary service area;
- f. Recommendations and suggestions for improvements.
- g. Annually, the Accreditation Manager reports to the Sheriff on the results of the year's survey responses.

**(CALEA 45, 1.2, 45.2.4, 45.2.5)**

At least annually, the KCSO shall post on the agency's website, for a period of at least 60 days, a notice to its service community announcing the availability of the CALEA public access portal to allow for comment on the performance of the agency.

**(CALEA 45.2.3)**

## **20-106            COMMUNITY PLANNING**

The KCSO participates as a regular member of the Kent County Technical Advisory Committee, which provides support to the County Planning and Zoning Commission. As necessary, the KCSO provides crime prevention input into the development and/or revision of zoning policies, building codes, fire codes, and residential and commercial building permits. The release of any crime prevention analysis data requires the approval of the Sheriff and Chief Deputy.

**(CALEA 45.1.2, 45.1.3)**



## **20-107            IDENTITY THEFT**

Where reasonable and appropriate, officers engaged in public education/information forums, community crime prevention and awareness presentations or similar speaking or information dissemination efforts will provide the public with information on the nature and prevention of identity theft.

**(CALEA 42.2.8)**

## **20-200            VICTIM/WITNESS ASSISTANCE**

### **20-201            VICTIM/WITNESS SERVICE PROVIDER**

The Victim/Witness Service Provider (VWSP) supports victims of crimes and witnesses to crimes using available victim support programs. The VWSP is an employee of the Kent County State's Attorney's Office.

The VWSP is aware of all federal, State and privately funded programs aimed at the support of victims of crime. He or she maintains a supply of documents created by these entities for distribution to victims and lists of the telephone numbers, addresses and names of contact persons for all these available resources.

The VWSP contacts victims of Part One crimes to determine their satisfaction with the investigating agency's response to their crime. He or she will bring to the attention of the KCSO CID Commander any legitimate shortfall in the KCSO's service to victims.

In addition to assessing the level of satisfaction the victim has with Agency service; the VWSP will attempt to provide referrals to available services which may mitigate the impact of crime upon victims and witnesses. These services may include, but are not limited to:

- housing;
- support groups;
- counseling;
- financial or other restitution;
- legal aid;
- medical treatment; and
- explanation and guidance through the criminal justice process.

The KCSO is committed to the development, implementation, and continuation of effective victim/witness assistance programs.

The KCSO recognizes that aiding victims of and witnesses to crimes is as important to its role in law enforcement as identifying and apprehending criminal perpetrators. The Kent County State's Attorney's Office has a position of Victim/Witness Services Provider (VWSP) who is responsible for coordinating support services to all crime victims in Kent County, regardless of whether the underlying criminal case is handled by the KCSO, the Maryland State Police, or a local Kent County law enforcement agency.

In most cases, the law enforcement officer is the first to arrive on the scene of a crime and is the initial source of protection for the victim. The manner in which the Deputy treats the victim at the time of the crime and afterwards affects not only the victim's immediate and long-term ability to cope with the crime, it can determine the victim's willingness to assist in the prosecution.

In support of assistance provided to victims and witness by the Kent County State's Attorney's Office VWSP, the KCSO's role when appropriate during initial investigations, follow-up investigations and the arrest of suspects is, to include:

- a. The implementation and delivery of victim/witness assistance services by KCSO personnel.
- b. The confidentiality of victims/witnesses and their role in case development to the extent consistent with applicable law.
- c. Efforts to inform the public and media about available victim/witness assistance services, to include displaying pamphlets and posters developed by the State Board of Victim Services,
- d. Upon request, a victim shall be provided a private room when reporting information related to a crime under Title 3 of the Criminal Law Article,
- e. The relationship between the KCSO and victim/witness efforts of other agencies and organizations; and
- f. A summary of victim and witness rights as established in Article 47 of the Declaration of Rights of the Maryland Constitution, to include:
  1. *A victim of crime shall be treated by agents of the State with dignity, respect, and sensitivity during all phases of the criminal justice process.*
  2. *In a case originating by indictment or information filed in a circuit court, a victim of crime shall have the right to be informed of the rights established in this Article and, upon request and if practicable, to be notified of, to attend, and to be heard at a criminal justice proceeding, as these rights are implemented and the terms "crime", "criminal justice proceeding", and "victim" are specified by law.*
  3. *Nothing in this article permits any civil cause of action for monetary damages for violation of any of its provisions or authorizes a victim of crime to take any action to stay a criminal justice proceeding.*

**(CALEA 55.1.1)**

## **20-202            PROGRAM RESPONSIBILITY**

The Criminal Investigation Division (CID) Commander will have primary responsibility for the protection of victim and witnesses

- a. Ensuring the implementation and delivery of victim/witness assistance services by agency personnel.
- b. Ensuring the confidentiality of victims and witnesses and their role in case development, to the extent that is consistent with the law.
- c. Using press releases and other appropriate means to inform the public of victim/witness assistance service as required by Maryland Law. State's Attorney's Office, the Maryland State Board of Victim Services, and others to ensure that the KCSO has the most current victim/witness information.
- d. Conducting a biennial review and where appropriate, recommending changes to KCSO procedures, staff training, or other measures to ensure that victim/witness rights are protected.

**(CALEA 55.1.2, 55.1.3)**

## **20-203 INFORMATION FOR VICTIMS**

### **20-203.1 TELEPHONIC ASSISTANCE**

The telephones at KCSO headquarters are set to forward any after-hours call to "KENT". Any after-hours call by citizen seeking information about victim/witness assistance will be referred by "KENT" to the Patrol Supervisor on duty. The Patrol Supervisor can direct a Deputy to respond to the citizen or can telephone the citizen to provide the required information about available resources. If the situation requires, the Supervisor may also request the Kent County State's Attorney's Victim Witness Service Provider to provide assistance

**(CALEA 55.2.1)**

### **20-203.2 PAMPHLETS**

The KCSO stocks pamphlets prepared by the Maryland State Board of Victim Services, *Crime Victims and Witnesses: Your Rights and Services*, which contains specific contact information for victim/witness services for the Mid-Shore Counties, including Kent County. Every Deputy will have a supply of the pamphlet available in his or her vehicle.

Every victim of a crime for which a Criminal Complaint is completed will be given a copy of the pamphlet, along with the Deputy's business card or with the Deputy's name and telephone number documented on the cover of the pamphlet.

The KCSO stocks pamphlets prepared by the Maryland Network Against Domestic Violence, *what to do when your home isn't SAFE*, which contains information about obtaining Protective Orders and Peace Orders and includes a "hotline" number for victims of abuse. Every Deputy will have a supply of the pamphlet available in his or her vehicle.

A responding Deputy will give a copy of this pamphlet to the complaining party in every domestic call. If a person has been the victim of a crime in a domestic situation, the person will be given copies of both pamphlets.

**(CATEGORY A)**

### **20-203.3 PRELIMINARY INVESTIGATION**

In addition to providing the pamphlets described above, the Deputy gives the victim information about available services. The Deputy will:

- a. advise the victim of the existence of the State's Attorney's VWSP position. The Deputy will explain that information concerning counseling, medical attention, compensation programs, or emergency financial assistance, and victim advocacy are available from the VWSP.
- b. advise the victim to call 9-1-1 if there are any subsequent attempts at victimization or intimidation.
- c. point out the sections of the pamphlets which identify subsequent steps in the legal process.
- d. encourage the victim to call the Deputy or the VWSP, if he or she has any questions, wants to report any additional information about the case, or wants to receive information about the status of the case.

**(CALEA 55.2.3a-d)**

#### **20-203.4 FOLLOW-UP INVESTIGATION**

The KCSO also has obligations to victims during the follow-up investigation if there is one. The KCSO investigator will conduct any necessary follow-up investigation and will provide all appropriate investigatory reports to the State's Attorney's Office for prosecution purposes.

The State's Attorney's VWSP will coordinate with the Deputy assigned to lead a follow-up investigation and will contact the victim and all witnesses within 15 days of initiation of the investigation. The VWSP will be responsible to coordinate victim/witness assistance services:

- a. If, in the opinion of the VWSP, the impact of a crime on a victim or witness has been unusually severe and has triggered above-average need for victim/witness assistance, the VWSP will re-contact the victim/witness periodically to determine whether his/her needs are being met;
- b. If it will not endanger the successful prosecution of the case, the VWSP will assist the investigating Deputy in explaining to the victim and to witnesses the procedures involved in the prosecution of their cases and their role in those procedures;
- c. With the assistance of the VWSP, Deputies will make reasonable attempts to schedule line-ups, interviews, and other required appearances at the convenience of the victim and witnesses.
- d. Victim/witness property taken as evidence (except for contraband, disputed property, and weapons used in the course of the crime) will be returned promptly, where permitted by law and rules of evidence; and
- e. The VWSP will refer victims to other agencies which can provide additional victim advocate services to the victim/witness during follow-up investigation, if necessary and appropriate.

**(CALEA 55.2.4)**

#### **20-203.5 ARREST OF SUSPECT OR CHANGE OF STATUS**

Upon the arrest of a suspect, the investigating Deputy will notify the victim, or where appropriate the victim's family of the arrest, the charges, and the arrestee's custody status. The investigating deputy will notify the victim and witnesses of any change in status of a case, in compliance with Chapter 14.

**(CALEA 55.2.5)**

#### **20-204 INTIMIDATION OF VICTIMS/ WITNESSES**

The KCSO will provide appropriate assistance to victims/witnesses who have been threatened or express specific, credible reasons for fearing intimidation or further victimization.

What constitutes appropriate assistance will vary with the nature and credibility of the threat and the KCSO resources available.

- a. Deputies will, as a matter of course, have informed victims and witnesses that, at any sign of danger, they may call 9-1-1 and there will be an appropriate law enforcement response.
- b. Victims of abuse will have been provided with the pamphlets described above and made aware of their ability to seek Protective or Peace Orders.
- c. With notification to the CID Commander, other arrangements may be made for example, periodic patrol checks;

**(CALEA 55.2.2)**

## **20-205 VICTIM/WITNESS ASSISTANCE TO KCSO PERSONNEL**

The State's Attorney's VWSP may be requested to provide victim/witness assistance services to KCSO personnel and their families following line-of-duty deaths or serious injuries. That assistance includes:

- a. Notification of the Deputy's family in a timely and personal manner;
- b. Assisting the family at the hospital;
- c. Helping the family with legal and benefits matters
- d. Counseling the family regarding finances and other possible problems;
- e. Supporting the family during criminal proceedings, if any; and
- f. Maintaining long-term contact with the family and remaining aware of their needs.

**(CALEA 22.2.4)**

## **20-206 EMERGENCY/DEATH MESSAGES**

Under certain circumstances, including upon request of law enforcement officials of another jurisdiction, the KCSO may be required to notify next of kin of the serious injury or death of a family member.

The KCSO will observe the following procedures for such notifications:

- a. In all cases, the Deputy will verify with notifying officials the cause of death or injury and how the identity of the victim was established.
- b. The Deputy will request the KCSO Chaplain, other clergy, or family members to accompany the Deputy on the notification. However, notification should not be unduly delayed by such attempt.
- c. If the person notified is alone, the Deputy or the KCSO Chaplain will, unless operational considerations prevent it, remain with the individual for a reasonable time, or until family, friends, or neighbors arrive.

**(CALEA 55.2.6)**

## **20-207 VICTIMS' RIGHTS ADVOCATE**

- a. The Sheriff shall designate a KCSO sworn employee as the Victims' Rights Advocate to be the contact for the public on matters related to police misconduct.

The Victim's Right Advocate shall:

1. explain to a complainant:
  - i. the complaint, investigation, administrative charging committee, and trial board process;
  - ii. any decision to terminate an investigation;
  - iii. an administrative charging committee's decision of administratively charged, not administratively charged, unfounded, or exonerated; and

- iv. a trial board's decision.
- 2. provide a complainant with an opportunity to review a police officer's statement, if any, before completion of an investigation by a law enforcement agency's investigative unit;
- 3. notify a complainant of the status of the case at every stage of the process; and
- 4. provide a case summary to a complainant within 30 days after final disposition of the case.
- b. The Kent County shall maintain a database of all outstanding citizen complaint investigations. When an investigation is assigned, the designated Victim's Advocate shall send the complainant KCSO Form# 148 advising them of the pending investigation and request for email contact information.
- c. Once email contact information has been received, the designated Victim's Advocate shall use **ONE DRIVE** to send the complainant a link to all updates in the investigation. The Internal investigative number shall serve as the complainant's case number.
- d. The designated Victim's Advocate shall be responsible to update the **ONE DRIVE** link as the investigation proceeds through:
  - a. Investigation (KCSO Form #148A)
  - b. Charging (KCSO Form #148B)
  - c. Offer of Discipline (KCSO Form #148C)
  - d. Trial Board (KCSO Form #148D)
  - e. Ultimate Discipline (KCSO Form #148E); and
  - f. Appeal (KCSO Form #148F)
  - g. Final Disposition (KCSO Form #148G)

## **CHAPTER 21**

### **SCHOOL SECURITY**

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## **21-100 SCHOOL RESOURCE DEPUTY**

The Kent County Sheriff's Office (KCSO) shall provide a trained Deputy within the Kent County High School and Kent County Middle School. The presence of the School Resource Deputy provides Kent County High School and Kent County Middle School with on-site security and facilitates coordination with law enforcement agencies.

## **21-101 SCHOOL RESOURCE DEPUTY FUNCTION**

The primary function of the School Security Deputy is to assure a safe and secure learning environment for students, faculty and administrators at the Kent County High School and Kent County Middle School.

## **21-102 DUTIES AND RESPONSIBILITIES OF SCHOOL RESOURCE DEPUTY**

The School Resource Deputy serves as a law enforcement officer and liaison between the KCSO and students, parents, teachers and administrators at the Kent County High School and Kent County Middle School. In carrying out these functions, the School Resource Deputy has multiple roles:

- a. Be a visible, active security and law enforcement Deputy on the school campus.
  1. The School Resource Deputy will handle security and law enforcement matters originating on the school campus.
  2. The School Resource Deputy will not enforce school rules and regulations. The KCHS and KCMS Principal or other designated school authorities shall be responsible for the enforcement of school discipline and school rules and regulations.
- b. In instances of criminal activity, serve in a law enforcement capacity.
  1. The School Resource Deputy will be responsible for all criminal investigations originating on the school campus when working;
  2. In the case of a more serious incident, the School Resource Deputy may request assistance of the KCSO Patrol Division or the KCSO Criminal Investigation Division as necessary, or other resources as directed by the Sheriff or his/her designee.
- c. Patrol the school campus on foot and/or in a vehicle.
  1. This includes investigating suspicious persons, loiterers, or automobiles on or near school property; and
  2. Taking appropriate steps to correct problems conflicting with the best interest of students and the security and safety of school property.
- d. Be available as a resource person for KCHS and KCMS parents, teachers, students and other school community members regarding security, safety, and law enforcement matters.
- e. Complete all agency paperwork as required and a monthly activity log for submission to the KCSO Patrol Division Commander, Chief Deputy and Sheriff.
- f. Appear before the Parent Teacher Student Association (PTSA) and other groups associated with KCHS or KCMS and make presentations and/or provide information on security, safety, and law enforcement related topics.



- g. Provide information and other support to school-based student service professionals and school staff members to assist in planning designed to address the security and safety needs of students.
- h. Assist in educating students concerning the role of police in our society and other law enforcement related issues such as:
  - 1. Crime prevention
  - 2. Recognition of substance abuse
  - 3. Driver safety
  - 4. Protection of persons and property
- i. Serve as a positive role model for students
- j. Make students aware of the consequences of juvenile and adult misbehavior through close contact with students, school personnel and parents where appropriate.
- k. Assist with formulating crime prevention and detection programs to reduce the opportunity from crimes against persons and property in the school
- l. Perform other duties as requested by the KCHS or KCMS Principal and authorized by the Sheriff or his designee.

**(CATEGORY A)(CALEA 44.2.4)**

#### **21-103            SCHOOL RESOURCE DEPUTY SELECTION CRITERIA**

The Sheriff, with input from the Kent County Public Schools Superintendent, shall assigned a sworn Deputy Sheriff to the role of School Resource Deputy for the KCHS and KCMS. The Deputy Sheriff assigned to the position of School Resource Deputy shall remain a member of the KCSO for all purposes.

#### **21-104            TRAINING**

Sworn Deputies assigned to the role of School Resource Deputy shall complete The National Association of School Resource Officers Basic SOR Course when first offered following their appointment to the position. Other arrangement shall be approved by the Sheriff.

#### **21-105            WORK ASSIGNMENT**

- a. The School Resource Deputy shall report directly to the Sheriff or his/her designee.
- b. One (1) Deputy shall be assigned to the Kent County High School and one (1) Deputy shall be assigned to the Kent County Middle School.
- c. The School Resource Deputy shall be assigned a Monday through Friday schedule with Saturdays and Sundays off. The School Resource Deputy shall report to his/her assigned school at least one-half hour prior to the scheduled opening time for instruction and shall remain on the campus until the scheduled closing time for instruction for a total of eight (8) hours.

- d. When the KCHS or KCMS is not scheduled to be in session or closed due to inclement weather or other instances when school is cancelled by the Kent County Public School Superintendent, the School Resource Deputy shall not report to the campus.
- e. When the KCHS or KCMS has a delayed opening, the School Resource Deputy shall report at least one-half hour prior to the delayed opening instructional time. If school is closed early due to inclement weather or other reasons, the School Resource Deputy shall remain on the campus until the adjusted scheduled closing time for instruction.
- f. The School Resource Deputy's schedule adjustments shall be determined by the Sheriff or his/her designee.

## **21-106 SCOPE OF WORK**

- a. The School Resource Deputy shall complete and submit all investigative reports in accordance with KCSO policy. All reports regarding criminal related investigations will be completed on a laptop computer provided by the KCSO.
- b. The School Resource Deputy shall complete an adult arrest report whenever making an arrest of a student or other person 18 years or older.
- c. The School Resource Deputy shall complete a juvenile arrest report and juvenile referral whenever making an arrest or referral of a student or other person in accordance with KCSO Chapter 9-600, regarding juvenile arrests.
- d. All School Resource Deputies or Deputies serving as a School Resource Deputy shall comply with the KCSO Use of Force Policy as described in Chapter 8. In addition, per *Md. Education Code Ann. §7-1508, School safety coordinator, school resource officers, and school security employees*, the School Resource Deputy shall complete the Maryland Center for School Safety Use of Force Report and submit it to the CID Commander for review. Following review of the form, the CID Commander shall submit the completed form to the Accreditation Manager for submission to the Maryland Center for School Safety on a quarterly basis by the 15<sup>th</sup> of the month (October, January, April, and July). The forms shall be submitted electronically to [mcss.mcss@maryland.gov](mailto:mcss.mcss@maryland.gov).
- e. The School Resource Deputy shall initiate a KCSO CrimeStar Call for Service for each day he/she is on duty at the KCHS or KCMS and shall complete a monthly activity report regarding programs conducted, instruction provided, arrests/juvenile referrals and counseling contacts made with a student or staff during the month. The monthly activity report shall be completed by the 5<sup>th</sup> day after the month of the activities conducted.

**(CATEGORY B)(CALEA 44.2.4)**

## **21-107 EQUIPMENT SUPPLIED**

- a. The School Resource Deputy shall maintain contact with the KCSO, other law enforcement officers, and public safety agencies on police radio frequencies through his/her issued radio equipment. In addition, the KCSO will provide the School Resource Deputy with a cellular phone that may be used for emergencies or unusual occurrences.
- b. The Kent County Public Schools will provide and maintain a portable radio and private workspace for the School Resource Deputy at their assigned school. Additionally, the School Resource Deputy shall be provided with a Kent County Public School computer to access student attendance and demographic information to aid in the performance of his/her duties and responsibilities.

- c. The KCSO shall provide the School Resource Deputy with a laptop computer to complete any required KCSO reports necessary to fulfill the duties and responsibilities of his/her position at the KCHS or KCMS as School Resource Deputy.
- d. The School Resource Deputy shall work in the KCSO uniform of the day while on duty at the KCHS or KCMS.

## **21-108            Body Worn Camera**

The School Resource Deputy shall be issued a KCSO approved Body Worn Camera (BWC) and will be required to follow the policies in the KCSO Administrative and Operations Manual.

- a. When responding to incidents at the Kent County High School or the Kent County Middle School, the School Resource Deputy shall:
  - 1. Only activate the camera when necessary for law enforcement purposes.
  - 2. Not activate the BWC during routine, daily interactions with students or staff.
  - 3. To all extent possible attempt to avoid recording staff and persons other than the involved parties.
  - 4. To all extent possible attempt to avoid recording educational activities.
- b. BWC video is a police record. Per Maryland Courts and Judicial Proceedings, Section 3-8A-27, a police record concerning a child is confidential and shall be maintained separate from those of adults. Its contents may not be divulged, by subpoena, or otherwise, except by order of the court upon good cause shown or as otherwise provided in § 7-303 of the Education Article.

**(CATEGORY A)**

## **21-109            ACCOUNTABILITY**

- a. The School Resource Deputy shall be familiar with the students, parents, and staff handbooks, including the student agenda books.
- b. The School Resource Deputy shall also be familiar with the school systems policies and procedures related to safety and student discipline.
- c. The School Resource Deputy shall be responsible for the investigation of all criminal related matters, unless directed otherwise by the Sheriff or his/her designee.
- d. The School Resource Deputy shall serve as an education resource person in cooperation with school personnel regarding matters of public and school safety issues.
- e. The KCSO shall make every attempt to ensure the School Resource Deputy or other assigned Deputy is on site at the KCHS and KCMS during normal operating hours.
- f. In the event the School Resource Deputy is unavailable or otherwise not on school property:
  - 1. It shall be at the discretion of school personnel to determine if the incident needs immediate attention or if the situation can be addressed by the School Resource Deputy upon his/her return to duty.

2. If, in the opinion of school personnel, the incident requires immediate attention, school personnel should contact 9-1-1 or the KCSO and a Deputy shall respond.

## **21-110 REASSIGNMENT**

- a. In the event the Principal of the KCHS or KCMS believes the assigned School Resource Deputy is not effectively performing his/her duties and responsibilities, the following procedures shall be followed:
  1. The Principal will contact the Sheriff or his/her designee.
  2. The Sheriff or his/her designee shall meet with the School Resource Deputy in an attempt to resolve the issue.
  3. If the issue is not resolved, the Principal shall submit the issue in writing to the KCPS Superintendent. The Superintendent, within a reasonable time will inform the Sheriff or his/her designee of the Principal's concerns.
  4. The Superintendent and the Sheriff or his/her designee shall meet with the School Resource Deputy in an attempt to resolve any issues.
  5. At the discretion of the Sheriff, the School Resource Deputy may be reassigned from the program and a replacement may be assigned, dependent on availability of personnel resources at the KCSO.
- b. The Sheriff may dismiss, discipline, or reassign the School Resource Deputy based upon KCSO policies and regulations when it is in the best interest of the citizens of Kent County or the KCSO.
- c. In the event of the resignation, dismissal or reassignment of the School Resource Deputy, the Sheriff shall assign a replacement within a reasonable amount of time after receiving notice of such absence, dismissal, resignation, or reassignment,

## **21-200 KENT COUNTY PUBLIC SCHOOLS ACCESS CARD**

In an effort to enhance security in the Kent County Public School buildings, all sworn personnel shall be issued a school access card for entry into any county public school.

## **21-201 USES**

- a. The school access card is the property of the Kent County Public Schools issued to sworn personnel for entry into any public school in Kent County.
  1. The card is individually programmed to each recipient.
  2. The Kent County Public School Administrators will track the use of these access cards and report any misuse to the Sheriff.
- b. Any sworn personnel may use their access cards in the normal course of his/her assigned duties.

## **21-202            RESPONSIBILITY**

- a. All KCSO sworn personnel issued an access card is responsible to ensure the card remains in good working order.
- b. The issued access card shall be kept in the assigned patrol vehicle in a secure place.
- c. The access card shall be part of the required equipment inspection.
- d. Any loss or damage shall be immediately reported to the Patrol Commander.

## **21-300            ELEMENTARY SCHOOL SAFETY CHECKS**

The Deputy assigned to the North and South Region shall make all attempts to conduct two (2) patrol safety checks at Galena Elementary and Rock Hall Elementary, when requested, each day while school is in session.

Galena Elementary School patrol safety checks shall be conducted between the start of the school day and 12:00PM and another one shall be conducted between 12:00PM and the end of the school day.

Rock Hall Elementary School patrol safety checks shall be conducted on an as needed basis when Rock Hall Police Department does not have adequate coverage during the school hours. It shall be the responsibility of the Rock Hall Police Department to notify the KCSO when patrol safety checks are needed by the KCSO.

The patrol safety check shall not be conducted at the same time each day. There is to be no routine to these checks.

## **21-301            SCOPE OF WORK**

- a. The Elementary school patrol safety check shall consist of the following:
  - 1. Arrive at school unannounced;
  - 2. Report to school office and advise the administration of your presence in the building;
  - 3. Walk through the interior and exterior of the school;
  - 4. Interact with students, facility, and other guests in the building;
  - 5. Look for suspicious activities and respond to it per the KCSO policies and procedures; and
  - 6. Complete a Call for Service in CrimeStar.
- b. Report any incidents or areas of concern to the CID Command

## CHAPTER 22

### SERVICES OF CIVIL PROCESS

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## **22-100 CIVIL PROCESS AND CRIMINAL SUMMONS**

Under the Rules for the Circuit Court of Maryland, the KCSO is responsible for the service of civil process and criminal summons. The KCSO also serves civil process and criminal summons issued by the District Court of Maryland, although not required by law to do so. For the purpose of this section and for records management system processing, the term "civil process" includes criminal summons.

### **22-101 RESPONSIBILITY**

Overall administration of the civil process function is the responsibility of the Commander, Services Division (SD) and all civil process is assigned to him for service. However, all Patrol Deputies are required to assist the Service Division Supervisor in the service civil process. Only sworn Deputies will serve process for the KCSO.

**(CALEA 74.1.1)**

### **22-102 RECORDING PROCESS RECEIVED**

The KCSO uses CrimeStar to record the receipt and execution of all civil process. The physical copies of the documents are maintained in a file in the Patrol Division.

Civil process is received by the Office Manager, who oversees the entry of the documents into CrimeStar and the deposit of associated fees.

CrimeStar is used to record and maintain the following information on all civil process:

- a. the date and time received.
- b. the nature of the document.
- c. the issuing Court.
- d. the name of the defendant or respondent upon whom the paper is to be served.
- e. the date of assignment
- f. the court docket number; and
- g. the date service is due
- h. The Office Manager will also record when service has been made:
  1. the date returned.
  2. the return status; and
  3. the Deputy who served the paper.

KCSO Deputies serving either a criminal summons issued by either the Circuit Court of Maryland or the District Court of Maryland shall also complete a KCSO Arrest Report through CrimeStar.

**(CATEGORY A)(CALEA 74.1.1)**



## **22-103 FEES FOR SERVICE**

The processing of fees for service is described in Chapter 3 of this Manual.

## **22-104 PROPERTY MANAGEMENT**

- a. All property received pursuant to the delivery of a civil process service will be documented on appropriate KCSO forms and immediately turned over to the plaintiff or agent.
- b. All property received pursuant to the service of civil process that cannot be turned over to the plaintiff or agent will be inventoried on a levy form and placed in a secure storage area until the disposition of the property has been determined.
- c. When property is seized for civil forfeiture, it will be entered in the CID Seized Property Log and a file will be created in which all documents related to the handling of the property will be kept. The property log will include:
  1. the date of the seizure
  2. a unique seized property report number (which will also be the file number).
  3. the name of the owner of the property.
  4. a description of the property.
  5. the date the property is submitted to the State's Attorney for forfeiture; and
  6. the disposition of the property.

Currency will be handled in accordance with the procedures in Chapter 15 (i.e., transmitted to the Kent County Treasurer for deposit). All other property seized for civil forfeiture will be stored securely until the disposition of the property is determined by the court.

**(CALEA 74.4.1)**

## **22-200 PROCEDURES**

### **22-201 ASSIGNMENT AND CONTROL**

- a. After recording civil process in CrimeStar, the Office Manager produces a report showing all currently unserved civil process. The report, sorted by geographical area, shows the name of each individual to be served and the service deadline.
- b. The Office Manager attaches a copy of the KCSO Process Service Record to each piece of paper to be served. The items for service are filed alphabetically by person to be served in a file in the Patrol Division. The report showing the current unserved process is placed in the front of the file.
- c. At some point during his or her shift, each Patrol Deputy will stop at KCSO headquarters to see if there is process for service in his or her sector. The Patrol Deputy will take any process for the sector (if the shift is appropriate) and attempt to make delivery during the shift.
- d. When service is accomplished, the return of service will be recorded on the return copy of the process. When the Deputy returns to KCSO headquarters, he or she will place the completed process in the SD Supervisor's box. On a daily basis, the SD Supervisor returns the completed process to the Office Manager for recording and return to the Court.

- e. The first Deputy who attempts but is not able to accomplish service, will note the attempt as "1" in the "Attempt" column on a KCSO Process Service Record, noting the date and time of the attempt, his or her ID number, and any remarks (such as when the target of the service is expected to be available or where the target can be found). The Deputy will then return the paper to the alphabetical file from which he or she took it. Completing the Process Service Record completely and accurately eliminates the requirement to make entries concerning attempted service on the process itself.
- f. Subsequent unsuccessful attempts at service will be recorded on the same Process Service Record form, using serial numbers in the "Attempt" column (i.e., 1, 2, 3, etc.) to record each attempt.
- g. Except as noted below, Original Notices require personal service by delivery to the defendant or addressee.
- h. On a daily basis, the SD Supervisor will review all unserved process to determine whether any of it must be returned to the Court as not servable. If a summons cannot be served, the SD Supervisor will return it to the Office Manager so that the service fee may be reimbursed, if appropriate.

**(CATEGORY A)(CALEA 74.1.2)**

## **22-202            SPECIFIC PROVISIONS FOR PROCESS**

- a. An individual who is a defendant in a civil matter may be personally served, or the summons and complaint may be left at the defendant's dwelling with a person of suitable age and discretion residing at the residence.
- b. When service cannot be made because there is no one at a premise, the Deputy will leave a business card so that the person sought can call the Deputy.
- c. Service may be made to a person who is an agent authorized by appointment or law to receive service of process, such as an attorney.
- d. If a person resists service of civil process by threats, violence, or superior force or by preventing a Deputy from entering the premises so that the Deputy cannot serve the process without force or personal risk, the Deputy will make a written report of the circumstances of the service to the SD Supervisor. The SD Supervisor may direct the Deputy to provide an Affidavit concerning the circumstances to the Court, in which case the Court may authorize alternative means of service.
- e. Service of a Summary Ejectment or Tenant Holding Over may be made by personal service or by posting in a conspicuous place on the property.
- f. The rules for making valid service upon corporations, partnerships, associations, and governments are found in Rule 2-124 (Circuit Court) and Rule 3-124 (District Court) of the Maryland Rules. A copy of the Maryland Rules is always available in the SD Supervisor's office.

## **22-203            EVICTIONS GENERALLY**

- a. If a tenant fails to pay rent when it is due and payable, the landlord has the right to petition the District Court to repossess the premises. The first step is service of a Summary Ejectment or Tenant Holding Over as described above. If the tenant does not pay the landlord and, after the hearing held on the complaint, the Court determines that the rent is owed, it will render judgment in favor of the landlord for the amount due and direct the tenant to make restitution to the landlord and to turn possession of the premises back to the landlord within 2 days.

- b. The tenant may still avoid eviction by paying the rent due plus costs of the suit. However, if a landlord must use this process 3 times in any 12-month period to collect rent due, the landlord may petition the Court for eviction, nonetheless.

**(CATEGORY A)**

**22-203.1      WARRANT OF RESTITUTION-DISTRICT COURT**

- a. A Warrant of Restitution (WOR) is issued by the District Court for a tenant's failure to pay rent to a landlord.
- b. If the tenant does not comply with the Summary Ejectment or Tenant Holding Over within 2 days, a landlord may obtain a WOR from the District Court.
- c. A WOR authorizes the Sheriff to put the landlord in possession of his or her property and to remove from the property, by force, if necessary, all the furniture and other goods of the tenant.
- d. A WOR shall be served within sixty (60) days.

**(CATEGORY A)**

**22-203.2      WRIT OF POSSESSION-CIRCUIT COURT**

- a. A Writ of Possession (WOP) is issued by the Circuit Court for a homeowner's failure to pay a lender.
- b. It is the Lender's responsibility to obtain a WOP.
- c. There are no time restraints for service of a WOP.

**(CATEGORY A)**

**22-203.3      EVICTION PROCEDURES FOR WARRANT OF RESTITUTION AND WRIT OF POSSESSION (NOT MOBILE HOMES)**

- a. Writ of Possession and Warrant of Restitution shall be served in the same manner, with the following exceptions:
  - 1. Notification of the WOP shall be made to the lender/financial institution
  - 2. Notification of the WOR shall be made to the landlord/property owner
- b. The KCSO is not required to notify the tenant/homeowner prior to execution of a WOR/WOP.
- c. A WOR/WOP may not be executed under the following conditions:
  - 1. On a Sunday or court holiday,
  - 2. When it is raining or snowing,
  - 3. The expected high temperature of the day is 32 degrees or less,
  - 4. A stay is issued by the court.

If any of these conditions occur, the landlord/lender shall be notified, and the WOR/WOP postponed. The WOR/WOP shall be rescheduled as soon as possible.

- d. The Deputy will contact the landlord/lender (or his or her agents) prior to execution of the warrant/writ. They will set a date and time for its execution. The landlord/lender will be required to check the premises the night before the warrant is to be executed to determine if the defendant has already moved out of the premises and will inform the Deputy. The landlord/lender will ensure that he or she has sufficient agents on hand at the time the warrant is to be executed to assist with the removal of the tenant/homeowner's personal property.
- e. If the eviction is to be carried out and the tenant/homeowner is present, the Deputy will explain the warrant to the tenant/homeowner and ask for his or her cooperation in its execution. If the tenant/homeowner wishes to pay the specified judgment and cancel the eviction, the tenant/homeowner must be allowed to do so, unless the Judge has marked the box "Without Right of Redemption" at the end of the Order. If that box is marked, the eviction must proceed, unless the landlord/lender asks that it be terminated.
- f. All the tenant/homeowner's property will be removed from the premises and placed on the nearest parking area or county/town right of way. The tenant/homeowner shall have 24 hours to retrieve their property. If the property has not been removed after 24 hours, it is the responsibility of the landlord/lender to properly dispose/remove the property.
- g. If the tenant/homeowner is not present and an offensive weapon or firearm is found, it will be confiscated. The Deputy will also confiscate any prescription medications, controlled dangerous substances, or alcoholic beverages which may be found. The Deputy will transport the items to KCSO headquarters for disposition in accordance with Chapter 15 of this Manual.
- h. If the defendant is present and claims a firearm, the Deputy will check the serial number through Kent Central Alarm to see if it is wanted. If the firearm is not wanted and the defendant presents satisfactory evidence of legal possession, the Deputy will make sure the weapon is unloaded and safe before returning it to the defendant.  
  
If the defendant cannot present satisfactory evidence of legal possession, the Deputy will confiscate the weapon, take it to KCSO headquarters, and enter it into the property held system using the procedures in Chapter 15 of this manual. The defendant will be told that he or she may apply to the KCSO Property Custodian for return of the weapon.
- i. If an animal control officer is needed during the execution of a WOR/WOP, the Deputy will contact the Animal Control through Kent Central Alarm.

**(CATEGORY A)**

#### **22-203.4 EVICTION PROCEDURES FOR WARRANT OF RESTITUTION AND WRIT OF POSSESSION (MOBILE HOMES)**

- a. A WOR can be issued on a mobile homeowner who fails to pay "ground rent".
- b. A WOP can be issued on a mobile homeowner who fails to pay the "mortgage"; however, can be up to date on their "ground rent".
- c. If a WOR/WOP is issued, the Deputy will contact the park owner/lender (or his or her agents) prior to execution of the warrant/writ. They will set a date and time for its execution. The landlord/lender

will be required to check the premises the night before the warrant is to be executed to determine if the defendant has already moved out of the premises and will inform the Deputy.

- d. If the eviction is to be carried out and the mobile homeowner is present, the Deputy will explain the warrant/writ to the homeowner and ask for his or her cooperation in its execution. If the homeowner wishes to pay the specified judgment and cancel the eviction, the homeowner must be allowed to do so, unless the Judge has marked the box "Without Right of Redemption" at the end of the Order. If that box is marked, the eviction must proceed, unless the park owner/lender asks that it be terminated.
- e. If an animal control officer is needed during the execution of a WOR/WOP, the Deputy will contact the Animal Control through Kent Central Alarm.
- f. The deputy serving a WOR/WOP shall:
  - 1. enter the mobile home **only** to ensure no person or animal is present in the home,
  - 2. not search the premises,
  - 3. not remove any possessions from the premises, and
  - 4. once the premises are secure, have the park owner lock the front and back doors.

The removal of the mobile home is between the park owner and the mobile homeowner.

**(CATEGORY A)**

## **22-204 WRIT OF EXECUTION-LEVY**

- a. A writ of execution is issued by a court, at the request of a plaintiff/creditor, when the court has rendered a money judgment in his or her favor. The writ is directed to the Sheriff and orders the Sheriff to "levy" the property of the defendant/debtor.
- b. A levy may be made on real property (i.e., land and associated dwellings) or on personal property (i.e., vehicles, tools, other movable possessions). The levy takes the property or its use from the defendant/debtor and minimally notifies him or her that the property in question may not be sold or otherwise disposed of, or taken out of the jurisdiction of the court, until the judgment has been paid.
- c. The court may direct the Sheriff to put a notice of the levy on the property, to exclude others from use of it, or to remove it from the premises.
- d. In all cases of levies, the Deputy will mail a copy of the levy, along with the schedule; to the last known address of the defendant after it has been posted. The Deputy may also serve the paperwork on the defendant.
- e. In the case of real property, the Deputy will post a copy of the writ in a prominent place on the property and give a copy to the defendant, if he or she is present at the time of service. The Deputy shall provide a copy of the pamphlet, "Tenants' Rights and the Access to Counsel In Evictions Program" (Located on the Shared Drive Forms-Civil), in addition to the process served on a tenant, an assignee, or subtenant.
- f. In the case of personal property, the Deputy will obtain access to the property and affix a copy of the writ. The Deputy will prepare a schedule listing the property and give a copy of the writ to the defendant if he or she is present at the time of service.

- g. Alternatively, the Deputy may:
  - 1. remove the property if the writ of execution directs.
  - 2. post a copy of the writ and schedule in a prominent place in the immediate vicinity of the property and affix to each item of property a label denoting that the property has been levied, or
  - 3. post a copy of the writ in a prominent place in the immediate vicinity of the property without affixing a label to each item of property, if labeling each item is impractical.
- h. If the writ instructs that the property be removed from the premises and the Deputy finds a person other than the debtor in possession of the property and asserting a right to possession, the Deputy will post the property and leave it where found.

**(CATEGORY A)**

## **22-205 SEIZURE**

- a. When the writ directs the Sheriff to place a plaintiff/creditor in possession of personal property, the Deputy will proceed to the place where the property is located.
- b. The Deputy will carefully ensure that the property to be seized matches the property described in the writ. Articles with serial numbers should be matched and/or recorded.
- c. The Deputy will provide a copy of the writ to the defendant if he or she is present at the time of service. Regardless of whether personal service is made, the Deputy will mail a copy of the writ and the schedule to the defendant's last known address after the property is seized.
- d. The Deputy will remove the property to a secure location and take steps to notify the plaintiff/creditor when he or she may take possession.
- e. The plaintiff/creditor is responsible for the payment of any costs incurred in moving and storing the property prior to taking possession of it.

**CATEGORY A)**

## **22-206 SHERIFF'S SALE**

- a. Upon completion of the levy of a Writ of Execution, the plaintiff, after waiting the 30-day appeal period, may contact the KCSO to move forward with a Sheriff's Sale of levied property.
- b. The plaintiffs' attorney must contact the SD Supervisor, in writing on official letterhead, if they wish to continue with the sale.
- c. A deposit of \$1,000.00 shall be enclosed to cover the costs of storage fees, poundage fees, etc. The deposit must be paid by a cashier's check, certified check or money order made payable to the KCSO. Cash, personal checks, business checks and third-party checks will not be accepted. Any unused funds shall be returned to the plaintiff/plaintiff's attorney upon completion of the sale. If the Sheriff's sale is cancelled the entire deposit of \$1,000.00 shall be refunded.
- d. If the sale involves "real property", verification by the plaintiff or plaintiff's attorney is required showing that a "title search" has been done to ascertain that the property can be sold. (Note: This

is in their best interest as any lien holders/mortgage companies will be paid first as well as any prior plaintiffs who may have a prior judgment against the defendant.) These searches ARE NOT the responsibility of the Sheriff's Office.

- e. The Plaintiff/Creditor/Attorney shall supply a sample advertisement for the local publication. The SD Supervisor shall be responsible for approving and posting the advertisement on the Kent County Courthouse bulletin board. The Plaintiff/Creditor/Attorney is responsible to place the advertisement in the local newspaper and pay for same.
- f. A written notice must be sent to the defendant(s) advising them of the pending sale within 30 days of the Sheriff's sale.
- g. If there is no response from the defendant, the SD Supervisor or Plaintiff/Creditor/Attorney shall contact an available local auctioneer to handle the sale on a set date.
- h. The sale of "personal property" shall be public and take place at a mutually agreed upon location. It must be advertised in the local publication for ten (10) days prior to the date of sale.
- i. The sale of real property shall always be conducted at the Kent County Courthouse entrance, 103 North Cross Street, Chestertown, MD. It must be advertised in the local publication for twenty (20) days prior to the date of sale.
- j. Upon conclusion of the sale, a report of the sale must be made to the "Court" that issued the original writ (Circuit or District) and must be ratified by the court before the disbursements of monies are made to any of the parties involved.
- k. The KCSO shall receive a poundage fee for conducting a Sheriff's sale. The fee schedule is as follows:
  - 1. Sheriff's sale involving real property
    - i. 1.5% of judgement for first \$5000 of total sale
    - ii. 1% of judgement for second \$5000 of total sale
    - iii. 0.5% of judgement for remaining amount of total
    - iv. The minimum amount that can be collected shall be \$1.50
    - v. The maximum amount that can be collected shall be \$250.00
  - 2. Sheriff's sale involving personal property
    - i. 3% of judgement for first \$5000.00 of total sale
    - ii. 2% of judgement for second \$5000.00 of total sale
    - iii. 1% of judgement for remaining amount of total
    - iv. The minimum amount that can be collected shall be \$15.00
    - v. The maximum amount that can be collected shall be \$500.00

- I. Forms can be located on the shared drive of the KCSO and in the KCSO Form's Manual under the Administrative tab.

**(CATEGORY A)**

## **22-207            SHOW CAUSE ORDER**

- a. The court may issue a "show cause" order requiring a defendant to appear for a hearing to give reasons, legal and/or factual, why a particular order should not be made.
- b. The show cause order sets a date for the hearing and for the trial on the merits.
- c. A Show Cause Order can only be served on the person listed on the order.

## **22-208            WRIT OF REPLEVIN**

- a. Replevin is defined as an action or a writ issued to recover an item of personal property wrongfully taken.
- b. If, after a show cause hearing, the Court determines that the plaintiff should have custody of the property, it will issue a "writ of replevin." The writ of replevin directs the Sheriff to take possession of the described property from the defendant and deliver it to the plaintiff.
- c. A Writ of Replevin requires an Affidavit of Service.

## **22-209            SUBPOENAS**

- a. A subpoena calls a person to appear before the court in a civil matter.
- b. An individual who is subpoenaed may be personally served, or the subpoena may be left at the person's dwelling with another person of suitable age and discretion residing at the residence.

## **22-210            BODY ATTACHMENT**

- a. A body attachment is the civil equivalent of an arrest. Its purpose is to compel the subject to obey the court's order.
- b. A Deputy executing a body attachment will use all the same precautions described in Chapter 9 for arrests. The individual will be booked like an arrestee.

## **22-211            PROTECTIVE ORDERS**

- a. A protective order provides relief to a victim of abuse (the Petitioner) by a person (the Respondent) who is: the petitioner's current or former spouse; the person with whom the petitioner lives; a person related to the petitioner; or a person with whom the petitioner has a child. A vulnerable adult and certain specified relatives of an eligible person or a respondent may also petition the court.



- b. The Final Protective Order may order a respondent: to refrain from abusing or threatening to abuse any person eligible for relief; to refrain from contacting, attempting to contact, or harassing any person eligible for relief; to refrain from entering the residence of any person eligible for relief; to vacate the home shared with the person eligible for relief; to stay away from the place of employment, school, or temporary residence of the person eligible for relief or home of other family members; to stay away from a child care provider of a person eligible for relief; to surrender any firearm; to participate in professionally supervised counseling or a domestic violence program. The order may also award custody of a child or children to a person eligible for relief, as well as temporary child support, and temporary use of a vehicle jointly owned with the respondent.
- c. There are two Temporary Protective Orders: An Interim Protective Order issued by a commissioner, valid until the matter can be heard by a Judge; and a Temporary *Ex Parte* Protective Order issued by a Judge which may be valid for up to 6 months.
- d. A Temporary or Interim Protective Order is not effective until it is served; a Final Protective Order is effective upon issuance by the Court. Regardless of type, it is therefore imperative that protective orders be served immediately. Upon receipt, the SD Supervisor will record the date and time of receipt, the expiration date of the order, the type of order, the docket number, the respondent's name, and the petitioner's name.
- e. Upon completion of service, the SD Supervisor will record the date of service and the ID number of the Deputy who made the service. The Order will be entered into the METERS system as soon as possible following service by the KCSO personnel with access to that system.
- f. Violation of a protective order is a misdemeanor punishable by a fine not exceeding \$1,000 or imprisonment not exceeding 90 days, or both.
- g. A Deputy may arrest with or without a warrant a person who the Deputy has probable cause to believe is in violation of any protective order in effect at the time of the violation. See Chapter 9 of this Manual, Arrest.

**(CATEGORY C)**

## **22-212            PROCEDURES AND ISSUES REGARDING FIREARMS AND PROTECTIVE ORDERS**

- a. Firearms are defined in PS § 5-101(h) (1&2) and includes rifles and shotguns. Whenever a firearm is ordered surrendered:
  - 1. all firearms must be surrendered, no exceptions for unregulated firearms.
  - 2. no firearm shall be possessed, no exceptions.
  - 3. law enforcement officers are not exempt. All firearms, including service weapon shall be surrendered
- b. If box #7 on the Temporary Protective Order (TPO) is checked, the respondent may not legally possess any firearms. The respondent is restricted by FL §4-505(a) (2) (vii) that directs the respondent to surrender any firearm he/she possesses and to refrain from possessing any firearm.
- c. After serving a TPO (box #7 checked) where firearms are involved, the serving Deputy will read the surrender provision to the respondent and ask if he/she possesses any firearms.

If the answer is **YES**, The Deputy will seize the firearm(s) and will handle the seized firearm(s) as per KCSO rules and regulations regarding any property that comes into the possession of KCSO personnel. (See Chapter 15 of the KCSO Manual)

If the answer is **NO**, the Deputy will advise the respondent that:

1. it is illegal to possess any firearm.
  2. any firearms in his/her possession must be surrendered immediately.
  3. failure to surrender all firearms is a violation of the law.
  4. transfer of any firearms to another is a violation of the law.
  5. if METERS indicate the respondent has firearms, or the petitioner claims the respondent has firearms, and investigation reveals the respondent does possess firearms, an arrest warrant should be sought.
  6. if the respondent acknowledges the possession of firearms, the serving Deputy should seek their surrender immediately on the scene.
  7. if the Deputy determines there is probable cause to believe the respondent possesses firearms and is refusing to surrender them, the Deputy shall effect an on-scene arrest or obtain a search warrant.
- d. FL§4-506.1 (A) provides that a law enforcement officer must give the respondent information on the process for taking possession of the firearm(s)
- e. A letter will be provided by the court to the respondent in all Temporary Protective Orders where box #7 is checked and on all Final Protective Orders informing the respondent of the following:
1. the requirements of the law.
  2. the process for surrendering the firearm(s).
  3. the process for retaking possession of the firearm(s); and
  4. the circumstances that prohibit the respondent from retaking possession.

To satisfy the requirements of the law, at the time of service or at the time of surrender of the firearm(s), the Deputy should refer the respondent to the contents of the letter regarding retaking possession of the firearm(s) and advise the respondent to follow the procedures outlined.

- f. FL §4-506.1 (A) provides that a law enforcement officer 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.”
1. if the respondent requests that the firearm(s) be transported in a protective case and makes one available, the Deputy shall transport the firearm in the case provided.
  2. the Deputy is not required to suggest the use of a protective case.
  3. Other firearms that do not have a protective case provided by the respondent shall be transported safely and carefully.
  4. It is KCSO’s responsibility to maintain the integrity of the stored firearm(s).

- g. Once the copy of the Final Protective Order is received by KCSO, the KCSO shall:
  - 1. immediately contact the respondent to arrange for the surrender of his/her firearm(s).
  - 2. provide the respondent with a copy of the order to ensure that the respondent is aware that he/she must surrender **all** firearms.
  - 3. annotate the “**REMARKS**” field of METERS/NCIC with “**firearms surrendered ordered**”.

If the respondent fails to comply with the arrangements and there is probable cause to believe the respondent possesses firearms, the Deputy shall arrest the respondent or, if arrest is not physically possible, the Deputy should apply for an arrest warrant.

- h. When a respondent surrenders his/her firearm(s):
  - 1. The seizing Deputy shall document same in CrimeStar, “Calls for Service”, remarks section, indicating “Protective Order/Firearms Surrendered and corresponding KCSO Property Held Number.
  - 2. The seizing Deputy shall complete a KCSO Property Held Report and document all firearms surrendered. Additionally, the Deputy shall enter the phrase **Protective Order/Firearms Surrendered** in the Incident/Offense box on the KCSO Property Held Report.
  - 3. The seizing Deputy shall place the seized firearm(s) in a temporary storage locker as per KCSO policy found in Chapter 15 of the KCSO Manual. If the Deputy cannot facilitate this process, he/she shall contact the KCSO Evidence Room Custodian who shall respond and take custody of the firearms from the seizing Deputy.
  - 4. The seizing Deputy shall attach a copy of the KCSO Property Held Report to the Protective Order and forward same to the KCSO Office Manager.
  - 5. The KCSO Office Manager shall forward the “return” of the Protective Order and corresponding copy of the KCSO Property Held Report to the issuing court.

**(CATEGORY C)**

## **22-213 PEACE ORDERS**

- a. A peace order establishes distance between two persons (the petitioner, who asks for the peace order, and the respondent) who are not related and who do not live together. Valid for up to 6 months, a peace order may order a respondent: to refrain from committing or threatening to commit certain specified acts against the petitioner; to refrain from contacting, attempting to contact, or harassing the petitioner; to refrain from entering the residence of the petitioner; to stay away from the place of employment, school, or temporary residence of the petitioner; to participate in professionally supervised counseling or, if the parties are amenable, mediation.
- b. A temporary peace order accomplishes the same ends and is issued pending a hearing on the peace order itself. It is effective for up to 7 days but may be extended.
- c. A peace order is not effective until it is served. It is therefore imperative that peace orders be served immediately. Upon receipt, the SD Supervisor will record the date and time of receipt, the expiration date of the order, the type of order, the docket number, the respondent’s name, and the petitioner’s name. Upon completion of service, the SD Supervisor will record the date of service and the ID number of the Deputy who made the service.

- d. Violation of a peace order is a misdemeanor punishable by a fine not exceeding \$1,000 or imprisonment not exceeding 90 days, or both.
- e. A Deputy may arrest with or without a warrant a person who the Deputy has probable cause to believe is in violation of a temporary peace order or peace order in effect at the time of the violation. See Chapter 9 of this Manual, Arrest.

**(CATEGORY C)**

## **22-214 INTERIM PROTECTIVE AND PEACE ORDERS AND NOTIFICATION PROCEDURES**

- a. A District Court Commissioner may issue an interim protective order or interim peace order during hours when the Courts are closed. Interim orders are not effective until they are served. Because they will, in most cases, be served outside regular business hours, the following procedures have been established to provide petitioners with a reasonable degree of protective during the interim petition process.

Upon issuance of an interim protective order or interim peace order, the District Court Commissioner will notify the KCSO, through "KENT", to respond for service. The Deputy will respond as quickly as possible to take possession of the interim protective order or interim peace order.

1. If a KCSO terminal operator is available, the KCSO terminal operator shall enter the interim protective order into METERS/NCIC.
2. If a KCSO terminal operator is unavailable, The Deputy will immediately deliver a copy of the Interim Protective Order to the Public Safety Access Point (PSAP) ("KENT") for entry into METERS. Upon receipt of the Interim Protective Order, Emergency Communications Specialist (ECS) will complete the "Kent County Sheriff's Office, Protective Order Entry Form #128, utilizing all available information on the Interim Protective Order. The Interim Protective Order will then be entered into METERS with the information gathered and entered on the KCSO Forms. It is imperative that as information is entered and transmitted to METERS that a hard copy be printed out and attached to the Interim Protective Order.
3. While the Interim Protective Order is being entered into METERS by the ECS, the Deputy will attempt to locate the respondent to execute service of the Interim Protective Order. If the Respondent is served prior to normal Administration Office hours of the Sheriff's Office, the Deputy will notify PSAP and ESDs will in turn amend the Interim Protective Order in METERS with the date of service.
4. After the respondent is served and the Interim Protective Order has been amended in METERS, a Victim Information Notification Everyday (VINE) notification must be made utilizing METERS. This procedure will be completed by the ECS. This function is located in the "Forms" dropdown under "Protective Order". VINE notification is only completed after the Respondent has been served. The Deputy executing service will also notify or attempt to notify the petitioner by telephone when the Interim Protective Order has been served. The attempt or notification of the petitioner shall be documented by the executing Deputy in the disposition section of the CrimeStar "Calls for Service" Report corresponding to the service of the Interim Protective Order.

5. When the entry process is complete, the ECS will run a query by "Respondent's Name" of the Protective Order files in METERS for the Interim Protective Order just entered. The ESD should receive an "In-State Hit" and a "NCIC Hit." The ECS will print both responses and attach same to the Interim Protective Order along with copies of all other METERS transmissions related to the Interim Protective Order and return all documents promptly to the Office Manager at the Sheriff's Office.
6. The Deputy will return the original, signed interim protective order or interim peace order to KCSO headquarters. The next business day, the original interim protective order or interim peace order will be delivered to the District Court Commissioner's office.
- b. As prescribed by law, it shall be the responsibility of DPSCS to comply with petitioner notification procedures after KCSO documents the service of an Interim Protective Order as described herein.

**(CATEGORY C)**

## **22-215 PROTECTIVE ORDER SERVICE NOTIFICATION PROCEDURES**

The KCSO receives Protective Orders from the Circuit and District Courts. KCSO personnel receiving said Protective Orders shall comply with the following procedures:

- a. If a KCSO terminal operator is available, the KCSO terminal operator shall enter the Protective Order into METERS/NCIC.
  1. While the Protective Order is being entered into METERS, the Deputy will attempt to locate the respondent to execute service of the Protective Order. If the respondent is served the Deputy in addition to immediately notifying or attempting to notify the petitioner of the service of the Protective Order shall:
    - i.obtain the respondent's D.O.B.
    - ii.obtain the respondent's social security number.
    - iii.obtain the respondent's driver's license and state of issuance, if applicable.
  2. Upon service of a Protective Order, the serving Deputy will document the notification or attempt of notification in the disposition section of the CrimeStar Call for Service Report corresponding to the service of the Protective Order.
  3. Upon service of the Protective Order, the serving Deputy shall immediately provide the KCSO terminal operator with the information described above, to include the date and time of the service. The KCSO terminal operator will then electronically notify the Department of Public Safety and Correctional Services (DPSCS) of the service of the Protective Order within two (2) hours after service on the respondent to comply with Victim Information Notification Everyday (VINE) notification. The serving Deputy shall document this notification in the disposition section of the CrimeStar Calls for Service Report corresponding to the service of the Protective Order.
  4. The Deputy will return the original, signed Protective Order to KCSO headquarters. The next business day, the original Protective Order will be delivered to the District Court Commissioner's office.
  5. As prescribed by law, it shall be the responsibility of DPSCS to comply with petitioner notification procedures after KCSO documents the service of a protective order as described herein.

- b. If a KCSO terminal operator is unavailable, the serving Deputy shall:
1. Immediately deliver a copy of the Protective Order to the Public Safety Access Point (PSAP) ("KENT") for entry into METERS. Upon receipt of the Protective Order, Emergency Communication Specialist (ECS) will complete the "Kent County Sheriff's Office, Protective Order Entry Forms #128, utilizing all available information on the Protective Order. The Protective Order will then be entered into METERS with the information gathered and entered on the KCSO Forms. It is imperative that as information is entered and transmitted to METERS that a hard copy be printed out and attached to the Protective Order.
  2. While the Protective Order is being entered into METERS by the ECS, the Deputy will attempt to locate the Respondent to execute service of the Protective Order. If the respondent is served the Deputy in addition to immediately notifying or attempting to notify the petitioner of the service of the Protective Order shall:
    - i. obtain the respondent's D.O.B.
    - ii. obtain the respondent's social security number.
    - iii. obtain the respondent's driver's license and state of issuance, if applicable.
  3. Upon service of a Protective Order, the serving Deputy will document the notification or attempt of notification in the disposition section of the CrimeStar Call for Service Report corresponding to the service of the Protective Order.
  4. Upon service of the Protective Order, the serving Deputy shall immediately provide the PSAP ECS with the information described above, to include the date and time of the service. The ECS will then electronically notify the Department of Public Safety and Correctional Services (DPSCS) of the service of the Protective Order within two (2) hours after service on the respondent to comply with Victim Information Notification Everyday (VINE) notification. The serving Deputy shall document this notification in the disposition section of the CrimeStar Calls for Service Report corresponding to the service of the Protective Order.
  5. When the entry process is complete, the ECS will run a query by "Respondent's Name" of the Protective Order files in METERS for the Protective Order just entered. The ECS should receive an "In-State Hit" and a "NCIC Hit." The ECS will print both responses and attach same to the Protective Order along with copies of all other METERS transmissions related to the Protective Order and return all documents promptly to the Office Manager at the Sheriff's Office.
  6. The Deputy will return the original, signed Protective Order to KCSO headquarters. The next business day, the original Protective Order will be delivered to the District Court Commissioner's office.
  7. As prescribed by law, it shall be the responsibility of DPSCS to comply with petitioner notification procedures after KCSO documents the service of a Protective Order as described herein.

**(CATEGORY C)(CALEA 74.2.1)**

## **22-300 EXTREME RISK PROTECTIVE ORDERS (ERPO)**

### **22-301 PROCEDURES FOR COMPLYING WITH EXTREME RISK PROTECTIVE ORDERS**

Extreme Risk Protective Orders (ERPO) are meant to prohibit a Respondent from possessing a firearm where there is sufficient information to believe that the Respondent poses an **IMMEDIATE** and **PRESENT DANGER** of causing personal injury to the Respondent, the Petitioner, or other individuals by possessing a firearm. The purpose of the ERPO is to reduce gun deaths and injuries by restricting a Respondent's access to firearms and ammunition.

- a. The petitioner is an individual who files a petition for an Interim, Temporary or Final ERPO. A petitioner may be any one of the following:
  1. Physician, psychologist, clinical social worker, licensed clinical professional counselor, clinical nurse specialist in psychiatric and mental health nursing, psychiatric nurse practitioner, licensed clinical marriage or family therapist, or designee of a health officer who has examined the individual,
  2. A law enforcement officer,
  3. The spouse of the Respondent,
  4. A cohabitant of the Respondent,
  5. A person related to the Respondent by blood, marriage, or adoption,
  6. An individual who has a child in common with the Respondent,
  7. A current dating or intimate partner of the Respondent,
  8. A current or former legal guardian of the Respondent.
- b. When District Court is closed, the Petitioner can file an interim petition with the court commissioner. An Interim ERPO shall be effective until the earlier of the Temporary ERPO hearing or the end of the second business day the office of the District Court clerk is open following the issuance of the Interim Order.
- c. The Petitioner can file a temporary petition with District Court. If ordered, the Respondent shall surrender to law enforcement authorities any firearm and ammunition in the Respondent's possession and shall be prohibited from purchasing or possessing any firearm or ammunition for the duration of the Temporary Order. A Judge may also order an emergency mental evaluation of the Respondent. A Temporary ERPO shall be effect for not more than seven (7) days after service of the Order unless extended by the judge.
- d. Following a hearing, the judge may issue a Final ERPO requiring the Respondent to surrender to law enforcement authorities any firearms and ammunition in the Respondent's possession and prohibit the Respondent from purchasing or possessing any firearm or ammunition for the duration of the Order. A Final ERPO shall be valid for a period not to exceed one year and for good cause can be extended six (6) months.

- a. Any information known to the Petitioner that the Respondent poses an **IMMEDIATE** and **PRESENT DANGER** of causing personal injury to the Respondent, the Petitioner, or another person by possessing a firearm.
- b. The Respondent's behavior and statements made lead the Petitioner to believe the Respondent presents an **immediate** and **present danger** of causing personal injury to the Respondent or another person.
- c. Petitioners' knowledge or belief of the number, type, and location of any firearms in the possession of the Respondent.
- d. Any supporting documentation or information regarding:
  1. Any unlawful, reckless, or negligent use, display, storage, possession or brandishing of a firearm by the Respondent,
  2. Any act or threat of violence the Respondent made against the Petitioner, or against another person, whether or not the threat of violence involved a firearm,
  3. Any violation by the Respondent of a Protective Order under Title 4, Subtitle 5 of the Family Law Article,
  4. Any violation by the Respondent of a Peace Order under Title 3, Subtitle 15 of the Courts Article,
  5. Any abuse of a controlled dangerous substance or alcohol by the Respondent, including any convictions for criminal offenses involving a controlled dangerous substance or alcohol, and
  6. Where disclosure is permitted or not otherwise prohibited by law, any health records or other health information concerning the Respondent.
- e. If a Deputy files a petition for an emergency evaluation and the Deputy has reasonable grounds to believe that the evaluatee poses an **immediate and present danger** of causing personal injury to himself or other persons by possessing a firearm, the Deputy shall also file a petition for an ERPO.
- f. If a Deputy is on a scene and the Deputy personally observes behavior that would lead the Deputy to conclude that he has **reasonable grounds** that an individual poses an **immediate** and **present danger** of causing personal injury to himself/herself or to other persons by possessing a firearm, the Deputy shall also file a petition for an ERPO.
- g. If a Deputy is on the scene but does not personally observe behavior that an individual poses an **immediate and present danger** of causing personal injury to himself/herself or to other persons by possessing a firearm, however, the Deputy receives information meeting the criteria stated above, the Deputy shall immediately decide whether the complainant/witness/victim meets the legal criteria to petition the court for the issuance of an ERPO. If this person is an eligible person for relief, the assigned Deputy shall explain to the complainant/witness/victim the process to obtain the Interim or Temporary Order. In these situations, the complainant/witness/victim is in the best position to obtain the ERPO since they have the necessary background information regarding the



Respondent's behavior and the specific facts that may be needed to justify the issuance of an Order. The Deputy shall then determine if the complainant/witness/victim intends to file a petition for an ERPO. In those instances where the complainant/witness/victim indicates that they will be pursuing an ERPO, the Deputy shall document this fact in the KCSO CrimeStar Incident Report regarding the incident. If the complainant/witness/victim indicates that they will not be pursuing an ERPO, the Deputy should determine whether it is appropriate for the Deputy to file the petition. The Deputy will consult with his/her shift supervisor.

- h. In those cases where the Deputy is not on the scene and does not personally observe the behavior of the individual and the witness/complainant/victim is not a person eligible for relief, the Deputy should determine whether it is appropriate for the Deputy to file the petition for the ERPO. The Deputy will consult with his/her shift supervisor.
- i. Deputies who are investigating cases where the issuance of an ERPO may be appropriate should make a good faith effort to secure firearms and ammunition in the Respondent's possession during the original call for service. This action should result in an effort to eliminate the potential harm and the need to secure the weapons and ammunition at a later time should an ERPO be issued. In the event where the ERPO is not issued or the petition is subsequently dismissed, the weapons and ammunition can be returned to the lawful owner if the individual is not barred from possessing the firearms and ammunition by State or Federal law.

## **22-303 SERVICE OF ERPO ORDERS:**

### **a. Interim Orders:**

- 1. On receipt of an Interim Order, the Deputy shall have initiated a computer check or shall contact the Maryland Gun Center to determine whether the Respondent is the registered owner of a regulated firearm,
- 2. Immediately on receipt of an Interim Order, the Deputy shall attempt to serve the Order on the Respondent,
- 3. The Deputy shall make a good faith effort to secure any firearm(s) and/or ammunition in the Respondent's possession.
- 4. The Deputy shall make a return of service to the Clerk of the Court; and
- 5. Within 2 hours after service of the Order, the Deputy shall electronically notify the Department of Public Safety and Correctional Services of the service using an electronic system approved and provided by the Department of Public Safety and Correctional Services.

### **b. Temporary Orders:**

- 1. On receipt of a Temporary Order, the Deputy shall have initiated a computer check or check with the Maryland Gun Center to determine whether the Respondent is the registered owner of a regulated firearm.
- 2. Immediately on receipt of a Temporary Order, the Deputy shall attempt to serve the Order on the Respondent.

3. The Deputy shall make a good faith effort to secure any firearm(s) and/or ammunition in the Respondent's possession.
4. The Deputy shall make a return of service to the Clerk of the Court; and
5. Within 2 hours after service of the Order, the Deputy shall electronically notify the Department of Public Safety and Correctional Services of the service using an electronic system approved and provided by the Department of Public Safety and Correctional Services.

c. Final Orders:

1. On receipt of a Final Order, the Deputy shall have initiated a computer check or check with the Maryland Gun Center to determine whether the Respondent is the registered owner of a regulated firearm.
2. Immediately on receipt of a Final Order, the Deputy shall attempt to serve the Order on the Respondent.
3. The Deputy shall make a good faith effort to secure any firearm(s) and/or ammunition in the Respondent's possession.
4. The Deputy shall make a return of service to the Clerk of the Court; and
5. Within 2 hours after service of the Order, the Deputy shall electronically notify the Department of Public Safety and Correctional Services of the service using an electronic system approved and provided by the Department of Public Safety and Correctional Services.

**(CATEGORY C)**

**22-304 OBTAINING FIREARMS AND AMMUNITION IN THE POSSESSION OF THE RESPONDENT:**

- a. Upon serving an Interim, Temporary, or Final ERPO, the Deputy shall make a good faith effort to secure all firearms and ammunitions in the possession of the Respondent.
  1. Consent Search: Although every situation is different, when an ERPO has been issued, the Deputy may subsequently develop information that firearms and/or ammunition are in the possession of the Respondent, the Petitioner, or other individuals. In this case, the Petitioner or other individuals may have the legal authority to give consent to the Deputy and allow Deputy access into the home or other locations to secure any firearms and/or ammunition. The Respondent may also have the legal authority to give the Deputy consent to search the home or other location.
  2. Search Warrant: During an investigation, a Deputy may develop probable cause to apply to the court for an Order to search a specific location or locations in situations where the Respondent has failed to surrender firearms and/or ammunition.
- b. Where a Deputy has probable cause to believe that the Respondent is in possession of firearms and/or ammunition and after giving proper notice, the Respondent refuses to surrender the firearms and/or ammunition, the Deputy shall arrest the Respondent for violating the ERPO.

## **22-305 DEPUTY RESPONSIBILITY UPON TAKING POSSESSION OF FIREARMS AND AMMUNITION**

- a. The Deputy coming into possession of firearms and/or ammunition in accordance with an ERPO shall at the time of surrender or seizure:
  1. Complete KCSO Form Seized or Surrendered Firearms, (KCSO Form #321) identifying the make, model, and serial number of all firearms and ammunition seized or surrendered as a result of an ERPO.
  2. Provide a copy of KCSO Form #321 to the Respondent.
  3. Retain a copy for the KCSO records.
  4. Provide information to the Respondent on the process for retaking possession of the firearms and/or ammunition on the expiration or termination of the Order; and
  5. Transport and store any firearms (in a protective case if available) or ammunition surrendered or seized in accordance with the ERPO. Storage of the firearms shall be in a manner intended to prevent damage to the firearms while the Order is in effect and the Deputy or other personnel shall not place any mark on the firearms for identification or other purposes

**(CATEGORY C)**

## **22-306 COURT AND ERPO EXPIRATION PROCEDURES**

- a. Court Procedures:
  1. The Deputy who applies for Interim, Temporary, or Final ERPO will be required to attend the court proceeding(s).
  2. Where the Deputy is the petitioner in a Temporary ERPO hearing, the Deputy should obtain a civilian subpoena from the court for any witnesses. However, the Deputy may have to contact witnesses ahead of the scheduled hearing and request they attend (NOTE: Time constraints may not allow sufficient time to subpoena witnesses).
  3. If a Temporary ERPO is issued, the Deputy or the KCSO should make reasonable efforts to assure that witnesses in the Final Hearing are subpoenaed.
- b. Upon the expiration or termination of an ERPO, the KCSO CID shall:
  1. Notify the Respondent that the Respondent may request the return of the firearms and/or ammunition.
  2. Before releasing firearms and/or ammunition to the Respondent, verify thorough the Maryland Gun Center that the Respondent is not otherwise prohibited from possessing firearms and/or ammunition.
  3. On request of the Respondent who is not otherwise prohibited from possessing firearms and/or ammunition, the KCSO shall return the firearms and/or ammunition to the Respondent no later than:
    - i. 14 days after the expiration of an Interim or Temporary Order.
    - ii. 14 days after the court terminates a Final Order: or

- iii. 48 hours after the expiration of the Final Order.
- 4. If a Respondent does not wish to recover firearms and/or ammunition or who is otherwise prohibited from possessing firearms and/or ammunition may sell or transfer the firearms and/or ammunition to:
  - i. A Federal Firearms Licensed Dealer (the FFL must provide written proof that the Respondent has agreed to transfer the firearms and/or ammunition to the dealer and this Agreement must be verified with the Respondent and the verification documented in writing),
  - ii. Another person who is not prohibited from possessing the firearms and/or ammunition under State and/or Federal Law and who does not reside in the same residence as the Respondent (the person must provide written proof that the Respondent has agreed to transfer the firearms and/or ammunition to the person and the Agreement must be verified with the Respondent and the verification documented in writing); or
  - iii. Request in writing that the KCSO destroy the firearms and/or ammunition.
- 5. If an individual other than the Respondent claims ownership of a firearm and/or ammunition surrendered or seized as a result of an ERPO, the KCSO shall only release the firearm and/or ammunition to the individual if:
  - i. The individual provides proof of ownership of the firearm and/or ammunition; and
  - ii. The KCSO determines the individual is not otherwise prohibited from possessing the firearm and/or ammunition.
- 6. In the event a firearm and/or ammunition is not reclaimed within 6 months after the notice to a Respondent as required in Paragraph G(c), no party shall have the right to assert ownership of the firearm or ammunition and the KCSO may destroy the firearm and/or the ammunition.
- c. The Deputy **shall arrest** with or without an arrest warrant any person whom the Deputy has probable cause to believe is in violation of an Interim, Temporary, or Final ERPO in effect at the time of the violation.

## **22-400 WARRANT AND WANTED PERSONS FILE**

The KCSO uses CrimeStar to maintain an automated listing of active warrants.

The overall administration of the service of criminal process function is the responsibility of the KCSO Patrol Division Commander.

Warrants received from the District or Circuit Court for Kent County are logged into the KCSO automated warrant tracking system (CrimeStar) by the KCSO Office Assistant. The information maintained in CrimeStar includes:

- the date and time received.
- the nature of the document.

- the issuing Court.
- the name of the Deputy to whom service is assigned.
- the name of the person upon whom the warrant is to be served.
- the date of assignment; and
- the court docket number.

Required fields in CrimeStar assist the Patrol Commander in verifying that all necessary information is on the warrant and entered into CrimeStar.

Once warrants have been recorded, the warrant information is available to all CrimeStar users, including "KENT".

**(CALEA 74.1.1, 74.1.3)**

## **22-400.1 VERIFICATION OF INFORMATION REGARDING WARRANTS AND WANTED PERSONS**

KCSO personnel shall verify that warrants are valid, and that the person named in the warrant is the person being detained regarding the warrant.

- a. Acceptable methods used to positively identify a person/detainee named in a warrant are:
  1. Photographic Identification
    - i. driver's license.
    - ii. military identification.
    - iii. prior booking photograph.
    - iv. other recognized government photo identification.
  2. Personal knowledge of a person's/detainee's identity by law enforcement or corrections officials.
  3. Warrants being held by KCSO will be queried through CrimeStar and METERS and physically verified in the KCSO manual warrant file system.
- b. Warrants held or issued by other agencies/jurisdictions both intrastate and interstate will be verified with the agency/jurisdiction holding the warrant.

**(CATEGORY B)(CALEA 74.1.3)**

## **22-401 DISPOSITION OF WARRANTS**

After recording, warrants are placed in a file in folders alphabetically by name of defendant. Warrant information is available 24 hours per day, 7 days per week via CrimeStar. Hard copies of the warrants are available on the same basis in the Patrol Room.

When a warrant is served, the warrant and related paperwork are placed in the Patrol Commander's box for review. As part of the review, the Patrol Commander (or a designee) closes the warrant in CrimeStar, noting the date served and the Deputy who serves the warrant. The Patrol Commander can also cancel a warrant in the system if it is otherwise withdrawn.

**(CATEGORY A)(CALEA 74.1.3)**

## **22-402            WARRANTS FROM OTHER JURISDICTIONS**

The KCSO also receives warrants from other jurisdictions. Warrants may be received as originals or copies sent by mail or copies sent by telefax. Warrants from other jurisdictions are generally held for a period of 2 weeks, at which point they are returned to the requesting jurisdiction (if original) or destroyed. They are not entered into CrimeStar unless they are served by KCSO personnel.

**(CALEA 74.1.3)**

## **22-403            ENTRY OF WARRANTS INTO METERS/NCIC**

Kent County warrants which meet the following criteria are entered into NCIC/METERS:

- a. Where the State's Attorney's Office has indicated that it will extradite, a warrant will be entered into NCIC.
- b. Those warrants where extradition is not approved by the State's attorney's Office will only be entered into METERS.
- c. It is the goal of the Kent County Sheriff's Office to enter all warrants into METERS and/or NCIC within five (5) days of the date of receipt of said warrant by the KCSO. The KCSO Office Assistant will have the primary responsibility of entering said warrants into METERS/NCIC.
- d. The KCSO Office Manager and/or the KCSO CID Commander or their designee will serve as "quality control" for warrants entered.

### **22-403.1        REMOVAL OF WARRANTS FROM METERS/NCIC**

It is imperative that all served or recalled warrants be removed from METERS/NCIC immediately upon service or recalled. The Kent County Sheriff's Office and the serving Deputy are subject to civil liability for the false arrest of a person who is rearrested on a warrant that has not been removed from METERS/NCIC. Effective January 2015, all un-served warrants may be entered into METERS/NCIC. This includes warrants for persons that are incarcerated and have detainers filed on them.

- a. During scheduled KCSO Administrative Office hours, the KCSO Office Assistant, or in her absence, the KCSO Office Manager or CID Commander shall be responsible to remove a served or recalled warrant entered by KCSO from METERS/NCIC.
- b. During all hours other than those described in 16-303a. above, the KCSO Deputy serving the warrant will immediately request that the on-duty ("KENT") ECS remove the warrant from METERS/NCIC. KCSO Deputies will comply with the following procedures:
  1. KCSO Deputies will retrieve the corresponding METERS File for the warrant from the file cabinet labeled METERS/NCIC) located to the CID Office
  2. Provide, ECSs the METERS File and a copy of the served warrant for removal through METERS.
  3. The serving Deputy shall confirm that the ECS has removed the warrant from METERS/NCIC. Additionally, the serving Deputy shall obtain a copy of the documentation verifying the removal of the warrant from METERS/NCIC from the ECS prior to the end of his or her shift and shall place said documentation in the KCSO Office Assistant's mailbox, prior to securing.

- c. Warrants filed at the KCSO and served by other law enforcement agencies will be removed from METERS/NCIC utilizing the procedures documented in 16-303a., and 16-303a.1 above. It shall be the responsibility of KCSO administrative or sworn personnel receiving confirmation that the warrant has been served by an allied law enforcement agency is removed from METERS/NCIC. Additionally, it shall be the responsibility of KCSO administrative or sworn personnel to comply with the warrant removal procedures listed herein.
- d. In the event the warrant cannot be removed by the procedures listed in 16-303a., and 16-303a.1 above, the serving Deputy shall immediately notify the CID Commander who shall ensure that the warrant is removed from MILES/NCIC in an expeditious manner.

**(CALEA 74.1.3)**

## **22-404            WARRANT SERVICE**

Only sworn Deputies may execute arrest warrants for the KCSO.

Each oncoming shift supervisor will review the active warrants and, as appropriate, assign them for execution. Specific arrest and booking procedures are described in Chapter 9 of this Manual.

- a. The first Deputy who attempts but is not able to accomplish an arrest, will note the attempt as "1" in the "Attempt" column on a KCSO Process Service Record, noting the date and time of the attempt, his or her ID number, and any remarks (such as when the target of the service is expected to be available or where the target can be found). The Deputy will then return the warrant to the active warrant box in the Patrol Room.
- b. Subsequent unsuccessful attempts at service will be recorded on the same Process Service Record form, using serial numbers in the "Attempt" column (i.e., 1, 2, 3, etc.) to record each attempt.

**(CATEGORY A) (CALEA 74.1.2, 74.3.2)**

## **22-500            INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION (ICAOS)**

Effective immediately, when KCSO personnel are assigned to respond and transport an ICAOS offender from another state, KCSO personnel will comply with KCSO policies regarding the transportation of detainees found in Chapter 9 of the KCSO Administrative and Operations Manual. Additionally, both Federal law and Maryland law regarding ICAOS will be complied with (see D below). The following information is provided to KCSO personnel to clarify the laws, policies and procedures delineated in ICAOS.

- a. Retaking an offender by the sending state:
  - 1. A sending state always retains the right to request the return of the offender from the receiving state. However, a sending state is obligated to request a warrant for the return of an offender from a receiving state when:
    - i. The receiving state reports a third significant violation by the offender.
    - ii. The offender is convicted of a new felony offense or violent crime; or
    - iii. The offender absconds from supervision.
- b. An offender signs a Waiver of Extradition as part of the offender's initial application for supervision transfer and that warrant remains on file with both the sending and receiving states.

- c. ICAOS rules provide the sending state thirty (30) calendar days to retake the offender into the sending state's custody on the sending state's warrant, provided the offender is being held solely on the sending state's warrant.
  - d. The ICAOS offender is to remain in detention pending retaking by the sending state and **MAY NOT BE PRESENTED BEFORE A JUDGE OR COMMISSIONER FOR BAIL, BOND, OR ANY OTHER FORM OF RELEASE**, (Federal rule 5.111). Since ICAOS has the force and effect of Federal law, Rule 5.111 supersedes Maryland Annotated Code, Criminal Procedures Article, Title 9 "Extradition".
  - e. KCSO personnel will complete a KCSO Call for Service Report and a KCSO Arrest Report and submit same along with any forms/documents received from the sending and/or receiving states regarding the ICAOS.
  - f. It shall be the responsibility of the detention center where the offender is incarcerated to notify the Maryland Division of Parole and Probation (DPP) that the offender is in custody, so that DPP can schedule a Probable Cause Hearing and arrange for the sending state to retake the offender.
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