

Oxford Police Department

Policy Manual

LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

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

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

The Oxford Police Department is committed to creating a dynamic organizational culture wherein training and leadership will foster integrity, respect and quality of internal operations. The Oxford Police Department will inspire and preserve the public's confidence and trust in the Department's disciplinary process. While training establishes these fundamental values, leadership by command and supervision is critical in bringing a focus to these moral and ethical standards. All aspects of the disciplinary process will be performed with integrity, competence and with the highest standards of the law enforcement community.

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MISSION STATEMENT

We, the members of the Oxford Police Department commit ourselves to the service of our community through the values of integrity, loyalty, honesty and dedication. We will honor the dignity and worth of each and every member of our community and Department. We will strive to instill these values, not only in ourselves, but in the community we serve.

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Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Oxford Police Department to perform their functions based on established legal authority.

100.2 POLICY

It is the policy of the Oxford Police Department to limit its members to only exercise the authority granted to them by law.

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

100.3 AUTHORITY OF THE OXFORD POLICE DEPARTMENT

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

100.3.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE OXFORD POLICE DEPARTMENT

Officers may make arrests within the jurisdiction of the Oxford Police Department (Md. Code CP § 2-202):

- (a) In compliance with an arrest warrant.
- (b) Without a warrant:
 - 1. When an individual commits or attempts to commit a felony or misdemeanor in the presence or within the view of the officer.
 - 2. When the officer reasonably believes that an individual is committing a felony or misdemeanor in the presence or within the view of the officer.
 - 3. When the officer has probable cause to believe that a felony has been committed or attempted, and the individual has committed or attempted to commit the felony, whether or not it was in the presence or within the view of the officer.
 - 4. When there is probable cause to believe a person is in violation of an interim, temporary, or final extreme risk protective order in effect at the time of the violation (Md. Code PS § 5-610).
 - 5. When the officer has probable cause to believe that the person has committed one of the crimes listed in Md. Code CP § 2-203 and that unless the person is immediately arrested, the person:
 - (a) May not be apprehended.
 - (b) May cause physical injury or property damage to another.
 - (c) May tamper with, dispose of, or destroy evidence.

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6. When the officer has probable cause to believe that a person has engaged in certain stalking offenses as described in Md. Code CP § 2-205.
7. During certain public emergencies as described in Md. Code CP § 2-206.

100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE OXFORD POLICE DEPARTMENT

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

- (a) The officer is participating in a joint investigation with officials from another state, federal or local law enforcement unit, at least one of which has local jurisdiction.
- (b) The officer is assisting another law enforcement officer.
- (c) The officer is acting at the request of a law enforcement officer or a Maryland State Police officer.
- (d) An emergency exists.
- (e) The officer is in fresh pursuit of a person who (Md. Code CP § 2-301):
 1. Has committed or is reasonably believed by the officer to have committed a felony within the jurisdiction of the Oxford Police Department.
 2. Has committed a misdemeanor in the presence of the officer within the jurisdiction of the Oxford Police Department.

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

100.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.
- (b) When an officer enters the following states as follows:
 1. In Delaware, while in the pursuit of a person believed to have committed a felony, a misdemeanor or a violation of the motor vehicle code (11 Del. C. § 1932).
 2. In the District of Columbia, while in pursuit of a person who has committed a felony or who the pursuing officer has reasonable grounds to believe has committed a felony (D.C. Code § 23-903).
 3. In Pennsylvania, while in fresh pursuit of a person in order to arrest him/her (42 Pa.C.S. § 8922).
 4. In Virginia while in fresh pursuit of a person to arrest him/her for committing a felony (Va. Code § 19.2-79).

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

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

100.5 CONSTITUTIONAL REQUIREMENTS

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

Chief Executive Officer

101.1 PURPOSE AND SCOPE

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

101.2 POLICY

It is the policy of the Oxford Police Department that the Chief of Police meets the minimum standards for exercising his/her authority granted by law.

101.3 CHIEF OF POLICE REQUIREMENTS

The Chief of Police of this department should have successfully completed the course of training prescribed by the Maryland Police Training and Standards Commission (MPTSC) and be certified pursuant to COMAR 12.04.01.06. The Chief shall be an appointee of a majority of the Commissioners of the Town of Oxford and shall serve at their pleasure.

Oath of Office

102.1 PURPOSE AND SCOPE

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

102.2 POLICY

It is the policy of the Oxford Police Department that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

102.3 OATH OF OFFICE

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

102.4 MAINTENANCE OF RECORDS

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

102.5 SANCTITY OF LIFE PLEDGE

All officers are required to sign an affirmative written sanctity of life pledge to respect every human life and act with compassion toward others (Md. PS § 3–524).

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103.1 PURPOSE AND SCOPE

The manual of the Oxford Police Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, procedures, rules and guidelines of this department. All members are to conform to the provisions of this manual.

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

The Policy Manual and the Oxford Employee Manual apply to the employees of the Oxford Police Department and it is intended that the police officers employed by the Town follow the rules and regulations promulgated by the Town, as well as applicable state and federal laws. While the Policy Manual addresses police-specific matters, the Oxford Employee Manual governs general employment matters including salary benefits, leave, etc., which are administered by the Town Administrator. The Policy Manual is intended to be read consistent with the Oxford Employee Manual.

103.2 POLICY

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

103.3 DISCLAIMER

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

103.4 AUTHORITY

The Town Commissioners of Oxford shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee, after receiving consent from the Town Commissioners, is authorized to issue Interim Directives, which shall modify those

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provisions of the manual to which they pertain. Interim Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

103.5 DEFINITIONS

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

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

APS - Adult Protective Services.

Town - The Town of Oxford.

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

CJIS - Maryland Criminal Justice Information System.

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

Commissioners of Oxford or Town Commissioners - The Town Commissioners is the legislative body and the employer of all Town employees. The Town Commissioners make all hiring and termination decisions and set and establish all personnel policies of the Town.

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

Department/OPD - The Oxford Police Department.

DJS - Maryland Department of Juvenile Services.

DPSCS - Maryland Department of Public Safety and Correctional Services.

Employee - Any person employed by the Department.

Manual - The Oxford Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

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

- **CJ** - Courts and Judicial Procedure
- **CL** - Commercial Law
- **CP** - Criminal Procedure
- **CR** - Criminal Law
- **CS** - Correctional Services
- **ED** - Education
- **EL** - Election Law
- **ET** - Estates and Trusts

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- **FL** - Family Law
- **GP** - General Provisions
- **HG** - Health – General
- **HS** - Human Services
- **IL** - Insurance Law
- **LE** - Labor and Employment
- **LG** - Local Government
- **NR** - Natural Resources
- **PS** - Public Safety
- **SG** - State Government
- **SP** - State Personnel and Pensions
- **TG** - Tax – General
- **TR** - Transportation

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

MDOT - Maryland Department of Transportation.

Member - Any person employed or appointed by the Oxford Police Department, including:

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

METERS - Maryland Electronic Telecommunications Enforcement Resource System.

MPTSC - Maryland Police Training and Standards Commission.

MSP - Department of Maryland State Police.

MVA - Motor Vehicle Administration.

OAG - Maryland Office of the Attorney General.

Officer - Those employees, regardless of rank, who are sworn members of the Oxford Police Department.

On-duty - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

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

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Peace Officer - Those employees, regardless of rank, who are sworn members of the Oxford Police Department.

Rank - The title of the classification held by an officer.

Shall or will - Indicates a mandatory action.

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

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

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

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

Town Administrator/Clerk-Treasurer - The Town Administrator is responsible for the implementation of all policy set by the Commissioners of Oxford and develops and maintains the personnel policies, programs and procedures of the Town. In addition, the Town Administrator directs and manages the operations and finances of the Town under general direction from the Commissioners of Oxford, including management and oversight of all departments and functions within the Town.

103.6 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Police, under the direction of the Town Commissioners of Oxford, or their authorized designee.

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

103.7 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary.

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103.8 REVISIONS TO POLICIES

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

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

Each supervisor will ensure that members under his/her command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Chief of Police and the Town Administrator for submittal to the Town Commissioners, who will consider the recommendations and adopt them as appropriate.

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

This policy establishes the organizational structure of the Department and defines general responsibilities of department members.

200.2 POLICY

The Oxford Police Department will implement and maintain an organizational structure that provides clear and identifiable roles for command, control and guidance of the Department. Each position and assignment should have clearly identified responsibilities and a defined chain of command.

200.3 CHIEF OF POLICE

The Chief of Police is responsible for administering and managing the Oxford Police Department.

The Chief may designate the Deputy Chief to serve as Acting Chief in his/her absence.

The Chief shall be the liaison between the members of the Department and the Town Commissioners. The Chief shall also be the liaison between the members of the Department and the citizens of the Town of Oxford. In addition, the Chief of Police shall be the liaison between the members of the Department and other law enforcement agencies.

The Chief shall be responsible for:

- The immediate supervision, discipline, conduct and efficiency of subordinate personnel;
- Ensuring subordinates are in compliance with the rules and regulations of the Department;
- Maintaining all shift level books, logs and files kept in conformance with established departmental procedures;
- Ensuring all reports submitted by subordinates are neat and accurate;
- Personally inspecting patrol vehicles periodically to ascertain their cleanliness, the presence and serviceability of all required equipment, and proper vehicle maintenance;
- Instructing and assisting officers in the proper performance of their duties;
- Visiting subordinates on duty as often as practical on calls for police service to ensure that proper police services are performed;
- Ensuring all reports, of whatever nature, are submitted in a timely manner and are accurate and complete; and
- Dealing with requests for vacation and other off duty time by persons under their supervision in a manner which will ensure proper and efficient numbers of personnel on duty to conduct necessary activities of the Department.

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Organizational Structure and Responsibility

200.3.1 TOWN ADMINISTRATOR

The Chief reports to the Town Administrator on all general administrative employment matters including payroll, benefits, and assistance with evaluations, and making joint recommendations to the Town Commissioners concerning hiring, firing, promotions and other matters as the Commissioners may determine. The Town Administrator is responsible for formulating an annual budget with the Chief and submitting the final budget request to the Town Commissioners.

200.3.2 SWORN POLICE OFFICERS

Sworn Officers will be responsible for prompt and proper action in all police matters and the rendering of prompt and courteous service in the manner prescribed by the rules, policies, and procedures of the Department under the direction of the Chief. In the absence of written directives covering specific situations, an officer is expected to exercise proper and reasonable judgment in the performance of his duties.

200.4 COMMAND PROTOCOL

200.4.1 SUCCESSION OF COMMAND

The Town Commissioners exercise control over the Chief of Police. The Chief of Police exercises command over all members of the Oxford Police Department. During planned absences, the Deputy Chief of Police shall serve as the acting Chief of Police.

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

- (a) Lieutenant (Deputy Chief of Police)
- (b) Sergeant
- (c) Patrolman First Class
- (d) Patrolman

200.5 AUTHORITY AND RESPONSIBILITY

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

Interim Directives

201.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for issuing Interim Directives.

201.2 POLICY

Interim Directives will be used to modify policies of the Oxford Police Department when an immediate need to adapt a policy or procedure exists, in order to best meet the mission of the Department. Applicable memorandums of understanding/collective bargaining agreements and other alternatives should be considered before a Interim Directive is issued.

201.3 PROTOCOL

Interim Directives will be incorporated into the Policy Manual, as required, upon approval by the Town Commissioners. Interim Directives will modify existing policies or create a new policy as appropriate and will be rescinded if incorporated into the manual.

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

201.4 RESPONSIBILITIES

201.4.1 CHIEF OF POLICE

Only the Chief of Police or the Town Commissioners may approve and issue Interim Directives.

201.5 ACCEPTANCE OF DIRECTIVES

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

Emergency Operations Plan

202.1 PURPOSE AND SCOPE

This policy clarifies the role of the Oxford Police Department and responsibilities of its members pertaining to large scale emergencies and the Maryland Department of Emergency Management operating under the State of Maryland Emergency Operations Core Plan.

202.2 POLICY

The Oxford Police Department will prepare for large scale emergencies within and outside its jurisdiction through planning and mutual cooperation with other agencies.

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

202.3 ACTIVATING THE EMERGENCY OPERATIONS PLAN

The Emergency Operations Plan can be activated in a number of ways. For the Oxford Police Department, the Chief of Police or the highest ranking on-duty supervisor, or in their absence, the Town Commissioners, may activate the local Emergency Operations Plan in response to a major emergency.

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

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

202.3.1 RECALL OF PERSONNEL

In the event that the Emergency Operations Plan is activated, all employees of the Oxford Police Department are subject to immediate recall to service. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the highest ranking on-duty supervisor.

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

202.4 LOCATION OF THE EMERGENCY OPERATIONS PLAN

Copies of the Emergency Operations Plan are available at the Town Hall, the Oxford Police Department, Chief of Police and Talbot Center. All supervisors should familiarize themselves with the Emergency Operations Plan and the roles members will play when the plan is implemented.

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Emergency Operations Plan

The Chief of Police should ensure that department members are familiar with the roles they will play when the plan is implemented.

202.5 EMERGENCY OPERATIONS PLAN REVIEW

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

202.6 TRAINING

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

Training

203.1 PURPOSE AND SCOPE

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

203.2 POLICY

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

203.3 OBJECTIVES

The objectives of the training program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of department members.
- (c) Provide for continued professional development of department members.
- (d) Ensure compliance with MPTSC rules and regulations concerning law enforcement training.

203.4 TRAINING PLAN

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

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

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

203.4.1 GOVERNMENT-MANDATED TRAINING

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

- (a) Federally mandated training:
 - 1. National Incident Management System (NIMS) training.
- (b) State-mandated training:

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

203.5 TRAINING ATTENDANCE

- (a) All members assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisors. Excused absences should be limited to:
1. Court appearances.
 2. Previously approved vacation or time off.
 3. Illness or medical leave.
 4. Physical limitations preventing the member's participation.

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5. Emergency situations or department necessity.
- (b) Any member who is unable to attend training as scheduled shall notify his/her supervisor as soon as practicable but no later than one hour prior to the start of training and shall:
 1. Document his/her absence in a memorandum to his/her supervisor.
 2. Make arrangements through his/her supervisor or the Chief of Police to attend the required training on an alternate date.

203.6 DAILY TRAINING BULLETINS

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

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

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

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

203.7 TRAINING RECORDS

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

Electronic Mail

204.1 PURPOSE AND SCOPE

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

204.2 POLICY

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

204.3 PRIVACY EXPECTATION

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

204.4 RESTRICTIONS ON USE OF EMAIL

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

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

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

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

204.5 EMAIL RECORD MANAGEMENT

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

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

Administrative Communications

205.1 PURPOSE AND SCOPE

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

205.2 POLICY

The Oxford Police Department will appropriately communicate significant events within the organization to its members, the Town Commissioners and the Town Administrator. Both electronic and non-electronic administrative communications will be professional in appearance and comply with the established letterhead, signature and disclaimer guidelines, as applicable.

205.3 MEMORANDUMS

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

205.4 CORRESPONDENCE

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

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

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

205.5 SURVEYS

All surveys made in the name of the Department shall be authorized by the Chief of Police or the authorized designee.

205.6 OTHER COMMUNICATIONS

Interim Directives and other communications necessary to ensure the effective operation of the Department shall be issued by the Chief of Police or the authorized designee (see the Interim Directives Policy).

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

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

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

300.2 POLICY

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

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

The Oxford Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

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300.2.1 DUTY TO INTERCEDE AND REPORT

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

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

300.2.2 PERSPECTIVE

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

300.3 USE OF FORCE

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

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

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

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

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

300.3.1 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

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

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- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

300.3.2 PAIN COMPLIANCE TECHNIQUES

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

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the officer.
- (c) Whether the individual has been given sufficient opportunity to comply.

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

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300.3.3 CAROTID CONTROL HOLD

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

- (a) At all times during the application of the carotid control hold, the response of the individual should be monitored. The carotid control hold should be discontinued when circumstances indicate that the application no longer reasonably appears necessary.
- (b) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until such examination occurs.
- (c) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the individual lost consciousness as a result.
- (d) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (e) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

300.3.4 USE OF FORCE TO SEIZE EVIDENCE

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

300.3.5 ALTERNATIVE TACTICS – DE-ESCALATION

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

300.3.6 MARYLAND USE OF FORCE STATUTE

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

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

300.3.7 RESPIRATORY RESTRAINTS

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

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

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

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

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

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

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

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

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

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300.5 REPORTING THE USE OF FORCE

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

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

300.5.1 REPORTING DEADLINE

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

300.5.2 NOTIFICATIONS TO SUPERVISORS

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

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the conducted energy device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.6 MEDICAL CONSIDERATIONS

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

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be

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witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

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

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

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

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

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
 - 1. The content of the interview should not be summarized or included in any related criminal charges.
 - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
 - 1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.

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- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the individual may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
 - 2. Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

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

300.7.1 CHIEF OF POLICE RESPONSIBILITY

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

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

300.8 TRAINING

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, officers should receive periodic training on:

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force.

300.9 USE OF FORCE ANALYSIS

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

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

Handcuffing and Restraints

301.1 PURPOSE AND SCOPE

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

301.2 POLICY

The Oxford Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

301.3 USE OF RESTRAINTS

Only members who have successfully completed Oxford Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

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

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

301.3.1 RESTRAINT OF DETAINEES

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

301.3.2 RESTRAINT OF PREGNANT PERSONS

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

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

301.3.3 RESTRAINT OF JUVENILES

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

301.3.4 NOTIFICATIONS

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

301.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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

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

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

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

301.5 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

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Handcuffing and Restraints

301.6 APPLICATION OF LEG RESTRAINT DEVICES

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

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

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a person.
- (b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

301.6.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

301.7 REQUIRED DOCUMENTATION

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

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Handcuffing and Restraints

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

- (a) The factors that led to the decision to use restraints.
- (b) Supervisor notification and approval of restraint use.
- (c) The types of restraint used.
- (d) The amount of time the person was restrained.
- (e) How the person was transported and the position of the person during transport.
- (f) Observations of the person's behavior and any signs of physiological problems.
- (g) Any known or suspected drug use or other medical problems.

301.8 TRAINING

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

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

Control Devices

302.1 PURPOSE AND SCOPE

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

302.2 POLICY

In order to control individual subjects who are violent or who demonstrate the intent to be violent, the Oxford Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy. The Chief of Police may also authorize other positions or individual department members to use specific control devices.

302.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee.

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

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

302.4 RESPONSIBILITIES

302.4.1 CHIEF OF POLICE RESPONSIBILITIES

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

302.4.2 CHIEF OF POLICE RESPONSIBILITIES

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

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

302.4.3 USER RESPONSIBILITIES

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

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Chief of Police

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for disposition. Documentation shall also be forwarded through the chain of command, when appropriate, explaining the cause of damage.

302.5 BATON GUIDELINES

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

Personnel may carry the baton as authorized and in accordance with the needs of their assignments or at the direction of their supervisors.

302.6 OLEORESIN CAPSICUM (OC) GUIDELINES

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

302.6.1 OC SPRAY

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

302.6.2 TREATMENT FOR OC EXPOSURE

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

302.7 POST-APPLICATION NOTICE

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

302.8 TRAINING FOR CONTROL DEVICES

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

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

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- (b) All training and proficiency for control devices will be documented in the member's training file.
- (c) Members who fail to demonstrate proficiency with the control device or knowledge of the Use of Force Policy will be provided remedial training. If a member cannot demonstrate proficiency with a control device or knowledge of the Use of Force Policy after remedial training, the member will be restricted from carrying the control device and may be subject to discipline.

302.9 REPORTING USE OF CONTROL DEVICES

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

Conducted Energy Device

303.1 PURPOSE AND SCOPE

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

303.2 POLICY

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

303.3 ISSUANCE AND CARRYING CEDS

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

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

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

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

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

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

- (a) All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.
- (b) Officers should not hold a firearm and the CED at the same time.

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

303.3.1 USER RESPONSIBILITIES

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

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

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303.4 VERBAL AND VISUAL WARNINGS

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

The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the CED may be deployed.

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

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

303.5 USE OF THE CED

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

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

303.5.1 APPLICATION OF THE CED

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

- (a) Is violent or is physically resisting.
- (b) Has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, themselves, or others.

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

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

303.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

- (a) Individuals who are known to be pregnant.

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- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capicum (OC) spray.
- (f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

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

303.5.3 TARGETING CONSIDERATIONS

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

303.5.4 MULTIPLE APPLICATIONS OF THE CED

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

- (a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
- (b) Whether the probes are making proper contact.
- (c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (d) Whether verbal commands or other options or tactics may be more effective.

303.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CED. As soon as practicable, officers shall notify a supervisor any time the CED has been discharged. For evidentiary purposes, the expended cartridge, along with any probes and wire, shall be submitted into evidence. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

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303.5.6 DANGEROUS ANIMALS

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

303.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department CEDs while off-duty.

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

303.6 DOCUMENTATION

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

303.6.1 CED REPORT FORM

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

- (a) The brand, model, and serial number of the CED and any cartridge/magazine.
- (b) Date, time, and location of the incident.
- (c) Whether any warning, display, laser, or arc deterred a subject and gained compliance.
- (d) The number of probes deployed, CED activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the CED was used.
- (f) The type of mode used (e.g., probe deployment, drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any officers sustained any injuries.

The Chief of Police should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Chief of Police should also conduct audits of CED device data downloaded to an approved location and reconcile CED report forms with recorded activations.

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CED information and statistics, with identifying information removed, should periodically be made available to the public.

303.6.2 REPORTS

The officer should include the following in the arrest/crime report:

- (a) Identification of all personnel firing CEDs
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication, or other medical problems

303.7 MEDICAL TREATMENT

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

All persons who have been struck by CED probes, who have been subjected to the electric discharge of the device, or who sustained direct exposure of the laser to the eyes shall be transported by paramedics to the closest available Hospital Emergency Department for evaluation. If any individual refuses medical evaluation once at the hospital, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

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

303.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the CED may be used. A supervisor should respond to all incidents where the CED was activated.

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

303.9 TRAINING

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

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

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

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

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

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

The Chief of Police should include the following training:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin.
- (e) Scenario-based training, including virtual reality training when available.
- (f) Handcuffing a subject during the application of the CED and transitioning to other force options.
- (g) De-escalation techniques.
- (h) Restraint techniques that do not impair respiration following the application of the CED.
- (i) The requirements established in COMAR 12.04.05.05.
- (j) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.
- (k) Proper tactics and techniques related to multiple applications of CEDs.

303.9.1 TRAINING CERTIFICATION

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

Officer-Involved Shootings and Deaths

304.1 PURPOSE AND SCOPE

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

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

304.2 POLICY

The policy of the Oxford Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

304.3 TYPES OF INVESTIGATIONS

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

- (a) A criminal investigation of the suspect's actions.
- (b) A criminal investigation of the involved officer's actions.
- (c) An administrative investigation as to policy compliance by involved officers.

304.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies having jurisdictional authority may be assigned to work on the criminal investigation of officer-involved shootings and deaths.

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

304.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred, unless the Chief of Police requests an allied agency having jurisdictional authority perform the investigation.

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

304.4.2 CRIMINAL INVESTIGATIONS OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be handled by the Talbot County Sheriffs Office or the Maryland State Police.

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304.4.3 ADMINISTRATIVE INVESTIGATION

Regardless of where the incident occurs, the administrative investigation of each involved officer is controlled by the respective employing agency, unless otherwise assigned by the Chief of Police.

304.5 INVESTIGATION PROCESS

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

304.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

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

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Department or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.

304.5.2 SUPERVISOR / COMMANDER RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved OPD supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
 - 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any OPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
 - 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
 - 2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Chief of Police and Talbot Center. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional OPD members until properly relieved by another supervisor, or other assigned personnel or investigator.

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- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 - 1. Each involved OPD officer should be given an administrative order not to discuss the incident with other involved officers or OPD members pending further direction from a supervisor.
 - 2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

304.5.3 CHIEF RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Chief of Police or Deputy Chief of Police shall be responsible for coordinating all aspects of the incident.

All outside inquiries about the incident shall be directed to the Chief of Police.

304.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Deputy Chief of Police
- Outside agency investigators (if appropriate)
- Town Attorney
- Psychological/peer support personnel
- Chaplain
- Medical Examiner (if necessary)
- Involved officer's agency representative (if requested)

304.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal representation will be accommodated.
 - 1. Involved OPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
 - 2. Requests from involved non-OPD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives will be privileged only as to the discussion of non-criminal information.

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- (d) A licensed psychotherapist shall be provided by the Department to each involved OPD officer. A licensed psychotherapist may also be provided to any other affected OPD members, upon request.
 - 1. Interviews with a licensed psychotherapist will be considered privileged.
 - 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, the involved member shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
 - 3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Communications between the involved officer and a peer support member is addressed in the Wellness Program Policy.

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

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

304.6 CRIMINAL INVESTIGATION

It shall be the policy of this department to utilize allied agencies to conduct an independent criminal investigation into the circumstances of any officer-involved shooting or death, except for those investigations that are controlled by state law.

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

- (a) OPD supervisors and Chief of Police personnel should not participate directly in any voluntary interview of OPD officers. This will not prohibit such personnel from monitoring interviews or indirectly providing topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of the officer's choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally, or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation including administrative investigations. However,

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no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

304.6.1 REPORTS BY INVOLVED OFFICERS

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

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

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

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

304.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

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

- (a) Identification of all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

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

304.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the Chief of Police to request appropriate investigation personnel from allied agencies to handle the investigation of related crimes.

All related department reports will be forwarded to the Chief of Police for approval..

304.6.4 ATTORNEY GENERAL INVESTIGATION

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

304.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will request an allied law enforcement agency to conduct an internal administrative investigation of involved OPD officers to determine conformance with department policy.

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

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency (Md. Code PS § 3-107).
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of the officer's prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.

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1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative collectively or in groups prior to being interviewed.
3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.
4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, the officer should be given *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
5. The Chief of Police shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

304.8 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available body-worn video or other video or audio recordings prior to providing a recorded statement or completing reports.

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

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

304.9 DEBRIEFING

Following an officer-involved shooting or death, the Oxford Police Department should conduct both a Critical Incident Stress Debriefing and a Tactical Debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

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304.9.1 TACTICAL DEBRIEFING

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

304.10 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the Town Attorney and Town Administrator.

No involved OPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police .

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

Firearms

305.1 PURPOSE AND SCOPE

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

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

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

305.2 POLICY

The Oxford Police Department will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

305.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

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

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

305.3.1 HANDGUNS

The authorized department-issued handgun is the Glock Model 22 .40. The following additional handguns are approved for on-duty use:

MAKE: Glock	MODEL: 22	CALIBER:.40
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305.3.2 SHOTGUNS

The authorized department-issued shotgun is the Shotgun. The following additional shotguns are approved for on-duty use:

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

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305.3.3 PATROL RIFLES

The authorized department-issued patrol rifle is the Rifle. The following additional patrol rifles are approved for on-duty use:

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

- (a) Situations where the member reasonably anticipates an armed encounter.
- (b) When a member is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

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

305.3.4 PERSONALLY OWNED DUTY FIREARMS

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

- (a) The firearm shall be in good working order and on the department list of approved firearms.
- (b) The firearm shall be inspected by the Chief of Police prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Chief of Police, who will maintain a list of the information.

305.3.5 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to

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carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

- (a) A personally owned firearm shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.
 - 1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the member to submit the firearm to the Chief of Police for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Chief of Police.
- (d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Chief of Police that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (e) The member will successfully qualify with the firearm prior to it being carried.
- (f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Chief of Police, who will maintain a list of the information.
- (g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) Members shall only carry department-authorized ammunition.
- (i) When armed, officers shall carry their badges and Oxford Police Department identification cards under circumstances requiring possession of such identification.

305.3.6 AMMUNITION

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

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

305.3.7 FIREARMS CONVERSION

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

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305.4 EQUIPMENT

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

305.4.1 REPAIRS OR MODIFICATIONS

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

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

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

305.4.2 HOLSTERS

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

305.4.3 TACTICAL LIGHTS

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

305.4.4 OPTICS OR LASER SIGHTS

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

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

305.5 SAFE HANDLING, INSPECTION AND STORAGE

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

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Chief of Police. Members shall not dry

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fire or practice quick draws except as instructed by the Chief of Police or other firearms training staff.

- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.
- (e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Chief of Police approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Chief of Police will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

305.5.1 INSPECTION AND STORAGE

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

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

305.5.2 STORAGE AT HOME

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

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305.5.3 ALCOHOL AND DRUGS

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

305.6 FIREARMS TRAINING AND QUALIFICATIONS

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

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

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

305.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

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

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

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for the following:
 - 1. Unauthorized range make-up.
 - 2. Failure to meet minimum standards or qualify after remedial training.

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

305.6.2 ANNUAL FIREARMS NON-CERTIFICATION

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

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- (a) Shall remove the firearm, or the authorization to use or carry the firearm if personally owned, from the officer by January 1 of the next calendar year.
- (b) May not return or authorize the officer to use or carry the firearm until the officer successfully completes the appropriate firearms classroom instruction, training and qualification.

305.6.3 ANNUAL FIREARMS NON-QUALIFICATION

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

If an officer does not successfully meet the qualification requirements, the Chief of Police shall immediately:

- Report the officer's failure to qualify to the Maryland Police Training and Standards Commission (MPTSC).
- Require the officer to surrender all department firearms.
- Withdraw the officer's authority to use or carry personally owned firearms.

305.7 FIREARM DISCHARGE

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

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

- (a) If on-duty at the time of the incident, the member shall file a written report with his/her Chief of Police or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, a written report shall be submitted or a recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

305.7.1 DESTRUCTION OF ANIMALS

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

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, conducted energy device, oleoresin capsicum (OC))

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spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed, becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

305.7.2 INJURED ANIMALS

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

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

305.7.3 WARNING AND OTHER SHOTS

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

305.8 CHIEF OF POLICE DUTIES

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

The range shall remain operational and accessible to department members during hours established by the Department.

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

All firearms will be inspected and cleaned by the Chief of Police according to the established schedule or as directed by the Chief of Police.

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

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

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The Chief of Police shall report firearm qualification scores for each firearm the officer is authorized to use or carry to the Chief of Police by January 15 of the calendar year immediately following firearms qualification. The Chief of Police shall submit the report to the MPTSC by January 31 (COMAR 12.04.02.08(D)).

305.9 CARRYING FIREARMS OUT OF STATE

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

- (a) The officer shall carry his/her Oxford Police Department identification card whenever carrying such firearm.
- (b) The officer is not the subject of any current disciplinary action.
- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other department policies (including qualifying and training).

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

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

Vehicle Pursuits

306.1 PURPOSE AND SCOPE

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

306.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

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

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

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

306.2 POLICY

It is the policy of this department to weigh the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits. Officers are authorized to initiate a pursuit **ONLY** when it is reasonable to believe that a suspect, who has been given an appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle (Md. Code TR § 21-904) **AND the suspect not being captured poses an imminent risk of serious bodily injury or death to the public.**

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306.3 OFFICER RESPONSIBILITIES

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

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

- (a) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.
- (b) Exceed the speed limit.
- (c) Disregard regulations governing direction of movement or turning in specified directions.

306.3.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect, who has been given an appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle (Md. Code TR § 21-904) **and the suspect not being captured poses an imminent risk of serious bodily injury or death to the public.**

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

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists, pedestrians and others.
- (c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.
- (d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing vehicles and dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (e) The weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (f) The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (g) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.
- (h) Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights,

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concealable or temporary emergency lighting equipment and concealed or obstructed siren positioning.

- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) The availability of other resources, such as air support assistance.
- (l) The pursuing vehicle is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with an arrestee in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the arrestee in transport. A vehicle containing more than a single arrestee should not be involved in a pursuit.

306.3.2 WHEN TO TERMINATE A PURSUIT

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

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

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

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

- (a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
- (b) The pursued vehicle's location is no longer definitely known.
- (c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.
- (e) Hazards to uninvolved bystanders or motorists.
- (f) The danger that the continued pursuit poses to the public, the officers or the suspect, balanced against the risk of allowing the suspect to remain at large.
- (g) When the identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.

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

306.4 PURSUIT VEHICLES

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

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

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

306.4.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

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

306.4.2 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES

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

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

- (a) The location, direction of travel and estimated speed of the suspect's vehicle.
- (b) The description of the suspect's vehicle including the license plate number, if known.
- (c) The reason for the pursuit.
- (d) The use of firearms, threat of force, violence, injuries, hostages or other unusual hazards.
- (e) The number of occupants and identity or description.
- (f) The weather, road and traffic conditions.
- (g) The need for any additional resources or equipment.

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

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

306.4.3 SECONDARY PURSUIT VEHICLE RESPONSIBILITIES

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

- (a) Immediately notifying the dispatcher of his/her entry into the pursuit.
- (b) Remaining a safe distance behind the primary pursuit vehicle unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.
- (c) Broadcasting information that the primary pursuing officer is unable to provide.
- (d) Broadcasting the progress of the pursuit, updating known or critical information and providing changes in the pursuit, unless the situation indicates otherwise.
- (e) Identifying the need for additional resources or equipment as appropriate.
- (f) Serving as backup to the primary pursuing officer once the suspect has been stopped.

306.5 PURSUIT DRIVING

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

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to unusual maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
 - 1. Available officers not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 - 2. Pursuing officers should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.
- (c) As a general rule, officers should not pursue a vehicle driving the wrong direction on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:

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1. Request assistance from available air support.
 2. Maintain visual contact with the pursued vehicle by paralleling the vehicle while driving on the correct side of the roadway.
 3. Request other officers to observe exits available to the suspect.
- (d) Notify the Maryland State Police and/or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.
- (e) Officers involved in a pursuit should not attempt to pass other pursuing vehicles unless the situation indicates otherwise or they are requested to do so by the pursuing officer and with a clear understanding of the maneuver process between the involved officers.

306.5.1 PURSUIT TRAILING

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

306.5.2 OFFICERS NOT INVOLVED IN THE PURSUIT

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

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

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

306.6 SUPERVISORY CONTROL AND RESPONSIBILITIES

Available supervisory and management control, if available, will be exercised over all vehicle pursuits involving officers from this department.

The supervisor of the officer initiating the pursuit will be responsible for:

- (a) Immediately notifying involved officers and the dispatcher of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit. This is to ensure that the pursuit is conducted within established department guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.

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- (d) Ensuring that no more than the required law enforcement vehicles are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that assistance from air support, canines or additional resources are requested, if available and appropriate.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring that the Chief of Police is notified of the pursuit, as soon as practicable.
- (i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.
- (j) Controlling and managing Oxford Police Department officers when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit as required.

306.7 TALBOT CENTER

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

306.8 LOSS OF PURSUED VEHICLE

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

306.9 INTERJURISDICTIONAL CONSIDERATIONS

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

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

306.9.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Officers will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Oxford Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation.

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The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports.

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

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

306.9.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Officers from this department should not join a pursuit unless specifically requested to do so by the pursuing agency and factors contributing to the pursuit conform with this policy..

When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of the Oxford Police Department, the officer should consider:

- (a) The public's safety within this jurisdiction.
- (b) The safety of the pursuing officers.
- (c) Whether the circumstances are serious enough to continue the pursuit.
- (d) Whether there is adequate staffing to continue the pursuit.
- (e) The ability to maintain the pursuit.

If available, a supervisor should review a request for assistance from another agency. The supervisor, after considering the above factors, may decline to assist in or assume the other agency's pursuit.

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

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

306.10 PURSUIT INTERVENTION

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

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306.10.1 WHEN USE IS AUTHORIZED

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

306.10.2 USE OF FIREARMS

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

306.10.3 INTERVENTION STANDARDS

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

- (a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to the public's safety, and when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this intervention tactic should only be employed by properly trained officers and after giving consideration to the following:
 - 1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risk of injury or death to occupants of the suspect vehicle, officers or others.
 - 2. All other reasonable intervention tactics have failed or reasonably appear ineffective.
 - 3. Employing the blocking or vehicle intercept maneuver does not unreasonably increase the risk of safety to those involved or the public.
 - 4. The suspect vehicle is stopped or traveling at a low speed.
 - 5. Only law enforcement vehicles should be used in this tactic.
- (b) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted or would not be effective, and immediate control is necessary to prevent serious injury or death. Ramming should be reserved for situations where there does not appear to be another reasonable alternative method. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized. When

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ramming is used as a means to stop a fleeing vehicle, the following factors should be present:

1. The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended.
 2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner or using the vehicle as a weapon.
- (c) Tire deflation devices should be deployed only after notification of pursuing officers and the supervisor of the intent and location of the intended deployment, and in a manner that:
1. Should reasonably only affect the pursued vehicle.
 2. Provides the deploying officer adequate cover and escape from intentional or unintentional exposure to the approaching vehicle.
 3. Considers the limitations of such devices as well as the potential risk to officers, the public and occupants of the pursued vehicle.
 4. will not be used on a vehicle that is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children.
- (d) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor. If roadblocks are deployed, it should only be done under extraordinary conditions when all other reasonable intervention tactics have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or the public.

306.11 CAPTURE OF SUSPECTS

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

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

306.12 REPORTING REQUIREMENTS

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

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

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- (b) The primary pursuing officer or supervisor shall complete the appropriate pursuit report.
- (c) After first obtaining the available information, the involved, or if unavailable, on-duty field supervisor shall promptly complete a supervisor's log or interoffice memorandum, briefly summarizing the pursuit to the Chief of Police or the authorized designee. This log or memorandum should include, at a minimum:
 - 1. Date and time of the pursuit.
 - 2. Initial reason and circumstances surrounding the pursuit.
 - 3. Length of pursuit in distance and time, including the starting and termination points.
 - 4. Involved vehicles and officers.
 - 5. Alleged offenses.
 - 6. Whether a suspect was apprehended, as well as the means and methods used.
 - (a) Any use of force shall be reported and documented in compliance with the Use of Force Policy.
 - 7. Arrestee information, if applicable.
 - 8. Any injuries and/or medical treatment.
 - 9. Any property or equipment damage.
 - 10. Name of supervisor at the scene or who handled the incident.
 - 11. A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.
- (d) After receiving copies of reports, logs and other pertinent information, the Chief of Police or the authorized designee shall conduct or assign the completion of a post-pursuit review, as appropriate.
- (e) Annually, the Chief of Police should direct a documented review and analysis of department vehicle pursuits to minimally include policy suitability, policy compliance and training needs.

306.13 PURSUIT POLICY TRAINING

In addition to initial and supplementary training on pursuits, all officers will participate, no less than annually, in training addressing this policy and the importance of vehicle safety and protecting the public. Training will include recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others.

Foot Pursuits

307.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

307.2 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

307.3 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual that the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.

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- (e) Air support.
- (f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

307.4 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.
- (b) The officer is acting alone.
- (c) Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with the dispatcher or with assisting or backup officers.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.
- (l) The officer or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer known.

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- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.
- (o) The officer's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

307.5 RESPONSIBILITIES IN FOOT PURSUITS

307.5.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit and containment. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel.
- (b) Call sign identifier.
- (c) Reason for the foot pursuit, such as the crime classification.
- (d) Number of suspects and description, to include name if known.
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon.

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the dispatcher of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

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307.5.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

307.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

307.5.4 TALBOT CENTER RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved officers.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the foot pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying the Chief of Police as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

307.6 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate crime/arrest reports documenting, at a minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and officers.
- (f) Whether a suspect was apprehended as well as the means and methods used.

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1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
 - (g) Arrestee information, if applicable.
 - (h) Any injuries and/or medical treatment.
 - (i) Any property or equipment damage.
 - (j) Name of the supervisor at the scene or who handled the incident.
 - (k) A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

Officer Response to Calls

308.1 PURPOSE AND SCOPE

This policy provides officers with guidelines for the safe and appropriate vehicular response to emergency and non-emergency incidents or requests for assistance, whether these are dispatched or self-initiated.

308.2 POLICY

It is the policy of this department to appropriately respond to emergency and nonemergency calls for service or requests for assistance, whether these are dispatched or self-initiated.

308.3 RESPONSE TO CALLS

Officers responding to nonemergency calls shall proceed accordingly, unless they are sent or redirected to a higher priority call, and shall obey all traffic laws.

308.3.1 EMERGENCY CALLS

Officers should only respond to a call as an emergency response when so dispatched or when circumstances reasonably indicate an emergency response is required. This includes, but is not limited to (Md. Code TR § 21-106):

- (a) When in pursuit or apprehending a violator or suspected violator.
- (b) When responding to a reported emergency involving possible personal injury, death or significant property damage.
- (c) When immediate assistance is requested by an officer or other law enforcement agency.

If an officer believes an emergency response to any call is appropriate, the officer shall immediately notify the dispatcher.

Officers not responding to a call as an emergency response shall observe all traffic laws and proceed without the use of emergency lights and siren.

308.4 REQUESTING EMERGENCY ASSISTANCE

When requesting emergency assistance, the involved department member should reasonably believe there is an imminent threat to the safety of him/herself or another person, or that assistance is needed to prevent imminent serious harm to the public.

If circumstances permit, the requesting member should provide the following information:

- Identifying call sign
- Location of the emergency situation
- Suspect information, including weapons
- Reason for the request and type of emergency

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- The number of officers or resources required
- Hazards and any known or potential dangers for responding officers

In any event where a situation has stabilized and emergency response is not required, the requesting member shall immediately notify the dispatcher.

308.5 SAFETY CONSIDERATIONS

Officers responding to an emergency call shall proceed immediately as appropriate and shall continuously operate the emergency vehicle lighting and siren as required by law (Md. Code TR § 21-106(c)).

Responding with emergency lights and siren does not relieve the operator of an emergency vehicle of the duty to continue to drive with due regard for the safety of all persons and property, and does not protect the operator from the consequences of reckless disregard for the safety of others. However the officer may, when responding to a call with an emergency response, and provided there is no endangerment or unnecessary risk to persons and property (Md. Code TR § 21-106(b)):

- Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- Exceed the speed limit.
- Disregard regulations governing direction of movement or turning in specified directions.
- Park or stand without regard to parking restrictions.

308.5.1 NUMBER OF OFFICERS ASSIGNED

Only the number of officers that are reasonably necessary should be assigned to respond to an emergency call or request for assistance.

An emergency response involving more than one police vehicle should be coordinated by Talbot Center to avoid any unanticipated intersecting of response routes. The dispatcher shall notify the Chief of Police or field supervisor, who will make a determination regarding the appropriateness of the response and reduce or enhance the response as warranted.

308.6 EMERGENCY EQUIPMENT

Vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in an emergency response. Officers in such vehicles may provide support to pursuing vehicles as long as the vehicles are operated in compliance with all traffic laws. Those officers should terminate their involvement in any emergency response immediately upon arrival of a sufficient number of emergency law enforcement vehicles.

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency response and continue accordingly. The officer shall notify the Chief of Police, field supervisor or the dispatcher of the equipment failure so that another officer may be assigned to the emergency response.

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308.7 OFFICER RESPONSIBILITIES

The decision to initiate or continue an emergency response is at the discretion of the officer. If, in the officer's judgment, the weather, traffic and road conditions do not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of emergency lights and siren at the legal speed limit. In such an event, the officer should immediately notify the dispatcher. An officer shall also discontinue an emergency response when directed by a supervisor or as otherwise appropriate.

Upon receiving authorization or determining that an emergency response is appropriate, whenever practicable, an officer shall immediately give the location from which he/she is responding.

The first officer arriving at the emergency call should determine whether to increase or reduce the level of the response of additional officers and shall notify the dispatcher of his/her determination. Any subsequent change in the appropriate response level should be communicated to the dispatcher by the officer in charge of the scene unless a supervisor assumes this responsibility.

308.8 TALBOT CENTER

When information reasonably indicates that the public is threatened with serious injury or death or an officer requests emergency assistance and immediate law enforcement response is needed, the dispatcher shall assign an emergency response and ensure acknowledgement and response of handling and assisting officers.

308.8.1 RESPONSIBILITIES

Upon notification or assignment of an emergency response, the dispatcher is responsible for:

- (a) Confirming the location from which the officer is responding or requesting assistance.
- (b) Attempting to assign the closest available assisting officers to the location of the emergency call.
- (c) Continuing to obtain and broadcast information as necessary concerning the response and monitoring the situation until it is stabilized or terminated.
- (d) Notifying and coordinating allied emergency services (e.g., fire, emergency medical services).
- (e) Notifying the Chief of Police as soon as practicable.
- (f) Controlling all radio communications during the emergency and coordinating assistance under the direction of the Chief of Police or field supervisor.

308.9 SUPERVISOR RESPONSIBILITIES

Upon being notified that an emergency response has been initiated or requested, the Chief of Police or the field supervisor shall verify that:

- (a) The proper response has been initiated.
- (b) No more than those officers reasonably necessary under the circumstances are involved in the response.

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- (c) Affected outside jurisdictions are being notified as practicable.

The supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing officers into or out of the response, if necessary. If, in the supervisor's judgment, the circumstances require additional officers to be assigned an emergency response, the supervisor may do so.

It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment is inappropriate due to the circumstances.

When making the decision to authorize an emergency response, the Chief of Police or the supervisor should consider the following:

- The type of call or crime involved
- The type and circumstances of the request
- The necessity of a timely response
- Weather, traffic and road conditions
- The location of the responding officers and the location of the incident

Domestic Violence

309.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of the Oxford Police Department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence (Md. Code FL § 4-514).

309.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic violence that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

Domestic violence - Abuse occurring between current or former spouses or cohabitants, persons who have a child in common, or persons currently or formerly involved in a dating relationship (Md. Code FL § 4-701(c)).

309.2 POLICY

The Oxford Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

309.3 OFFICER SAFETY

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

309.4 INVESTIGATIONS

The following guidelines shall be followed by officers when investigating domestic violence cases to protect the victim from harm (Md. Code FL § 4-502(a)(2)):

- (a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other

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children who may not have been in the house at that particular time should also be obtained for follow-up.

- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries shall be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the [investigating officer](#) in the event that the injuries later become visible.
- (f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize and remove any firearms upon a consent search or in plain view if appropriate and legally permitted. The officer shall provide information to the owner on the process of retaking possession of the firearm. The Department shall then provide safe storage during the pendency of any domestic violence proceeding (Md. Code FL § 4-511).
- (i) When completing an incident ~~or arrest~~ report for violation of a court order, officers shall include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) Officers shall take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
 - 1. Whether the suspect lives on the premises with the victim.
 - 2. Claims by the suspect that the victim provoked or perpetuated the violence or abuse.
 - 3. The potential financial or child custody consequences of arrest.
 - 4. The physical or emotional state of either party.
 - 5. Use of drugs or alcohol by either party.
 - 6. Denial that the violence or abuse occurred where evidence indicates otherwise.
 - 7. A request by the victim not to arrest the suspect.
 - 8. Location of the incident (public/private).
 - 9. Speculation that the complainant may not follow through with the prosecution.
 - 10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.

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11. The social status, community status, or professional position of the victim or suspect.

309.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

309.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

- (a) Advise the parties of any options, including but not limited to:
 1. Voluntary separation of the parties.
 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness assistance).
- (b) Document the resolution in a report.

309.5 VICTIM ASSISTANCE

Because victims may be traumatized or confused, officers should be aware that a victim's behavior and actions may be affected.

- (a) Victims shall be provided with the department domestic violence information handout, even if the incident may not rise to the level of a crime (Md. Code FL § 4-503).
- (b) Victims should also be alerted to any available victim advocates, shelters, and community resources.
- (c) When an involved person requests law enforcement assistance while removing essential items of personal property, officers shall accompany the person to the family home and stand by while personal clothing and effects are removed (Md. Code FL § 4-502(a)(2)(ii)).
- (d) If the victim has sustained injury or complains of pain, officers shall seek medical assistance for the victim as soon as practicable.
- (e) Officers should ask the victim whether the victim has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a safety concern or if the officer determines that a need exists.
- (f) Officers should make reasonable efforts to ensure that any children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

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- (g) If appropriate, officers should seek or assist the victim in obtaining an interim protective order.
- (h) Use the substitute address if the victim is registered in the state Address Confidentiality Program (Md. Code SG § 7-302).
- (i) Prepare a Lethality Assessment Form and advise victim accordingly.

309.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

309.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state (Md. Code FL § 4-508.1(b)).

309.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
- (b) Check available records or databases that may show the status or conditions of the order.
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

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309.8.1 COURT-ORDERED SURRENDERED FIREARMS

If a respondent surrenders a firearm to the Department under a temporary or final court order, the officer shall provide the respondent information on the process for retaking possession of the firearm. The 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 (Md. Code FL § 4-506.1).

If a defendant in a criminal case who is ordered to surrender firearms pursuant to Md. Code CP § 6-234 transfers a firearm to the Department, the officer receiving the firearm shall issue the person transferring the firearm a written proof of transfer containing:

- (a) The name of the person transferring the firearm.
- (b) The date the firearm was transferred.
- (c) The serial number (or identifying marks if the firearm was manufactured before 1968), make, and model of the firearm.
- (d) Any other information required by state or federal law.

The receiving officer should keep a copy of the written proof of transfer and should make appropriate entries in any required logs. The Chief of Police may develop additional procedures pertaining to the storage and disposal of any surrendered firearms.

309.9 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report:

- (a) May arrest a person without a warrant if the report to law enforcement was made within 48 hours of the alleged incident and the officer has probable cause to believe that (Md. Code CP § 2-204):
 - 1. The person battered his/her spouse or another person with whom the person resides.
 - 2. There is evidence of physical injury.
 - 3. Unless the person is arrested immediately, the person:
 - (a) May not be apprehended.
 - (b) May cause physical injury or property damage to another.
 - (c) May tamper with, dispose of, or destroy evidence.
- (b) Shall arrest with or without a warrant and take into custody a person who the officer has probable cause to believe is in violation of an interim, temporary, or final protective order in effect at the time of the violation (Md. Code FL § 4-509(b)).
- (c) Shall arrest, with or without a warrant, and take into custody a person the officer has probable cause to believe is in violation of an order for protection that was issued by a court of another state or a Native American tribe, and that is in effect at the time of the violation if the person seeking the assistance (Md. Code FL § 4-508.1(c)):

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1. Has filed a copy of the order with the District Court or circuit court for the jurisdiction in which the person seeks assistance.
2. Displays or presents to the officer a copy of the order that appears valid on its face.

309.9.1 MUTUAL BATTERY

If an officer has probable cause to believe that mutual battery occurred and arrest is necessary, the officer shall consider whether one of the persons acted in self-defense to determine who was the primary aggressor (Md. Code CP § 2-204(b)).

309.10 REPORTS AND RECORDS

The Chief of Police shall provide a copy of the domestic violence report to the victim upon request (Md. Code FL § 4-503.1).

Search and Seizure

310.1 PURPOSE AND SCOPE

Both the federal and state constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Oxford Police Department personnel to consider when dealing with search and seizure issues.

310.2 POLICY

It is the policy of the Oxford Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate

310.3 SEARCHES

The United States Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

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Search and Seizure

310.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) Whenever practicable, a search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.
- (f) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:
 1. Another officer or a supervisor should witness the search.
 2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

310.5 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

Child Abuse

311.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Oxford Police Department members are required to notify the local department of social services of suspected child abuse.

311.1.1 DEFINITIONS

Definitions related to this policy include (Md. Code FL § 5-701):

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or by a member of the child's family or household, or any other act that would mandate notification to a social service agency or law enforcement.

311.2 POLICY

The Oxford Police Department will investigate all reported incidents of alleged criminal child abuse and ensure the local department of social services is notified as required by law.

311.3 MANDATORY NOTIFICATION

Members of the Oxford Police Department shall notify the local department of social services when they have reason to believe that a child has been subjected to abuse or neglect (Md. Code FL § 5-704; Md. Code FL § 5-705.1).

For purposes of notification, abuse includes physical or mental injury (or the substantial risk of such injury) inflicted by a parent, household member, family member, or anyone else who may have custody of, be caring for, or have authority over the child. Abuse also includes any sexual abuse or exploitation of a child. Abuse does not include accidental injuries. Neglect includes the failure of a caregiver to provide proper care to a child to the extent that the child is physically or mentally harmed or at risk of such harm (Md. Code FL § 5-701).

311.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (COMAR 07.02.07.04; Md. Code FL § 5-704(b)):

- (a) The handling officer shall:
 - 1. Make an oral report as soon as possible to the local department of social services by telephone or direct communication.
 - 2. Make a written report no later than 48 hours after having reason to believe that a child has been subjected to abuse, and forward a copy to the local department of social services and State's Attorney.
- (b) The notification, insofar as is reasonably possible, shall include:

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1. The name, age and home address of the child.
 2. The names and ages of other children in the home or in the care of the person alleged to be responsible for the abuse or neglect.
 3. The name and home address of the child's parent or other person who is responsible for the child's care.
 4. The whereabouts of the child.
 5. The nature and extent of the abuse or neglect of the child, including any evidence or information concerning possible previous instances of abuse or neglect of the child or by the person alleged to be responsible for the abuse or neglect.
 6. Any other information that would help to determine:
 - (a) The cause of the suspected abuse or neglect.
 - (b) The identity of any person responsible for the abuse or neglect.
 - (c) The safety of the child and risk of future abuse or neglect.
 7. In the case of suspected child abuse or neglect involving a mental injury:
 - (a) A description of the substantial impairment of the child's mental or psychological ability to function.
 - (b) An explanation of why it is believed the mental injury is attributable to maltreatment or failure to provide proper care and attention.
 - (c) Observations or knowledge about the intent or recklessness of the person alleged to be responsible for causing a mental injury.
- (c) For suspected abuse of a child living out of state and occurring out of state, notification shall be made to any local department of social services in accordance with the requirements of Md. Code FL § 5-705.1.

311.4 QUALIFIED INVESTIGATORS

When the initial investigating officer determines an investigation is necessary, contact shall be made with the Talbot County Sheriffs Office or Maryland State Police.

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child-appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

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- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (COMAR 07.02.07.22; COMAR 07.02.07.23; Md. Code FL § 5-706(f); Md. Code FL § 5-706(g); Md. Code FL § 5-706.2(b)).

311.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) A thorough and timely investigation and report as required by state law (Md. Code FL § 5-706). This should be done by the investigating officer in all circumstances where a suspected child abuse victim is contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim is transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (k) Whether within 24 hours after receiving a report of suspected physical or sexual abuse of a child, and within five days after receiving a report of suspected neglect or suspected mental injury of a child, the handling officer complied with COMAR 07.02.07.08, Md. Code FL § 5-706(c) and Md. Code FL § 5-706.2(c) by:
 - 1. Seeing the child.
 - 2. Attempting to have an on-site interview with the child's caretaker.
 - 3. Deciding on the safety of the child, wherever the child is, and of other children in the household.
 - 4. Deciding on the safety of other children in the care or custody of the alleged abuser.

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- (l) Seeking assistance from the local State's Attorney as needed (Md. Code FL § 5-706(d)).
- (m) Completing an investigation as soon as practicable, but not later than the time frames specified by state law (COMAR 07.02.07.09; Md. Code FL § 5-706(h); Md. Code FL § 5-706.2(d)).

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

311.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact the local department of social services. Generally, the decision to remove a child from the child's family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from the child's parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to the local department of social services.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations (Md. Code CJ § 3-8A-14; Md. Code CJ § 3-814):

- (a) Pursuant to an order of the court.
- (b) By an officer with probable cause to believe that the child is in immediate danger from the child's surroundings and that the child's removal is necessary for the child's protection.

Anytime an officer takes a child into custody, notifications should be made as provided in the Temporary Custody of Juveniles Policy.

311.6.1 SAFE HAVEN LAW

A mother, or a person with the permission of the mother, may relinquish an unharmed newborn within 10 days after birth to an officer when the mother expresses an interest in abandoning the child. As soon as possible, the officer shall take the newborn to a hospital or other facility designated by the Department of Human Resources (Md. Code CJ § 5-641).

311.7 INTERVIEWS

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311.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

311.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
 - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

311.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

An examination and emergency medical treatment may be provided for a child without parental consent if an officer states a belief that the child has been abused or neglected (COMAR 07.02.07.07(f)(3)).

311.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

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311.9.1 SUPERVISOR RESPONSIBILITIES

The Criminal Investigations Unit supervisor should:

- (a) Work with professionals from the appropriate agencies, including the local department of social services, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by their exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Criminal Investigations Unit supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives at the scene.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

311.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Criminal Investigations Unit supervisor so an interagency response can begin.

311.10 STATE MANDATES AND OTHER RELEVANT LAWS

Maryland requires or permits the following:

311.10.1 PROCESSING REPORTS AND RECORDS

The handling officer shall ensure that (COMAR 07.02.07.07; Md. Code FL § 5-706(i)):

- (a) A preliminary report of findings of the investigation is submitted to the local State's Attorney within 10 days after receiving a report of suspected abuse.
- (b) A written report of findings of the investigation is submitted to the local State's Attorney within five business days after the investigation is completed.

311.10.2 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse is confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (COMAR 07.02.07.21; Md. Code FL § 5-707).

311.10.3 CHILD FATALITY REVIEW

This department will cooperate with a local or state child death review team (Md. Code FL § 5-706).

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311.10.4 HOUSEHOLD ENTRY

Upon request, an officer shall accompany a representative of the local department of social services who has been denied entry into a household in which the representative has probable cause to believe that a child is in serious, immediate danger. If necessary, the officer may use reasonable force to enable the representative to gain entry (Md. Code FL § 5-709(b)).

311.10.5 FAILURE TO REPORT

An officer investigating allegations of child abuse who believes that a person has knowingly failed to report suspected abuse or neglect shall file a complaint with the appropriate agency or board (Md. Code FL § 5-705.4).

311.11 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.
- (g) Recognizing abuse that requires mandatory notification to another agency.

Adult Abuse

312.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Oxford Police Department members as required by law.

312.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

312.2 POLICY

The Oxford Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

312.3 MANDATORY NOTIFICATION

Members of the Oxford Police Department shall notify the local Adult Protective Services (APS) when there is reason to believe that an adult who lacks the physical or mental capacity to provide for his/her own daily needs has been subjected to abuse, neglect, self-neglect or exploitation (Md. Code FL § 14-302(a)).

312.3.1 NOTIFICATION PROCEDURE

Notification shall occur as follows (Md. Code FL § 14-302):

- (a) The officer investigating the case shall notify the local APS office by telephone, direct communication or in writing as soon as possible.
- (b) The investigating officer shall include at least the following information as reasonably known:
 1. The name, age and home address of the adult, including his/her current whereabouts.
 2. The name and home address of the person responsible for the adult's care.
 3. The nature of the adult's suspected incapacity.
 4. The nature and extent of the abuse, neglect, self-neglect or exploitation, including any reasonably known evidence or information concerning previous injury that may have resulted from abuse, neglect, self-neglect or exploitation.
 5. Any other information that would help to determine the cause of the suspected abuse, neglect, self-neglect or exploitation, and the identity of any individual responsible for the abuse, neglect, self-neglect or exploitation.

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312.4 QUALIFIED INVESTIGATORS

If the initial responding officer determines an investigation is to occur, the Talbot County Sheriffs Office or Maryland State Police should be contacted.

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to adult abuse investigations.
- (c) Present all cases of alleged adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (COMAR 07.02.16.07(B)).

312.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

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Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

312.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact APS. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation (Md. Code FL § 14-307).

Generally, members of this department should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to APS (Md. Code ET § 13-709(a)).

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

312.7 INTERVIEWS

312.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

312.7.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

- (a) The adult cannot adequately provide for his or her own care or protection and exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the adult need to be addressed immediately.

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2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
 3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
- (b) A court order or warrant has been issued.

312.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. The supervisor should consider other government agencies or services that may obtain a court order for such an examination.

312.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

312.9.1 SUPERVISOR RESPONSIBILITIES

The Criminal Investigations Unit supervisor should:

- (a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers and local prosecutors to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Criminal Investigations Unit supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives at the scene.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the adult.

312.10 STATE MANDATES AND OTHER RELEVANT LAWS

Maryland requires or permits the following:

312.10.1 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police is responsible for:

- (a) Providing a copy of the adult abuse report to APS as required by law.

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- (b) Retaining the original adult abuse report with the initial case file.
- (c) Providing copies of a report of alleged abuse at a facility that cares for adults as required by law (Md. Code HG § 19-347).

312.10.2 RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected adult abuse are confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy. However, law enforcement and participating agencies involved in the investigation may share information (Md. Code FL § 14-303(e)).

312.10.3 INVESTIGATION ASSISTANCE

On request of APS or any law enforcement agency, the handling officer shall assist in investigation of adult abuse (Md. Code FL § 14-303(c)).

If, in the course of an investigation, an APS representative believes that an emergency exists, the representative may request law enforcement assistance. Responding officers shall accompany the representative. If the officer believes that an emergency exists as described in Md. Code ET § 13-709(a), the officer shall ensure that the individual is transported to an appropriate health care facility (Md. Code FL § 14-304).

312.11 TRAINING

The Department should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting interviews.
- (c) Availability of therapy services for adults and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to adult abuse investigations.
- (f) Availability of victim advocates or other support.

Discriminatory Harassment

313.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

313.2 POLICY

The Oxford Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

313.3 DEFINITIONS

Definitions related to this policy include:

313.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.

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313.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

313.3.3 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

313.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and the Maryland Commission on Civil Rights guidelines.
- (b) Bona fide requests or demands by a supervisor that a member improve his/her work quality or output, that the member report to the job site on time, that the member comply with Town or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

313.4 RESPONSIBILITIES

This policy applies to all department members, who shall follow the intent of these guidelines in a manner that reflects department policy, professional law enforcement standards and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Chief of Police or the Town Administrator.

Any member who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment, discrimination or retaliation, is

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encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

313.4.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police or the Town Administrator for further information, direction, or clarification.

313.4.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Chief of Police or the Town Administrator in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

313.4.3 SUPERVISOR'S ROLE

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional law enforcement standards.
- (b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline in a manner that is consistent with established procedures.

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313.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented and promptly and thoroughly investigated.

313.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or inappropriate. However, if the member feels uncomfortable, threatened or has difficulty expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

313.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but not be limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, or the Town Administrator.

313.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

313.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

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- (a) Approved by the Chief of Police or the Town Administrator, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the established records retention schedule.
- (c) The Chief of Police or Town Administrator shall notify the Town Commissioners of the outcome.

313.7 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term with the Department.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents and agree that they will continue to abide by its provisions.

Missing Persons

314.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

314.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - A missing child who meets any of the following conditions (Md. Code FL § 9-402):

- (a) The child has not been the subject of a prior missing persons report.
- (b) The child suffers from a mental or physical handicap or illness.
- (c) The disappearance is of a suspicious or dangerous nature.
- (d) The person filing the report has reason to believe that the missing child may have been abducted.
- (e) The child has previously been the subject of a child abuse report filed with the state or a local law enforcement agency.
- (f) The missing child is under 17 years of age.
- (g) The missing child has not been located within 12 hours of the initial report.

Missing child - A person under the age of 18 who is the subject of a missing person report filed with a law enforcement agency in Maryland and whose location is unknown (Md. Code FL § 9-401).

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown.

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the Maryland Center for Missing and Unidentified Persons (MCMUP) and the Maryland Electronic Telecommunications Enforcement Resource System (METERS).

314.2 POLICY

The Oxford Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. Priority shall be given to missing person cases over property-related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

314.3 REQUIRED FORMS AND DNA COLLECTION KITS

The Criminal Investigations Unit supervisor shall ensure the following forms and kits are developed and available:

- The State of Maryland Missing Person Report (SOMMPR) form

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- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (including the steps to be taken as set forth in Md. Code FL § 9-402 regarding missing children)
- Missing person school notification form
- Medical records release form
- Maryland State Police DNA collection kits

314.4 ACCEPTANCE OF REPORTS

Any member encountering an individual who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report (Md. Code FL § 9-402(e); Md. Code PS § 3-601).

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

When taking a missing person report, department members shall use the SOMMPR form (Md. Code PS § 3-602).

314.5 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 17 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 17 years of age or may be at risk.
- (e) Ensure that entries are made into the appropriate missing person networks, as follows:
 1. Immediately, when the missing person is at risk (Md. Code FL § 9-402).
 2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report (34 USC § 41308).
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:
 1. A photograph and fingerprint card of the missing person, if available.

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2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
 3. Any documents that may assist in the investigation, such as court orders regarding custody.
 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.
- (i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.
- (j) If the person qualifies for a Silver Alert, contact the Maryland State Police as soon as practicable.

314.5.1 SPECIAL CIRCUMSTANCES

Upon determining that a missing child is at-risk, investigating officers or supervisors shall immediately take the following additional steps as part of the investigation (Md. Code FL § 9-402):

- (a) Initiate search procedures, including the coordination of volunteer search teams.
- (b) Notify the National Center for Missing and Exploited Children.
- (c) Notify local departments and, if applicable, obtain any information that may help with locating the missing person.
- (d) Request the assistance of the Department of State Police, when appropriate.

314.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

314.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but not be limited to:

- (a) Reviewing and approving missing person reports upon receipt.
 1. The reports should be promptly sent to the Chief of Police.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing person networks.

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- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
 - 1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

314.6.2 CHIEF OF POLICE RESPONSIBILITIES

The responsibilities of the Chief of Police receiving member shall include, but not be limited to:

- (a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.
- (c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forwarding a copy of the report to the Criminal Investigations Unit.
- (e) Coordinating with the NCIC Terminal Contractor for Maryland to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

314.7 FOLLOW-UP INVESTIGATION

The initial responding officer should consider contacting the Talbot County Sheriffs Office or Maryland State Police for assistance with the investigation.

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Shall coordinate the investigation with the Maryland State Police if a missing child has not been located within 24 hours and there is reason to believe the child may be located in another jurisdiction (Md. Code FL § 9-402(d)).
- (b) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
 - 1. The notice shall be in writing and should also include a photograph.
 - 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (c) Should recontact the reporting party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.
- (d) Should consider contacting other agencies involved in the case to determine if any additional information is available.

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- (e) Shall verify and update MCMUP, METERS, NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (f) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (g) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (h) Should make appropriate inquiry with the Medical Examiner.
- (i) Should obtain and forward medical and dental records, photos, X-rays and biological samples, as applicable.
- (j) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the Department of State Police and enter the photograph into applicable missing person networks (34 USC § 41308).
- (k) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- (l) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

314.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The Chief of Police should ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to the Maryland State Police.
- (b) A missing child's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) When a person is at risk, the fact that the person has been found should be reported within 24 hours to MCMUP, METERS and NCIC.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

314.8.1 UNIDENTIFIED PERSONS

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

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- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

314.9 CASE CLOSURE

The Criminal Investigations Unit supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of Oxford or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

314.10 TRAINING

Subject to available resources, the Chief of Police should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

- (a) The initial investigation:
 - 1. Assessments and interviews
 - 2. Use of current resources, such as Mobile Audio Video (MAV)
 - 3. Confirming missing status and custody status of minors
 - 4. Evaluating the need for a heightened response
 - 5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of department members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.

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- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., Internet use, cell phone use).
- (n) Media relations.

Public Alerts

315.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

315.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

315.3 RESPONSIBILITIES

315.3.1 MEMBER RESPONSIBILITIES

Members of the Oxford Police Department should notify the Chief of Police as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and the public could assist in locating a missing person, apprehending a dangerous person or gathering information.

315.3.2 SUPERVISOR RESPONSIBILITIES

An officer apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the Town Administrator and the Town Commissioners when any public alert is generated.

The officer in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts.
- (b) Canceling alerts.
- (c) Ensuring all appropriate reports are completed.
- (d) Preparing an after-action evaluation of the investigation to be forwarded.

315.4 AMBER ALERT

The AMBER Alert™ Program is used to provide a statewide system for the rapid dissemination of information regarding abducted children.

315.4.1 CRITERIA

The following criteria are utilized to determine if an AMBER Alert should be issued:

- (a) There is confirmation that the child has been abducted.
- (b) The child is under the age of 18.
- (c) The circumstances surrounding the abduction indicate that the child is in danger of serious bodily harm or death.

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- (d) There is enough descriptive information about the child, abductor and/or suspect's vehicle to believe an immediate broadcast alert will help.
- (e) The child is believed to still be in the broadcast area.
- (f) The child's name and other critical elements have been entered into the National Crime Information Center (NCIC).

315.4.2 PROCEDURE

After verifying a report that a child has been abducted and is in danger of serious bodily harm, the supervisor in charge of the investigation shall:

- (a) Immediately notify the field supervisor.
- (b) After confirming that the AMBER Alert criteria have been met, the field supervisor shall contact the Maryland State Police (MSP) headquarters duty officer and request an AMBER Alert activation.
- (c) Provide all necessary information to the MSP Missing Child Recovery Unit.
- (d) Be prepared to follow up the verbal request with a written request made via fax to the MSP headquarters duty officer.

315.5 BLUE ALERT

The National Blue Alert System™ is used to provide a statewide system for the rapid dissemination of information regarding a violent criminal who has seriously injured or killed a local, state or federal law enforcement officer (Md. Code PS § 3-605).

315.5.1 CRITERIA

The following criteria are utilized to determine if a Blue Alert should be issued:

- (a) An officer must have been killed or seriously injured by an offender.
- (b) It has been determined that the offender poses a serious risk or threat to the public and other law enforcement personnel.
- (c) A detailed description of the offender's vehicle, vehicle tag or partial tag must be available for broadcast to the public.

315.5.2 PROCEDURE

The following are the procedures for a Blue Alert:

- (a) Upon confirmation of the Blue Alert criteria, the supervisor in charge of the investigation shall recommend activation of the Blue Alert to the MSP.
- (b) Once this department apprehends a missing offender who is the subject of a Blue Alert, the supervisor in charge of the investigation shall immediately notify the MSP and any law enforcement agency that filed the report resulting in the Blue Alert that the missing offender has been apprehended (Md. Code PS § 3-605).

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315.6 SILVER ALERT

Silver Alerts are used to provide a statewide system for the rapid dissemination of information regarding a missing person who has a cognitive disorder (Md. Code PS § 3-604).

315.6.1 CRITERIA

The following criteria are utilized to determine if a Silver Alert should be issued:

- (a) The whereabouts of a person at least 60 years old is unknown.
- (b) The person suffers a cognitive impairment, including a diagnosis of Alzheimer's disease or dementia to the extent that the individual requires assistance from a caregiver.
- (c) The disappearance poses a credible threat to the health and safety of the person due to age, health, mental or physical disability, and environment or weather conditions, as determined by this department.
- (d) The person is traveling in a vehicle and there is enough descriptive information about the missing person and the vehicle to issue an alert.
- (e) The Department has already activated a local or regional alert by contacting media outlets in the jurisdiction and the missing person has been entered into NCIC.

315.6.2 PROCEDURE

The following are the procedures for a Silver Alert:

- (a) Upon confirmation of the Silver Alert criteria, the supervisor in charge of the investigation shall contact the MSP headquarters duty officer and request a Silver Alert.
- (b) Once the Department confirms that the missing person has been located, the supervisor in charge of the investigation shall notify the MSP that the missing person has been located.

315.7 YELLOW ALERT

Yellow Alerts are used to provide a statewide system for the rapid dissemination of information regarding a suspect in a hit-and-run involving serious injury or death (Md. Code PS § 3-606).

315.7.1 CRITERIA

The following criteria are utilized to determine if a Yellow Alert should be issued:

- (a) The whereabouts of a person suspected of leaving the scene of an accident involving serious bodily injury or death are unknown (Md. Code TR § 20-102).
- (b) The suspect's vehicle can be described, including any information about the vehicle's license plate number.

315.7.2 PROCEDURE

The following are the procedures for a Yellow Alert:

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- (a) Upon confirmation of the Yellow Alert criteria, the supervisor in charge of the investigation shall contact the MSP and request a Yellow Alert.
- (b) Once the Department confirms that the vehicle or suspect has been located, the supervisor in charge of the investigation shall notify the MSP.

315.8 LOCAL MEDIA ALERT

315.8.1 CRITERIA

A local media alert should be used for the rapid dissemination of information to assist in finding a missing person regardless of whether the criteria for a state alert are met.

315.8.2 PROCEDURE

Regardless of whether a public alert is activated, the following procedures to alert the media and other local law enforcement agencies should be followed:

- (a) The Chief of Police with the assistance of the Town Attorney will prepare an initial press release that includes all available information that might aid in locating a child, suspect or missing person, such as:
 - 1. The person's identity, age and description.
 - 2. A photograph, if available.
 - 3. Pertinent vehicle description.
 - 4. Details regarding the location of the incident, last known direction of travel and potential destinations, if known.
 - 5. The name and contact number of the Town Administrator or other authorized media liaison.
 - 6. A contact number for the public to call with leads or information.
- (b) The press release should be faxed to local television and radio stations.
- (c) The information in the press release should also be forwarded to local law enforcement agencies.
- (d) The activating official or other individual responsible for making notifications shall prepare and fax to the previously described locations, follow-up press releases with updates regarding the search and investigation, or immediately upon locating the person identified in the public alert.

The Chief of Police is responsible for providing relevant updates to the supervisor in charge of the investigation.

Victim and Witness Assistance

316.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

316.2 POLICY

The Oxford Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Oxford Police Department will show dignity, respect, courtesy, sensitivity, compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

316.3 CRIME VICTIMS AND WITNESSES

Officers on first contact shall provide all victims or victim's representative with the applicable victim information handout (Md. Code CP § 11-104).

Officers should never guarantee a victim's or witness' safety from future harm but should take reasonable safety precautions and make practical safety suggestions to victims who express fear of future harm or retaliation (Md. Code CP § 11-1002(b)(4)).

Officers should provide a separate area away from suspects or the family and friends of suspects during an investigation and should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but should direct him/her to the proper written department material or available victim resources (Md. Code CP § 11-1002).

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

316.3.1 SPECIFIC REQUIREMENTS REGARDING VICTIMS

When interacting with individuals suspected of being or claiming to be victims of sexually assaultive behavior as defined by Md. Code CJ § 10-923, members should not present to the victim any form purporting to (Md. Code CP § 11-929):

- (a) Relieve the Department of any obligation to the victim.
- (b) Preclude or define the scope of the investigation.
- (c) Prevent or limit a prosecution of an act allegedly committed against the victim.
- (d) Limit a victim's private right of action pertaining to an act allegedly committed against the victim or the victim's interaction with the Department.

If such a victim requests the investigation be suspended or limited in scope, the responding member should thoroughly document that request and follow-up according to the practices recommended by the MPTSC (Md. Code CP § 11-929).

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316.4 VICTIM AND WITNESS INFORMATION

The Chief of Police shall ensure that victim and witness information handouts are available and current. These should include as appropriate (Md. Code CP § 11-1002):

- (a) Shelters and other community resources for victims including domestic violence and sexual assault victims.
- (b) Crisis intervention help, including medical treatment, creditor intervention services, counseling, or other social services.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Md. Code CP § 11-925).
- (d) Contact information for the Maryland Sex Offender Alert Line.
- (e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (f) A clear explanation of relevant court orders and how they can be obtained.
- (g) Available compensation for qualifying victims of crime (Md. Code CP § 11-916).
- (h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (i) Notice regarding U visa and T visa application processes.
- (j) Resources available for victims of identity theft.
- (k) The victim's right, upon written request, to the following:
 - 1. To be kept reasonably informed of the arrest of a suspect and closing of the case.
 - 2. Which office to contact for information about the case.
 - 3. For victims of a violent crime, to be notified and updated on matters related to a suspect's DNA profile pursuant to Md. Code CP § 11-104.
- (l) The right to have stolen or other property promptly returned and, upon written request, should have the property promptly returned when evidentiary requirements for prosecution can be satisfied by other means, unless there is a compelling law enforcement reason for keeping it.
- (m) A place for the officer's name, badge number, and any applicable case or incident number.
- (n) How a victim may keep the victim's address confidential (Md. Code SG § 7-303; Md. Code SG § 7-304).
- (o) Maryland Electronic Courts (MDEC) system for requesting and receiving notices electronically, if applicable (Md. Code CP § 11-104).
- (p) How to request information regarding an unsolved case (Md. Code CP § 11-104).

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316.4.1 CONFIDENTIAL INFORMATION

The Department, on request of the state, may withhold the address or telephone number of the victim, victim's representative, witness to a felony, domestically related crime, or other covered crime before the trial or adjudicatory hearing in a juvenile delinquency proceeding, unless a judge determines that good cause has been shown for the release of the information (Md. Code CP § 11-205).

Hate Crimes

317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

317.1.1 DEFINITIONS

Definitions related to this policy include:

Hate crime - A crime motivated by prejudice based on actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or disability of the victim. This includes homelessness (Md. Code CR § 10-304).

317.2 POLICY

The Oxford Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitutions and incorporated in state and federal law.

317.3 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

- (a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes, and forming networks that address prevention and response.
- (b) Providing victim assistance, community follow-up or identifying available resources.
- (c) Educating community and civic groups about hate crime laws.

317.4 INVESTIGATIONS

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- (a) Assigned officers should promptly contact the victim, witness or reporting party to investigate the matter further, as circumstances may dictate.
- (b) The Chief of Police should be notified of the circumstances as soon as practicable.
- (c) Once the in-progress aspect of any such situation has been stabilized (e.g., treatment of victims or arrest of suspects at the scene), the assigned officers should take reasonable steps to preserve evidence that establishes a possible hate crime.
- (d) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.
- (e) Depending on the situation, the assigned officers or supervisor may request assistance from allied agency investigators or other resources.

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- (f) The assigned officers should interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.
- (g) The assigned officers should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy.
- (h) The assigned officers should include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports should be clearly marked "Hate Crime."
- (i) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid protective order through the courts or Town Attorney.

317.5 TRAINING

All members of this department should receive training on hate crime recognition and investigation.

Standards of Conduct

318.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Oxford Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

318.2 POLICY

The continued employment or appointment of every member of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

318.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

318.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

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318.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiescing to such a violation or exhibiting indifference to such a violation.
- (d) Exercising unequal or disparate authority toward any member for malicious or other improper purpose.

318.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Maryland constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

318.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service:

318.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive or requirement, or failure to follow instructions contained in department or Town manuals or instructions given by the Town Commissioners.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

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318.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Oxford Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for nondepartment business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

318.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

318.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of one's official capacity.
- (b) Engaging in on duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know, of such criminal activities, except as specifically directed and authorized by this department.

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318.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without a reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without a reasonable excuse.

318.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and nonsubpoenaed records.

318.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

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318.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts or making any false or misleading statement on any application, examination form, or other official document, report, or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction, and/or mutilation of any department record, public record, book, paper, or document.
- (c) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
- (d) Being untruthful or knowingly making false, misleading, or malicious statements that are reasonably calculated to harm the reputation, authority, or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency, and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on department premises.
 - 2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
 - 3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
 - 1. Unauthorized attendance while on-duty at official legislative or political sessions.
 - 2. Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position while on-duty, on department property, or while in any way representing themselves as members of this department, except as expressly authorized by Town policy, the collective bargaining agreement or memorandum of understanding, or the Chief of Police (Md. Code PS § 3-110).
- (h) Engaging in political activities during assigned working hours except as expressly authorized by Town policy, the collective bargaining agreement or memorandum of understanding, or the Chief of Police (Md. Code PS § 3-110).
- (i) Any act on- or off-duty that tends to bring discredit to this department.

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318.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the Town.
- (g) Use of obscene, indecent, profane or derogatory language while on duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any employment agreement, including fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- (m) Any other on- or off-duty conduct that any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

318.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling including loading or unloading firearms in an unsafe manner, either on- or off-duty.

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- (e) Carrying, while on the premises of the work site, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic accident.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

318.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

Information Technology Use

319.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

319.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Oxford Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications including "shareware." This does not include files created by the individual user.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

319.2 POLICY

It is the policy of the Oxford Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

319.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department e-mail system, computer network or any information placed into storage on any department system or device. This includes records of all keystrokes or web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

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Although the Department may not require access to a member's personal accounts, it may require a member to disclose a user name, password, or other means for accessing non-personal accounts or services that provide access to department computer or information systems (Md. Code LE § 3-712(b)).

319.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisor or Chief of Police.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

319.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes, in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software on any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as a part of the automated maintenance or update process of department- or Town-approved or installed programs by the original manufacturer, producer or developer of the software. Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

319.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation, assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

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319.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms, and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information from the Internet shall be limited to messages, mail and data files.

319.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off-the-clock" work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

319.5 PROTECTION OF SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

319.6 INSPECTION AND REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department

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involving one of its members or a member's duties, an alleged or suspected violation of any department policy, request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

Report Preparation

320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to those members of the Department who complete investigations and reports as a part of their duties.

320.2 POLICY

It is the policy of the Oxford Police Department that members shall act with promptness and efficiency in the preparation and processing of all reports. Reports shall document sufficient information to refresh the member's memory and shall provide enough detail for follow-up investigation and successful prosecution.

320.3 EXPEDITIOUS REPORTING

An incomplete report, unorganized reports or reports that are delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or to a special priority made necessary under exceptional circumstances.

320.4 REPORT PREPARATION

Reports should be sufficiently detailed for their purpose and free from errors prior to submission and approval. It is the responsibility of the member to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor (Md. Code PS § 3-514). Generally, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody should not be held.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard, or assimilated by any other sense, and any actions taken. Members shall not suppress, conceal, or distort the facts of any reported incident, nor shall any member make a false report orally or in writing. Generally, the reporting member's opinions should not be included in reports unless specifically identified as such.

320.4.1 HANDWRITTEN OR TYPED REPORTS

County, state and federal agency forms may be block printed unless the requirement for typing is apparent. Supervisors may require block printing or typing of reports of any nature for department consistency.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting member will be required by the reviewing supervisor to promptly make corrections and resubmit the report.

In general, the narrative portion of reports where an arrest is made or when there is a long narrative should be typed or dictated. Members who dictate reports shall use appropriate grammar, as the content is not the responsibility of the typist.

Members who generate reports on computers are subject to all requirements of this policy.

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320.5 REQUIRED REPORTING

In all of the following situations, members shall complete reports using the appropriate department-approved forms and reporting methods, unless otherwise approved by a supervisor.

The reporting requirements are not intended to be all-inclusive. A member may complete a report if he/she deems it necessary or as directed by a supervisor.

320.5.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

- (a) All arrests.
- (b) All ~~felony~~ reported crimes (regardless is victim wants a report taken):-
- (c) ~~Non-felony incidents involving threats or stalking behavior~~:-
- (d) Situations covered by separate policy. These include:
 - (a) Use of Force Policy.
 - (b) Domestic Violence Policy.
 - (c) Child Abuse Policy.
 - (d) Adult Abuse Policy.
 - (e) Hate Crimes Policy.
 - (f) Suspicious Activity Reporting Policy. ~~All misdemeanor crimes where the victim desires a report. Misdemeanor crimes where the victim does not desire a report shall be documented using the approved alternative reporting method (e.g., a dispatch log)~~:-

320.5.2 NON-CRIMINAL ACTIVITY

Non-criminal activity to be documented includes:

- (a) Any found property or found evidence.
- (b) All protective custody and welfare detentions.
- (c) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy).
- (d) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.
- (e) Suspicious incidents that may place the public or others at risk.
- (f) Any use of force by members of this department against any person (see the Use of Force Policy).

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- (g) Any firearm discharge (see the Firearms Policy).
- (h) Any time a member points a firearm at any person.
- (i) Any traffic accidents above the minimum reporting level (see the Traffic Accidents Policy).
- (j) Whenever the member believes the circumstances should be documented or at the direction of a supervisor.

320.5.3 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

- (a) The injury is a result of drug overdose.
- (b) There is an attempted suicide
- (c) The injury is major or serious, and potentially fatal.
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to document the event.

320.5.4 DEATHS

Death investigations require specific investigation methods, depending on the circumstances. They should be handled in accordance with the Death Investigation Policy. The handling member should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following incidents shall be appropriately investigated and documented:

- (a) Unattended deaths (no physician or qualified hospice care during the period preceding death)
- (b) Sudden, accidental or suspicious deaths
- (c) Suicides
- (d) Homicide or suspected homicide
- (e) Found dead bodies or body parts

320.5.5 TOWN PERSONNEL OR PROPERTY

Incidents involving Town personnel or property shall require a report when:

- (a) An injury occurs as the result of an act of a Town employee or on Town property.
- (b) There is damage to Town property or equipment.

320.6 REVIEW AND CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete a correction form stating the reasons for rejection.

The original report and the correction form should be returned to the reporting member for correction as soon as practicable. It shall be the responsibility of the originating member to ensure that any report returned for correction is processed in a timely manner.

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320.6.1 CHANGES AND ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Chief of Police for filing and distribution shall not be modified or altered except by way of a supplemental report.

Reviewed reports that have not yet been submitted to the Chief of Police may be corrected or modified by the authoring member only with the knowledge and authorization of the reviewing supervisor.

320.7 STATE REPORTING REQUIREMENTS

320.7.1 TEMPORARY DETENTION OR INVESTIGATIVE STOP SEARCHES

Certain temporary detention or investigative stops involving the wearing, carrying, or transporting of a handgun in violation of Md. Code CR § 4-203 that result in a search or seizure require the officer performing the search to file a written report with this department within 24 hours of the incident. The report shall be completed using the form prescribed by the Secretary of Public Safety and Correctional Services and shall be provided to the Chief of Police and include:

- (a) The name of the person searched.
- (b) The circumstances surrounding and reasons for the search or seizure.

Media Relations

321.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official department information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

321.2 POLICY

It is the policy of the Oxford Police Department to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

321.3 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police who shall seek the advice and approval of the Town Attorney or Town Administrator prior to releasing any such information. In situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Chief of Police, Chief of Polices and designated Town Administrators may prepare and release information to the media in accordance with this policy and applicable laws regarding confidentiality.

321.4 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of department members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at a minimum, whether the release of information or the presence of the media would unreasonably endanger any individual or prejudice the rights of any person or is otherwise prohibited by law.

321.5 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the Chief of Police, Town Administrator, and Town Attorney. Prior to releasing any information to the media, members shall consider the following:

- (a) At no time shall any member of this department make any comment or release any official information to the media without prior approval from a supervisor.
- (b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

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- (c) Under no circumstance should any member of this department make any comment to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police. Under these circumstances the member should direct the media to the agency handling the incident.

321.6 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities as required by law.

Access by the media is subject to the following conditions:

- (a) The media representative shall produce valid media credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives should be prevented from interfering and may be removed for interfering with emergency operations and criminal investigations.
 - 1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the Chief of Police and Town Attorney.
- (c) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express written consent of the person in custody.
- (d) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member.

321.6.1 CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through the Chief of Police and Town Attorney.

321.6.2 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or member safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Chief of Police. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

321.7 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the Chief of Police, Chief of Police, and Town Attorney to ensure that confidential or restricted information is not inappropriately released to the media (see the

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Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

321.7.1 EMPLOYEE INFORMATION

The identities of officers involved in shootings or other critical incidents may only be released to the media upon the consent of the involved officer or upon a formal request filed and processed in accordance with the Maryland Public Information Act (see the Records Maintenance and Release Policy).

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of officers involved in shootings or other critical incidents, shall be referred to the Chief of Police and Town Administrator who shall notify the Town Attorney. Such requests will be processed in accordance with the provisions of the Maryland Public Information Act (see the Records Maintenance and Release Policy).

321.8 RELEASE OF INFORMATION

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

321.8.1 INFORMATION LOG

The Department will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the Chief of Police.

The daily information log will generally include:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual, jeopardize the successful completion of any ongoing investigation or is confidential (e.g., juveniles or certain victims).
- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this department, unless the release of such information would endanger the safety of any individual, jeopardize the successful completion of any ongoing investigation or is confidential (e.g., juveniles).
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

Subpoenas and Court Appearances

322.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Oxford Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

322.2 POLICY

Oxford Police Department members will respond appropriately to all subpoenas and any other court ordered appearances.

322.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of the department or any of its members may do so.

322.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf or at the request of any party other than the Town Attorney or the States Attorney shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the Town or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Oxford Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Oxford Police Department.

The Chief of Police will then notify the Town Attorney and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police and Town Attorney should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

322.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacity on civil matters arising out of their official duties, as directed by the current collective bargaining agreement or memorandum of understanding.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

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322.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

322.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

322.5 COURTROOM PROTOCOL

Members must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are scheduled to appear.

Members shall dress in the department uniform or business attire.

Members shall observe all rules of the court in which they are appearing and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

322.5.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

322.6 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated.

Outside Agency Assistance

323.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

323.2 POLICY

It is the policy of the Oxford Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

323.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Chief of Police's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Chief of Police may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

323.3.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Oxford Police Department shall notify the Chief of Police and Talbot Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

323.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

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The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

323.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in an Incident Report report or as directed by the Chief of Police.

323.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Chief of Police Chief of Police or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
 - 1. The use of the supplies and equipment.
 - 2. The members trained in the use of the supplies and equipment.
- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to Talbot Center and the Chief of Police to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Chief of Police should maintain documentation that the appropriate members have received the required training.

Major Incident Notification

324.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Oxford Police Department in determining when, how and to whom notification of major incidents should be made.

324.2 POLICY

The Oxford Police Department recognizes that certain incidents should be brought to the attention of the Chief of Police, Town Manager or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

324.3 CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the Town. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Officer-involved shooting, whether on- or off-duty (see the Officer-Involved Shootings and Deaths Policy for special notification)
- Homicides, suspicious deaths or deaths related to law enforcement activity
- Crimes of unusual violence or circumstances that may include hostages, barricaded persons, home invasions, armed robbery or sexual assaults
- At risk missing children or endangered missing adults
- In-custody deaths
- Aircraft, train, boat or other transportation accidents with major damage and/or injury or death
- Traffic accidents with fatalities or severe injuries
- Death of a prominent Oxford official
- Significant injury or death to a member of the Department, whether on- or off-duty
- Arrest of a member of the Department or prominent Oxford official
- Equipment failures, utility failures and incidents that may affect staffing or pose a threat to basic police services
- Any other incident, which has or is likely to attract significant media attention

Death Investigation

325.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The thoroughness of death investigations and use of appropriate resources and evidence gathering techniques is critical.

325.2 POLICY

It is the policy of the Oxford Police Department to respond, document and investigate incidents where a person is deceased. Investigations involving the death of a person, including those from natural causes, accidents, workplace incidents, suicide and homicide, shall be initiated, investigated and properly documented.

325.3 INVESTIGATION CONSIDERATIONS

Emergency medical services shall be called in all suspected death cases unless death is obvious (e.g., decapitated, decomposed).

The on-scene officer should determine whether follow-up investigation is required and notify the Chief of Police as necessary. The Chief of Police will make notifications in accordance with the Major Incident Notification Policy.

325.3.1 REPORTING

All incidents involving a death shall be documented in an Incident Report.

325.3.2 MEDICAL EXAMINER REQUEST

Officers are not authorized to pronounce death unless they are also Medical Examiners, Deputy Medical Examiners, or appointed Medical Examiner investigators. The Medical Examiner shall be called in all sudden or unexpected deaths or deaths due to other than natural causes. State law requires that the Medical Examiner and the State's Attorney for the county where the body was found be notified and given the known facts concerning the time, place, manner, and circumstances of the death in any of the following cases (Md. Code HG § 5-308):

- (a) If the death occurred:
 - 1. By violence.
 - 2. By suicide.
 - 3. By casualty.
 - 4. Suddenly, if the deceased was in apparent good health or unattended by a physician.
 - 5. In any suspicious or unusual manner.
- (b) If the death of a human fetus:

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1. Occurred before the complete expulsion or extraction of the fetus from the mother when the mother was not attended by a physician at or after the delivery, regardless of the duration of the pregnancy.

325.3.3 SEARCHING DEAD BODIES

- (a) The Medical Examiner, his/her assistant and authorized investigators are generally the only persons permitted to move, handle or search a dead body.
- (b) An officer may make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for the purpose of identification or for information identifying the individual as an anatomical donor. If a donor document is located, the Medical Examiner or his/her assistant shall be promptly notified.
- (c) The Medical Examiner, with the permission of the Department, may take property, objects or articles found on the deceased or in the immediate vicinity of the deceased that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death.
- (d) Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Medical Examiner or his/her assistant, the investigating officer should first obtain verbal consent from the Medical Examiner or his/her assistant when practicable.
- (e) Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer pending the arrival of the Medical Examiner or his/her assistant. The name and address of this person shall be included in the narrative of the death report.
- (f) Whenever personal effects are removed from the body of the deceased by the Medical Examiner or his/her assistant, a receipt shall be obtained. This receipt shall be attached to the death report.

325.3.4 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the scene. The Maryland State Police shall be notified to determine the possible need for an investigator to respond to the scene.

If the on-scene officer is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The investigator assigned to investigate a homicide or death that occurred under suspicious circumstances may, with the approval of his/her supervisor, request the Medical Examiner to conduct physical examinations and tests, and to provide a report.

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325.3.5 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this department who responds to and determines that a death, serious illness or serious injury has occurred as a result of an accident at or in connection with the victim's employment should ensure that the regional Occupational Safety and Health Administration (OSHA) office is notified of all pertinent information.

325.4 UNIDENTIFIED DEAD BODY

If the identity of a dead body cannot be established, the handling officer will request from the Medical Examiner a unique identifying number for the body. The number shall be included in any report.

325.5 DEATH NOTIFICATION

When reasonably practicable, and if not handled by the Medical Examiner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification.

If a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports.

Identity Theft

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of identity theft.

326.2 POLICY

It is the policy of the Oxford Police Department to effectively investigate cases of identity theft.

326.3 ACCEPTANCE OF REPORTS

A report should be taken any time a person residing within the jurisdiction of the Oxford Police Department reports that he/she has been a victim of identity theft. This includes:

- (a) Taking a report even if the location of the crime is outside the jurisdiction of this department or has not been determined.
- (b) Providing the victim with department information, as set forth in the Victim and Witness Assistance Policy and encourage the individual to review the material, and assist with any questions.

A report should also be taken if a person living outside the department jurisdiction reports an identity theft that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in Oxford to facilitate the crime).

326.4 FOLLOW-UP INVESTIGATION

Members of this department presented with the crime of identity theft shall prepare and file a report and provide a copy to the person making the report when (Md. Code CR § 8-304):

- (a) The person resides in any part of the county.
- (b) The crime occurred in any part of the county.

A member investigating a case of identity theft should ensure that each case is referred to the appropriate agency if it is determined that this department should not be the investigating agency (e.g., an identity theft ring working from out of state). The victim should be advised that the case is being transferred to the agency of jurisdiction for investigation. The investigating member should also ensure that appropriate entries are made into related databases that have been authorized for department use.

326.5 IDENTITY THEFT PASSPORT

Upon request by a person who is the victim of identity theft, Chief of Police staff shall submit an application for an identity theft passport and a copy of the person's identity theft report to the Attorney General (Md. Code CR § 8-305(c)).

An application for an identity theft passport and any supporting documents are not public records and may not be released except to another law enforcement agency.

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326.5.1 ACCEPTANCE OF IDENTITY THEFT PASSPORT

Officers have discretion whether to accept or reject an identity theft passport that an individual presents to help prevent his/her arrest or detention when another person has committed an offense and used the individual's personal identifying information. In determining whether to accept or reject an identity theft passport presented to this department, the officer may consider the surrounding circumstances and available information regarding the offense of identity fraud against the person (Md. Code CR § 8-305(f)).

Private Person's Arrest

327.1 PURPOSE AND SCOPE

This policy provides guidance for the handling and acceptance of a private person's arrest.

327.2 POLICY

It is the policy of the Oxford Police Department to accept a private person's arrest only when legal and appropriate.

327.3 ARRESTS BY PRIVATE PERSON

A private person may arrest another under the following circumstances:

- (a) An arrest without a warrant varies based on the nature of the crime.
- (b) If the crime is a felony, a private person can make an arrest if:
 - 1. A felony is being committed in the private person's presence.
 - 2. A felony has in fact been committed and the private person making the arrest has probable cause to believe the individual arrested has committed the felony, whether or not in the private person's presence.
- (c) If the crime is a misdemeanor, a private person can make an arrest if the misdemeanor amounts to a breach of the peace and is committed in the private person's presence or view.

327.4 OFFICER RESPONSIBILITIES

An officer confronted with a person claiming to have made a private person's arrest should determine whether or not such an arrest would be lawful.

If the officer determines that the private person's arrest is unlawful, the officer should:

- (a) Take no action to further detain or restrain the arrested individual, unless there is independent justification for continuing a detention.
- (b) Advise the parties that the arrest will not be accepted but the circumstances will be documented in a report.
- (c) Document the incident, including the basis for refusing to accept custody of the individual.

Whenever an officer determines that a private person's arrest is justified, the officer may take the individual into custody and proceed in the same manner as with any other arrest.

327.5 PRIVATE PERSON'S ARREST FORM

The arresting person should be asked to complete and sign a written Victim/Witness Statement. If the person fails or refuses to do so, the arrested individual should be released, unless the officer has a lawful reason, independent of the private person's arrest, to take the individual into custody and determines an arrest is appropriate.

Limited English Proficiency Services

328.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

328.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Oxford Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

328.2 POLICY

It is the policy of the Oxford Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members (see generally Md. Code SG § 10-1101 et seq.).

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

328.3 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of the following four factors, which are:

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- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of this department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

328.4 TYPES OF LEP ASSISTANCE AVAILABLE

Oxford Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

328.5 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

328.6 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

328.7 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

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When a qualified bilingual member from this department is not available, personnel from other Town departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

328.8 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

328.8.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other Town departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

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328.8.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

328.9 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or when other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

328.10 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Oxford Police Department will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

328.10.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in Talbot Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

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Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

328.11 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

328.12 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

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328.13 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

328.14 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

328.15 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

328.16 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

328.17 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

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The Chief of Police shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Chief of Police shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with the established records retention schedule.

328.17.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Chief of Police shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

Communications with Persons with Disabilities

329.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

329.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters.

329.2 POLICY

It is the policy of the Oxford Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

329.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA coordinator (28 CFR 35.107). The coordinator shall be appointed by and directly responsible to the Patrol Chief of Police or the authorized designee.

The responsibilities of the coordinator include, but are not limited to:

- (a) Working with the Town ADA coordinator regarding the Oxford Police Department's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.

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- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Chief of Police and Dispatch Supervisor. The list should include information regarding the following:
 - 1. Contact information
 - 2. Availability
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to individuals with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

329.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate his/her understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

329.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

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Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Oxford Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

329.6 TYPES OF ASSISTANCE AVAILABLE

Oxford Police Department members shall never refuse an available service to an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to disabled individuals through a variety of services.

Disabled individuals may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

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329.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

329.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

329.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

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329.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

329.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

329.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

329.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

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The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

329.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

329.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

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In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

329.15 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

329.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the ADA coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

329.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

329.18 TRAINING

To ensure that all members who may have contact with disabled individuals are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.

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- (c) Working with in-person and telephone interpreters and related equipment.

The Chief of Police shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including those who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Chief of Police shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with the established records retention schedule.

329.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.
- (d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all Talbot Center members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

Child and Dependent Adult Safety

330.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

330.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Oxford Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

330.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should consider reasonable alternatives to arresting a parent, guardian or caregiver in the presence of his/her child or dependent adult.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

330.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

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Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 - 1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 - 1. Except when an existing court order limits contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify child protective services or the adult protective services through the local Departments of Social Services, if appropriate.
- (e) Notify the field supervisor or Chief of Police of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

330.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee shall be allowed to make telephone calls to arrange for the care of any child or dependent adult in accordance with the Temporary Custody of Adults Policy.

If an arrestee is unable to arrange for the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

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330.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Special needs (e.g., medical, mental health)
 - 5. How, where and with whom or which agency the child was placed
 - 6. Identities and contact information for other potential caregivers
 - 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Whether he/she reasonably appears able to care for him/herself
 - 5. Disposition or placement information if he/she is unable to care for him/herself

330.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis response telephone number, the appropriate referral information may be provided.

330.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service agency to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

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330.5 TRAINING

The Chief of Police is responsible to ensure that all members of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

Service Animals

331.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA).

331.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

331.2 POLICY

It is the policy of the Oxford Police Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

331.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.

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- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

331.4 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Oxford Police Department affords to all members of the public (28 CFR 35.136).

331.4.1 INQUIRY

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about his/her disability nor should the person be asked to provide any license, certification or identification card for the service animal.

331.4.2 REMOVAL

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the handler to remove the animal from the premises. The barking of a dog alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability, with or without a service animal.

331.4.3 COMPLAINTS

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

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Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

Off-Duty Law Enforcement Actions

332.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for officers of the Oxford Police Department with respect to taking law enforcement action while off-duty.

332.2 POLICY

It is the policy of the Oxford Police Department that officers generally should not initiate law enforcement action while off-duty. Officers are not expected to place themselves in unreasonable peril and should first consider reporting and monitoring the activity. However, any officer who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage or loss may take reasonable action to minimize or eliminate the threat.

332.3 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. Officers should consider waiting for on-duty uniformed peace officers to arrive and gather as much accurate intelligence as possible, instead of immediately intervening. However, should an officer decide to intervene, he/she must evaluate whether the action is necessary or desirable, and should take into consideration:

- (a) The potential to be misidentified by other peace officers.
- (b) The potential to be misidentified by members of the public, who may be armed or who may take action.
- (c) The tactical disadvantage of being alone and the possibility of multiple or hidden suspects.
- (d) Limited off-duty firearms capabilities and ammunition.
- (e) The inability to communicate with responding peace officers.
- (f) The lack of equipment, such as body armor, handcuffs or control devices.
- (g) Unfamiliarity with the surroundings, including escape routes.
- (h) The potential for increased risk to bystanders by confronting a suspect or taking action.

332.3.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. If possible, the dispatcher receiving the call should obtain a description of the off-duty officer from the caller and broadcast that information to responding officers.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an officer with the Oxford Police Department until acknowledged. Official identification should also be displayed when possible.

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Off-Duty Law Enforcement Actions

332.4 CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she is working in an undercover capacity.

332.4.1 CIVILIAN RESPONSIBILITIES

Civilian members should not become involved in any law enforcement action while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

332.4.2 INCIDENTS OF PERSONAL INTEREST

Department members should refrain from handling incidents of personal interest (e.g., family or neighbor disputes) and should remain neutral. In such circumstances members should call the responsible agency to handle the matter.

332.5 REPORTING

If prior notification to the appropriate local law enforcement agency is not reasonably possible before taking action, the officer shall notify the agency as soon as reasonably practicable. Officers shall cooperate fully with the agency having jurisdiction by providing statements or reports as requested or as appropriate.

Officers shall notify the Chief of Police regarding any law enforcement action taken while off-duty. The Chief of Police may send a supervisor to the location. The supervisor may request assistance from the Chief of Police, if deemed appropriate.

The Chief of Police shall determine whether a criminal or administrative report should be completed by the involved officer.

Department Use of Social Media

333.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

333.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

333.2 POLICY

The Oxford Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

333.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

333.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

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- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Press releases.
- (h) Recruitment of personnel.

333.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Chief of Police or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

333.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Oxford Police Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

333.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

The Department may provide a method for members of the public to contact department members directly.

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333.6 MONITORING CONTENT

The Chief of Police will review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

333.7 RETENTION OF RECORDS

The Chief of Police should establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

333.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

Community Relations

334.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Policy.
- Suspicious Activity Reporting Policy.

334.2 POLICY

It is the policy of the Oxford Police Department to promote positive relationships between department members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

334.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships (see the Contacts and Temporary Detentions Policy).
- (b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.
- (c) Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.
- (d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and Talbot Center of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform Talbot Center of their location and status during the foot patrol.

334.4 COMMUNITY RELATIONS COORDINATOR

The Chief of Police or the authorized designee will serve as the community relations coordinator. He/she is responsible for:

- (a) Obtaining department-approved training related to his/her responsibilities.

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- (b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.
- (c) Organizing surveys to measure the condition of the department's relationship with the community.
- (d) Working with community groups, department members and other community resources to:
 - 1. Identify and solve public safety problems within the community.
 - 2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.
- (e) Working with the Patrol Chief of Police to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.
- (f) Recognizing department and community members for exceptional work or performance in community relations efforts.
- (g) Attending Town council and other community meetings to obtain information on community relations needs.
- (h) Assisting with the department's response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.
- (i) Informing the Chief of Police and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

334.5 SURVEYS

The community relations coordinator should arrange for a survey of community members and department members to be conducted at least annually to assess the condition of the relationship between the Department and the community. Survey questions should be designed to evaluate perceptions of the following:

- (a) Overall performance of the Department
- (b) Overall competence of department members
- (c) Attitude and behavior of department members
- (d) Level of community trust in the Department
- (e) Safety, security or other concerns

A written summary of the compiled results of the survey should be provided to the Chief of Police.

334.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The community relations coordinator should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events could include:

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- (a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).
- (b) Police-community get-togethers (e.g., cookouts, meals, charity events).
- (c) Youth leadership and life skills mentoring.
- (d) Neighborhood Watch and crime prevention programs.

334.7 INFORMATION SHARING

The community relations coordinator should work with the Town Administrator to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

- (a) Community meetings.
- (b) Social media (see the Department Use of Social Media Policy).
- (c) Department website postings. Information should be regularly refreshed, to inform and engage community members continuously.

334.8 LAW ENFORCEMENT OPERATIONS EDUCATION

The community relations coordinator should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

- (a) Development and distribution of informational cards/flyers.
- (b) Department website postings.
- (c) Scenario/Simulation exercises with community member participation.
- (d) Citizen academies and meetings.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the Department regarding alleged misconduct or inappropriate job performance by department members.

334.9 SAFETY AND OTHER CONSIDERATIONS

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

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334.10 TRANSPARENCY

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of the officer, suspects or case numbers. The community relations coordinator should work with the community advisory committee to identify information that may increase transparency regarding department operations.

334.10.1 POSTING

The community relations coordinator should post appropriate department policies and other appropriate information on the department website and the Maryland Police Training and Standards Commission (MPTSC) website. The community relations coordinator also should post in a prominent public location an explanation of the procedures for filing a complaint of officer misconduct as defined by Md. Code PS § 3-101 (Md. Code PS § 3-515). See the Personnel Complaints Policy for additional information.

334.11 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- (a) Effective social interaction and communication skills.
- (b) Cultural, racial and ethnic diversity and relations.
- (c) Building community partnerships.
- (d) Community policing and problem-solving principles.
- (e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

334.12 OTHER STATE REQUIREMENTS

The Chief of Police should ensure that the department's community policing program is filed annually with the MPTSC (Md. Code PS § 3-517).

Extreme Risk Protective Orders

335.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning for and serving extreme risk protective orders and accounting for firearms and ammunition obtained pursuant to those orders.

335.1.1 DEFINITIONS

Definitions related to this policy include:

Extreme risk protective order - An order prohibiting a named person from having in his/her custody or control or purchasing a firearm or ammunition, as applicable (Md. Code PS § 5–601 et seq.).

335.2 POLICY

It is the policy of the Oxford Police Department to petition for and serve extreme risk protective orders in compliance with state law, and to properly account for firearms and ammunition obtained by the Department pursuant to such orders.

335.3 EXTREME RISK PROTECTIVE ORDER COORDINATOR

The Chief of Police will appoint an extreme risk protective order coordinator. The responsibilities of the coordinator include:

- (a) Developing and maintaining procedures for the filing of a petition for an extreme risk protective order by the Department (Md. Code PS § 5–601; Md. Code PS § 5–602).
- (b) Developing and maintaining procedures for the receipt and service of extreme risk protective orders consistent with the requirements of Md. Code PS § 5–603, Md. Code PS § 5–604, Md. Code PS § 5–607, and Md. Code PS § 5–608. Procedures should include:
 - 1. Acceptance of voluntarily surrendered firearms and ammunition from a person who is the subject of the protective order.
 - 2. Assessing a protective order prior to service to determine whether the order should be served pursuant to the Warrant Service Policy and the Operations Planning and Deconfliction Policy.
 - 3. Preparing or obtaining a search warrant prior to attempting service of the extreme risk protective order.
 - 4. Service of the extreme risk protective order as soon as possible, return of service to the clerk, and notification to the Department of Public Safety and Correctional Services.
 - 5. Storage and return or disposition of surrendered and seized firearms.
 - 6. Criteria for assessing mental health risks and the appropriateness for emergency evaluations.
- (c) Coordinating with the Chief of Police to provide officers who may be involved in petitioning for or serving extreme risk protective orders with appropriate training.

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Training should include determining when a petition is appropriate, the process for seeking an extreme risk protective order, and the process for serving such an order.

- (d) Reviewing each petition and service for an extreme risk protective order to ensure compliance with this policy, department procedures, and state law.

335.4 EXTREME RISK PROTECTIVE ORDERS

An officer who reasonably believes that an extreme risk protective order is appropriate should obtain supervisor approval prior to seeking an order.

335.4.1 STANDARDS

Extreme risk protective orders may be appropriate if a person poses an immediate and present danger of causing personal injury to him/herself or another by having a firearm (Md. Code PS § 5–603).

335.4.2 REQUIREMENTS OF PETITION

An application for an extreme risk protective order should be prepared consistent with state law and the procedures developed by the extreme risk protective order coordinator (Md. Code PS § 5–602).

335.5 SERVICE

Officers shall personally serve a copy of an extreme risk protective order, along with the accompanying notice of hearing and petition, if applicable, on the person named in the order as soon as possible and make the proper return. Service of risk protection orders takes precedence over the service of other orders, except for orders of a similar emergency nature (Md. Code PS § 5–603; Md. Code PS § 5–604).

Within two hours after service of an extreme risk protective order, this department is responsible for electronically notifying the Department of Public Safety and Correctional Services (Md. Code PS § 5–603; Md. Code PS § 5–604).

335.5.1 SAFETY CONSIDERATIONS

Upon receipt of an extreme risk protective order, the operations director or the authorized designee should evaluate the circumstances of the order and consider what precautions are appropriate for service.

When appropriate based on the circumstances and department procedures, service of extreme risk protective orders should be executed pursuant to the Operations Planning and Deconfliction Policy.

In no circumstances should less than two officers be present when an extreme risk protective order is being served.

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335.5.2 SURRENDER OF FIREARMS AND AMMUNITION

Officers serving an extreme risk protective order shall request that the person who is the subject of the order immediately surrender all firearms and ammunition in his/her custody, control, or possession. Officers shall take custody of any firearms or ammunition.

A receipt identifying all surrendered items and the process for reclaiming the items shall be prepared by the officer and a copy given to the person (Md. Code PS § 5–608). The officer should ensure the original receipt is forwarded to the Chief of Police as soon as practicable.

All items collected should be handled and booked in accordance with the Chief Policy.

335.5.3 SEARCH WARRANTS

If the person subject to the extreme risk protective order refuses to surrender all firearms and ammunition or if an officer serving an extreme risk protective order reasonably believes there are firearms or ammunition in the person's custody, control, or possession that have not been surrendered, the officer should consider whether to seek a search warrant (Md. Code CP § 1–203; Md. Code PS § 5–607).

Officers should be prepared to file a search warrant prior to attempting service of an extreme risk protective order. Preparation and service of the search warrant should be done in accordance with the Warrant Service Policy.

335.6 RECORDS HEAD RESPONSIBILITIES

The Chief of Police is responsible for:

- (a) Ensuring orders have been properly entered into state and national databases as required.
- (b) Removing from any computer-based system in which it was entered, an original order upon receipt of an order to vacate from the court as required.

335.7 COURT-ORDERED SURRENDER OF FIREARMS AND AMMUNITION

Authorized members should accept firearms and ammunition from any person who is the subject of an extreme risk protective order. The member receiving any such firearms or ammunition shall issue a receipt identifying all surrendered items, in addition to following other relevant Department procedures (Md. Code PS § 5–608).

335.7.1 STATE-SPECIFIC REQUIREMENTS

The receipt identifying all surrendered items shall contain information concerning make, model, and serial number, as applicable, and a copy shall be given to the person (Md. Code PS § 5–608). The member should ensure the original receipt is forwarded to the Chief of Police as soon as practicable.

The receiving member shall also ensure that the person who is the subject of the order is provided with information on the process for reclaiming the firearms and/or ammunition upon the expiration or termination of the order (Md. Code PS § 5–608).

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All firearms received in relation to an extreme risk protective order should be stored and transported in a protective case, if available, and in a manner to prevent damage to the firearm. No identifying or other marks may be placed on the firearm (Md. Code PS § 5–608).

335.8 RELEASE OF FIREARMS AND AMMUNITION

Any person requesting the release of any firearm or ammunition in Department custody pursuant to an extreme risk protective order should be referred to the Chief. Firearms or ammunition received in relation to an extreme risk protective order should only be disposed of in accordance with Md. Code PS § 5–608 and established office policies and procedures.

335.9 RENEWAL OF EXTREME RISK PROTECTIVE ORDER

The Criminal Investigations Unit supervisor is responsible for the review of any extreme risk protective order obtained by the Department to determine if renewal or extension of the order should be requested within the time prescribed by law (Md. Code PS § 5–606).

335.10 MENTAL HEALTH REFERRALS

Any member who receives notice of a referral for an emergency mental evaluation of a respondent in a matter involving an extreme risk protective order from a District Court commissioner should ensure that an emergency mental evaluation is conducted, if appropriate, in accordance with state law and the Mental Health Evaluations policy (Md. Code PS § 5-603; Md. Code HG § 10-601 et seq.).

Chapter 4 - Patrol Operations

Patrol

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

400.2 POLICY

The Oxford Police Department provides patrol services and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department members.

400.3 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of Oxford. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

- (a) Responding to emergency calls for service.
- (b) Apprehending criminal offenders.
- (c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.
- (d) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order and the discovery of hazardous situations or conditions.
- (e) Responding to reports of both criminal and non-criminal acts.
- (f) Responding to routine calls for service, such as public assistance or public safety.
- (g) Traffic direction and control.
- (h) Crime prevention activities, such as residential inspections, business inspections and community presentations.
- (i) Community-oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.
- (j) The application of resources to specific problems or situations within the community that may be improved or resolved by community-oriented policing and problem-solving strategies.

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400.4 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including, but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. The Chief of Police should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, officers should consider seeking compliance through advisements and warnings for minor violations, and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety concerns.

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Oxford Police Department's commitment to policing that is fair and objective (Md. Code TR § 25-113).

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

401.2 POLICY

The Oxford Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.3.1 OTHER PROHIBITIONS

The Oxford Police Department prohibits the illegal use of an individual or group's attire, appearance or mode of transportation, including the fact that an individual rides a motorcycle or wears motorcycle-related paraphernalia, as a factor in deciding to stop and question, take enforcement action, arrest or search a person or vehicle (Md. Code PS § 3-207).

401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

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401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4.2 REPORTING TRAFFIC STOPS

Officers shall not use an individual's race or ethnicity as the sole justification to initiate a traffic stop. However, this does not alter the authority of an officer to make an arrest, conduct a search or seizure, or otherwise fulfill the officer's law enforcement obligations (Md. Code TR § 25-113).

Each time an officer makes a traffic stop, the officer shall report any information as required in the Safety Equipment Repair Orders (SERO), Traffic and Parking Citations Policy (Md. Code TR § 25-113).

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, portable audio/video recordings, Mobile Data Terminal (MDT) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
 - 1. Supervisors should document these periodic reviews.
 - 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

401.6 STATE REPORTING

The Chief of Police shall compile and submit the required traffic stop data to the Maryland Statistical Analysis Center no later than March 1 of the following calendar year (Md. Code TR § 25-113).

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401.7 ADMINISTRATION

The Patrol Chief of Police should review the efforts of the Department to provide fair and objective policing, including traffic stop data, and submit an annual report, including public concerns and complaints, to the Chief of Police. The annual report should not contain any identifying information about any specific complaint, member of the public or officer. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service (Md. Code TR § 25-113).

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

The Patrol Chief of Police shall also review the annual report generated by the Maryland Statistical Analysis Center analyzing the information submitted by this and other law enforcement agencies (Md. Code TR § 25-113).

401.8 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Chief of Police.

Officers shall complete implicit bias testing and training approved by the Maryland Police Training and Standards Commission upon hiring and annually (Md. Code PS § 3-207).

Crime and Disaster Scene Integrity

402.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

402.2 POLICY

It is the policy of the Oxford Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

402.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, it shall be maintained until the officer is properly relieved by a supervisor or other designated person.

402.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

402.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat.

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Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

402.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

Hazardous Material Response

403.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to department members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities.

403.1.1 DEFINITIONS

Definitions related to this policy include:

Hazardous material - A substance which, by its nature, containment or reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

403.2 POLICY

It is the policy of the Oxford Police Department to respond to hazardous material emergencies with due regard for the safety of the public and those members responding to such incidents.

403.3 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When members come into contact with a suspected hazardous material, they should take certain steps to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond and mitigate most incidents involving hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training. A responder entering the area may require decontamination before he/she is allowed to leave the scene, and should be evaluated by appropriate technicians and emergency medical services personnel for signs of exposure.

403.4 CONSIDERATIONS

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Make the initial assessment of a potentially hazardous material from a safe distance.
- (b) Notify Talbot Center, appropriate supervisors, the appropriate fire department and hazardous response units.
 - 1. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.
- (c) Wear personal protective gear, being cognizant that some hazardous material can be inhaled.

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- (d) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.
- (e) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars or spotting scopes) if they are available. Identification can be determined by:
 - 1. Placards or use of an emergency response guidebook.
 - 2. Driver's statements or shipping documents from the person transporting the material.
 - 3. Information obtained from any involved person with knowledge regarding the hazardous material. Information should include:
 - (a) The type of material.
 - (b) How to secure and contain the material.
 - (c) Any other information to protect the safety of those present, the community and the environment.
- (f) Provide first aid to injured parties if it can be done safely and without contamination.
- (g) Make reasonable efforts to secure the scene to prevent access from unauthorized individuals and to protect and identify any evidence.
- (h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered; mandatory evacuation may be necessary and will depend on the type of material.
- (i) Establish a decontamination area when needed.
- (j) Activate automated community notification systems, if applicable.
- (k) Notify the county Department of Emergency Services.

403.5 REPORTING EXPOSURE

Department members who believe they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member in an incident report that shall be forwarded via chain of command to the Chief of Police as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

Injury or illness caused or believed to be caused by exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report as applicable.

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403.5.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that a member has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to mitigate the exposure or continued exposure.

To ensure the safety of members, safety equipment is available from supervisors. Safety items not maintained by this department may be available through the appropriate fire department or emergency response team.

Response to Bomb Calls

404.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Oxford Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

404.3 POLICY

It is the policy of the Oxford Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

404.4 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Chief of Police is immediately advised and informed of the details. This will enable the Chief of Police to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

404.5 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

404.5.1 OXFORD POLICE DEPARTMENT FACILITY

If the bomb threat is against the Oxford Police Department facility, the Chief of Police will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

404.5.2 OTHER MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a municipal facility within the jurisdiction of the Oxford Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Chief of Police deems appropriate.

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404.5.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

404.6 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the Town of Oxford, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied, and if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting police assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
 - 1. No evacuation of personnel and no search for a device.
 - 2. Search for a device without evacuation of personnel.
 - 3. Evacuation of personnel without a search for a device.
 - 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Chief of Police is immediately notified so that the Chief of Police can communicate with the person in charge of the threatened facility.

404.6.1 ASSISTANCE

The Chief of Police should be notified when police assistance is requested. The Chief of Police will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Chief of Police determine that the Department will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.
- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
 - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.

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2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

404.7 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
 1. Two-way radios
 2. Cell phones
 3. Other personal communication devices
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Chief of Police including:
 1. The time of discovery.
 2. The exact location of the device.
 3. A full description of the device (e.g., size, shape, markings, construction).

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4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

404.8 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

404.8.1 CONSIDERATIONS

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens, and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

404.8.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Regional bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Chief of Police
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

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404.9 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

404.9.1 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Chief of Police should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

Mental Health Evaluations

405.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place a person under temporary custody for an involuntary mental health hold at an appropriate facility.

405.2 POLICY

It is the policy of the Oxford Police Department to protect the public and individuals through legal and appropriate use of the mental health hold process.

405.3 AUTHORITY

An officer may take a person into temporary custody for transfer to an appropriate facility if the person has a mental disorder and the person presents a danger to the life or safety of him/herself or others.

405.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a mental health hold, he/she may inquire as to whether the person desires to be voluntarily evaluated at an appropriate facility. If the individual so desires, the officers should (Md. Code HG § 10-609):

- (a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a mental health hold.
- (b) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

If at any point the individual changes his/her mind regarding voluntary evaluation, the officers should proceed with the involuntary emergency mental evaluation, if appropriate.

405.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving a person who qualifies for a mental health hold should personally observe the individual or his/her behavior indicating that the individual has a mental disorder and presents a danger to the life or safety of him/herself or others. The officer may also use other pertinent information, including observations and information from other credible sources, in making a determination regarding a petition for emergency evaluation (Md. Code HG § 10-622(a); Md. Code HG § 10-622(b)).

The officer who makes the decision to petition for an emergency evaluation shall complete and sign the petition, which will include all of the pertinent observations by the officer or other interested persons.

If the individual is taken into temporary custody from another person who is the petitioner for an emergency evaluation, the officer shall explain to the petitioner the meaning, content, and seriousness of the petition (Md. Code HG § 10-622(d)).

Mental health holds and placements should be preferred over arrest for individuals with mental health issues who are suspected of committing minor crimes or creating other public safety issues.

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Mental Health Evaluations

405.5 TRANSPORTATION

An officer shall transport an individual with an emergency evaluation to the nearest emergency facility when the officer has a petition that (Md. Code HG § 10-624(a)(1)):

- (a) Has been endorsed by a court within the last five days.
- (b) Is signed and submitted by a physician, psychologist, clinical social worker, licensed clinical professional counselor, clinical nurse specialist in psychiatric and mental health nursing, psychiatric nurse practitioner, licensed clinical marriage and family therapist, health officer or designee of a health officer, or a peace officer.

When transporting any individual for a mental health hold, the transporting officer should have Talbot Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual, and whether any special medical care is needed (Md. Code HG § 10-624).

Officers may transport individuals in the patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Chief of Police approval is required before transport commences.

405.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a mental health hold and remain present to provide clarification of the grounds for detention, upon request.

Should a physician, physician assistant, nurse practitioner, or other advanced practice professional working at an emergency facility determine that the individual transported to the facility is violent and request that an officer be present, an officer is required to remain at the facility (Md. Code HG § 10-624(a)).

The officer shall complete a Return of Service by Peace Officer Form (CC-DC 27), as appropriate, and have the facility sign the form.

405.7 DOCUMENTATION

The officer shall complete the following forms for evaluation and treatment, provide the forms to the facility staff member assigned to the individual and retain a copy for inclusion in the case report:

- Petition for Emergency Evaluation Form (CC-DC 13)
- Certification by Peace Officer Form (CC-DC 14)
- Order for Emergency Evaluation of an Arrested Individual (DC 15)
- Return of Service by Peace Officer Form (CC-DC 27)

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

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The officer shall include in the narrative sections of the Petition for Emergency Evaluation and the Incident Report the facts, observations and information known to the officer, or provided by others, that the individual is suffering from a mental disorder and warrants the issuance of the Petition for Emergency Evaluation, including:

- Symptoms of mental disorder
- Dangerous behavior
- History of mental disorder psychiatric hospitalization or treatment
- Statements made by the individual

405.7.1 CONFIDENTIALITY

Records relating to mental health evaluations are confidential and the contents may not be divulged, by subpoena or otherwise, except by order of the court on good cause shown or as allowed by law (Md. Code HG § 10-630).

405.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody on a mental health hold should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for a mental health hold has committed a criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the mental health hold.
- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a mental health hold.

In the supervisor's judgment, the individual may instead be transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

The court may issue emergency evaluations for arrested individuals and, unless the court directs otherwise, an officer shall stay with the arrested individual until he/she is either admitted to an appropriate facility, or is returned to the court or an appropriate jail (Md. Code HG § 10-626(c)).

If the arrested individual does not meet the requirements for involuntary admission, the examining physician shall send a brief report of the evaluation to the court and the officer shall return the arrested individual, the court order and the report of the examining physician to the court. If the court is not in session, the officer shall take the arrested individual to an appropriate jail and,

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before the end of the next day that the court is in session, return the individual and the report of the examining physician to the court (Md. Code HG § 10-626(d)).

405.9 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for a mental health hold, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officers should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

405.10 TRAINING

This department will endeavor to provide department-approved training on interaction with mentally disabled persons, mental health holds and crisis intervention.

Citation Releases

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Oxford Police Department with guidance on when to release adults who are suspected offenders on a citation for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Violence Policy.

406.2 POLICY

The Oxford Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation, when authorized to do so.

406.3 CITATION RELEASE

An officer shall charge a suspected offender by citation as follows (Md. Code CP § 4-101(c)):

- (a) Any misdemeanor or local ordinance violation that does not carry a penalty of imprisonment.
- (b) Any other misdemeanor or local ordinance violation not involving serious injury or an immediate health risk for which the maximum penalty of imprisonment is 90 days or less.
- (c) Possession of cannabis under Md. Code CR § 5-601.

406.3.1 ARREST AND RELEASE

An officer who has grounds to make a warrantless arrest for an offense that may be charged by citation may (Md. Code CP § 4-101(c)(3)):

- (a) Issue a citation in lieu of making the arrest.
- (b) Make the arrest and subsequently issue a citation in lieu of continued custody.

406.4 PROHIBITIONS

The release of a suspected offender on a citation is not permitted when the misdemeanor or local ordinance violation involves any of the following (Md. Code CP § 4-101(c)(1)):

- (a) Failure to comply with a peace order under Md. Code CJ § 3-1508.
- (b) Failure to comply with a protective order under Md. Code FL § 4-509.
- (c) Violation of a condition of pretrial or post trial release under Md. Code CP § 5-213.1.
- (d) Possession of an electronic control device after conviction of a drug felony or crime of violence under Md. Code CR § 4-109(b).
- (e) Violation of an out-of-state domestic violence order under Md. Code FL § 4-508.1.
- (f) Abuse or neglect of an animal under Md. Code CR § 10-604.

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Citation Releases

See the Domestic Violence Policy for release restrictions related to those investigations.

406.5 CONSIDERATIONS

An officer may charge a defendant by citation provided (Md. Code CP § 4-101(c)(2)):

- (a) The officer is satisfied with the defendant's evidence of identity.
- (b) The officer reasonably believes that the defendant will comply with the citation.
- (c) The officer reasonably believes that the failure to charge on a statement of charges will not pose a threat to public safety.
- (d) The defendant is not subject to arrest for an alleged misdemeanor involving serious injury or immediate health risk or an alleged felony arising out of the same incident.
- (e) The defendant is not subject to arrest based on an outstanding arrest warrant.
- (f) The defendant complies with all lawful orders by the officer.

Immigration Violations

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Oxford Police Department relating to immigration and interacting with federal immigration officials.

407.2 POLICY

It is the policy of the Oxford Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

407.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Maryland constitutions.

407.4 DETENTIONS

An officer shall not inquire about a person's citizenship, immigration status, or place of birth during a detention, a search, or an arrest unless doing so is material to a criminal investigation or intended to provide the person legal protection under the law and the person is advised any related disclosure on the person's part is voluntary (e.g., diplomatic or consular protections) (Md. Code CP § 5–104).

An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Md. Code CP § 5–104).

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, the officer may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

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An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

An officer should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

407.4.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained an individual and established reasonable suspicion or probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see Law Enforcement Authority Policy).

407.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, an officer should not notify federal immigration officials when booking arrestees at a jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

407.6 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts.

407.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials.
- (b) Maintaining such information in department records.
- (c) Exchanging such information with any other federal, state, or local government entity.

407.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

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407.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Criminal Investigations Unit supervisor assigned to oversee the handling of any related case. The Criminal Investigations Unit supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
 - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

407.9 TRAINING

The Chief of Police should ensure officers receive training on this policy.

Training should include:

- (a) Identifying civil versus criminal immigration violations.
- (b) Factors that may be considered in determining whether a criminal immigration offense has been committed.

Utility Service Emergencies

408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for addressing Town utility service emergencies. This policy will address calls for service that are directed to the Police Department.

408.2 POLICY

It is the policy of the Oxford Police Department to appropriately respond to Town emergency utility service requests received by this department.

408.3 UTILITY SERVICE EMERGENCY

A current contact list of Town personnel to be notified in the event of a utility service emergency should be available in Talbot Center.

408.3.1 WATER LINES

The Town's responsibility for water lines ends at the water meter; any break or malfunction in the water system from the water meter to a residence or business is the responsibility of the property owner.

If a water line break occurs on the Town side of the water meter, public works personnel should be notified as soon as practicable.

408.3.2 ELECTRICAL LINES

When an electrical power line poses a hazard, a member of this department should be dispatched to the reported location to protect against personal injury or property damage that might be caused by the power line. The fire department, electric company and/or the public works department should be promptly notified, as appropriate.

408.3.3 RESERVOIRS, PUMPS, WELLS

In the event of flooding or equipment malfunctions involving Town reservoirs, pumps or wells, the public works department should be contacted as soon as practicable.

408.3.4 NATURAL GAS LINES

All reports of a possible leak of natural gas or damage to a natural gas line shall promptly be referred to the fire department and the local entity responsible for gas lines. A member of this department should be dispatched to the reported location if it appears that assistance such as traffic control or evacuation is needed.

408.3.5 TRAFFIC SIGNALS

A member of this department should be dispatched upon report of a damaged or malfunctioning traffic signal in order to protect against personal injury or property damage that might occur as the result of the damaged or malfunctioning signal. The member will advise Talbot Center of the problem with the traffic signal. The dispatcher should make the necessary notification to the appropriate traffic signal maintenance agency as soon as practicable.

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A decision to place a signal on flash should include a consultation with the appropriate traffic signal maintenance agency, unless exigent circumstances exist.

Crisis Intervention Incidents

409.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

409.2 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

409.3 POLICY

The Oxford Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

409.4 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

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Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

409.5 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate member to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

409.6 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

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409.6.1 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may be experiencing a mental health crisis should consider, as time and circumstances reasonably permit (Md. Code HG § 10-622(b)):

- (a) Available information that might assist in determining the cause and nature of the individual's actions or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of officers and others.

409.7 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (i.e., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

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409.8 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

409.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

409.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Health Evaluations Policy.

409.9 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

Field Training Officers

410.1 PURPOSE AND SCOPE

This policy provides guidelines for field training that ensure standardized training and evaluation; facilitate the transition from the academic setting to the actual performance of general law enforcement duties; and introduce the policies, procedures and operations of the Oxford Police Department. The policy addresses the administration of field training and the selection, supervision, training and responsibilities of the Field Training Officer (FTO) (COMAR 12.04.01.17(F)).

410.2 POLICY

It is the policy of the Oxford Police Department that all newly hired or appointed officer trainees will participate in field training that is staffed and supervised by trained and qualified FTOs.

410.3 FIELD TRAINING

The Department shall establish minimum standards for field training, which should be of sufficient duration to prepare officer trainees for law enforcement duties and be in compliance with state mandates related to field training (COMAR 12.04.01.17). The field training is designed to prepare trainees for a patrol assignment and ensure they acquire the skills needed to operate in a safe, productive and professional manner, in accordance with the general law enforcement duties of this department.

Field training (COMAR 12.04.01.17):

- (a) Shall include activities designed to familiarize the individual with the duties of the officer position, as defined and administered by this department.
- (b) May be conducted in conjunction with an entrance-level training program or a separate training activity provided by a law enforcement agency.
- (c) Shall be no less than the Maryland Police Training and Standards Commission (MPTSC)-required duration.
- (d) Shall be monitored by a certified officer, the Chief of Police or the authorized designee.
 - 1. Trainees shall be under the direct supervision of an FTO or other approved officer as provided in COMAR 12.04.01.17(G).
- (e) Should include procedures for:
 - 1. Issuance of training materials to each trainee at the beginning of his/her field training.
 - 2. Daily, weekly and monthly evaluation and documentation of the trainee's performance.
 - 3. A multiphase structure that includes:

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- (a) A formal evaluation progress report completed by the FTOs involved with the trainee and submitted to the Chief of Police and FTO coordinator.
 - (b) Assignment of the trainee to a variety of shifts and geographical areas.
 - (c) Assignment of the trainee to a rotation of FTOs in order to provide for an objective evaluation of the trainee's performance.
- 4. The trainee's confidential evaluation of his/her assigned FTOs and the field training process.
- 5. Retention of all field training documentation in the officer trainee's training file including (COMAR 12.04.01.17(H)):
 - (a) All performance evaluations.
 - (b) A certificate of completion certifying that the trainee has successfully completed the required number of field training hours.

410.4 FTO COORDINATOR

The Deputy Chief shall act as the FTO coordinator for the Oxford Police Department. (COMAR 12.04.01.17(C)).

The responsibilities of the coordinator include, but are not limited to:

- (a) Assignment of trainees to FTOs.
- (b) Conducting FTO meetings.
- (c) Maintaining and ensuring FTO and trainee performance evaluations are completed.
- (d) Maintaining, updating and issuing department training materials to each FTO and trainee.
- (e) Developing ongoing training for FTOs.
- (f) Mentoring and supervising individual FTO performance.
- (g) Monitoring the overall performance of field training.
- (h) Keeping the Chief of Police informed through monthly evaluation reports about the trainees' progress.
- (i) Maintaining liaison with FTO coordinators from other law enforcement agencies.
- (j) Maintaining liaison with police academy staff on recruit officer performance during academy attendance.
- (k) Performing other activities as may be directed by the Patrol Chief of Police.
- (l) Completing and submitting a written statement to the MPTSC for each recruit upon successful completion of field training (COMAR 12.04.01.17(G)).
- (m) Establishing guidelines and procedures for the evaluation of FTOs and trainees (COMAR 12.04.01.17(F)).

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410.4.1 FTO COORDINATOR TRAINING

The FTO coordinator is required to successfully complete the following courses prior to appointment to this position (COMAR 12.04.01.17(C)):

- (a) An MPTSC-approved supervisor training course.
- (b) An MPTSC-approved FTO course.

410.5 FTO SELECTION, TRAINING AND RESPONSIBILITIES

410.5.1 SELECTION PROCESS

The selection of an FTO will be at the discretion of the Chief of Police or the authorized designee. Selection will be based on the officer's:

- (a) Desire to be an FTO.
- (b) Experience, which shall include a minimum of four years of patrol experience, two of which shall be with this department (COMAR 12.04.01.17(D)).
- (c) Demonstrated ability as a positive role model.
- (d) Successful completion of an internal oral interview process.
- (e) Evaluation by supervisors and current FTOs.
- (f) Possession of, or ability to obtain, department-approved certification.
- (g) Approval by the MPTSC as an FTO (COMAR 12.04.01.17(D)).

An FTO must remain in good standing and may be relieved from FTO duties due to discipline, inappropriate conduct or poor performance.

410.5.2 TRAINING

An officer selected as an FTO shall successfully complete an MPTSC-approved FTO course prior to being assigned as an FTO (COMAR 12.04.01.17(D)).

All FTOs shall successfully complete an FTO update course approved by the MPTSC every four years while assigned to the position of FTO (COMAR 12.04.01.17(D)).

410.5.3 TRAINING MATERIALS

The FTO shall receive training materials outlining the requirements, expectations and objectives of the FTO position. FTOs should refer to their training materials or the FTO coordinator regarding specific questions related to FTO or field training.

410.5.4 RESPONSIBILITIES

The responsibilities of the FTO include, but are not limited to (COMAR 12.04.01.17(F)):

- (a) Issuing his/her assigned trainee field training materials in accordance with the Training Policy.

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1. The FTO shall ensure that the trainee has the opportunity to become knowledgeable of the subject matter and proficient with the skills as set forth in the training materials.
 2. The FTO shall sign off all completed topics contained in the training materials, noting the methods of learning and evaluating the performance of his/her assigned trainee.
- (b) Completing and reviewing daily performance evaluations with the trainee each day.
 - (c) Completing and submitting a written evaluation on the performance of his/her assigned trainee to the FTO coordinator on a daily basis.
 - (d) Completing a detailed weekly performance evaluation of his/her assigned trainee at the end of each week.
 - (e) Completing a monthly evaluation report of his/her assigned trainee at the end of each month.
 - (f) Providing the shift supervisor with a verbal synopsis of the trainee's activities at the end of each day or during any unusual occurrence needing guidance or clarification.

Contacts and Temporary Detentions

411.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

411.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio/Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

411.2 POLICY

The Oxford Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, pat-down search or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations and constitutional safeguards.

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411.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Oxford Police Department to strengthen community involvement, community awareness, and problem identification.

411.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) Actions suggesting that he/she is engaged in a criminal activity.
- (c) Presence in an area at an inappropriate hour of the day or night.
- (d) Presence in a particular area is suspicious.
- (e) Carrying of suspicious objects or items.
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon.
- (g) Location in proximate time and place to an alleged crime.
- (h) Physical description or clothing worn that matches a suspect in a recent crime.
- (i) Prior criminal record or involvement in criminal activity as known by the officer.

411.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or area where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.

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- (f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

411.4.1 LIMITED SEARCH FOR WEAPONS

An officer may make an inquiry and conduct a limited search of a person if, in light of the officer's observations, information and experience, the officer reasonably believes that (Md. Code CR § 4-206):

- (a) A person may be wearing, carrying or transporting a handgun in violation of the law.
- (b) Because the person possesses a handgun, the person is or presently may be dangerous to the officer or to others.
- (c) Under the circumstances, it is impracticable to obtain a search warrant.
- (d) To protect the officers or others, swift measures are necessary to discover whether the person is wearing, carrying or transporting a handgun.

411.5 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

411.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

411.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

411.5.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Chief of Police with either an associated FI card or other documentation explaining the nature of the contact. If an

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individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Chief of Police should review and forward the photograph to one of the following locations:

- (a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Chief of Police will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.
- (b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Chief of Police.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

411.5.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

411.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

- (a) Identifying all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department members.
 - 1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

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411.7 TEMPORARY DETENTIONS

At the commencement of any temporary detention, absent exigent circumstances, an officer should (Md. Code CP § 2-109):

- (a) Display identification to the temporarily detained individual.
- (b) Provide the individual with the officer's name and identification number, the name of the Department, and the reason for the contact.

Portable Audio/Video Recording Devices (Body Cameras)

412.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties (Md. Code CJ § 10-402; Md. Code PS § 3-511). Portable audio/video recording devices include all recording systems whether body-worn, hand-held, or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Oxford Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

412.2 POLICY

The Oxford Police Department should provide members with access to Body Worn Cameras (BWC), for use during the performance of their duties. The use of BWC's is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public (Md. Code PS § 3-511).

It is the policy of the Oxford Police Department that all uniform members who are issued Body Worn Cameras shall wear/utilize and activate their BWC's when such use is appropriate to the proper performance of his or her official duties. BWC systems 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. Audio and video recordings enhance this agency'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's evaluation and training. The BWC may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

The use of the BWC shall comply with this policy and all local, state, and federal laws.

Members may only utilize issued BWC devices while on duty.

The use of a non-issued BWC device at any time is strictly prohibited.

The use of the BWC device for secondary employment is prohibited.

All images and sounds recorded by the BWC are the property of the Oxford Police Department.

Uniform members issued a BWC shall wear the BWC at all times while on-duty.

Body worn cameras will have a programmed "buffering" period of 60 seconds prior to activation, video only (no audio).

Violations of this policy may result in disciplinary action.

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412.3 COORDINATOR

The Chief of Police or the authorized designee shall serve as the coordinator responsible for (Md. Code PS § 3-511):

- (a) Establishing procedures for the security, storage, and maintenance of data and recordings.
- (b) Establishing procedures for accessing data and recordings.
- (c) Establishing procedures for logging or auditing access.
- (d) Establishing procedures for transferring, downloading, tagging, or marking events.
- (e) Addressing any other requirements of the Maryland Police Training and Standards Commission (MPTSC) model body-worn camera policy.

412.4 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity of this department, regardless of ownership of the device it was made on, shall remain the property of the Department (Md. Code PS § 3-511). Members shall have no expectation of privacy or ownership interest in the content of these recordings.

412.5 MEMBER RESPONSIBILITIES

All officers who regularly interact with the public as part of their duties should use a body-worn camera in a manner consistent with department policy/procedure and state law (Md. Code PS § 3-511).

Prior to going into service, uniformed members will be responsible for making sure that they are equipped with a portable recorder issued by the Department, and that the recorder is in good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to the member's supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable (Md. Code CJ § 10-402; Md. Code PS § 3-511).

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful and may use it in compliance with the law (Md. Code CJ § 10-402; Md. Code PS § 3-511). Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a portable recorder, the assigned member shall record the member's name, OPD identification number, and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

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Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

412.6 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder should be activated in any of the following situations (Md. Code PS § 3-511):

- (a) All enforcement and investigative contacts including stops and field interview situations
- (b) Traffic stops including but not limited to traffic violations, stranded motorist assistance, and all crime interdiction stops
- (c) Self-initiated activity in which a member would normally notify Talbot Center
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize the member's safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

Body-worn cameras possessing the capability should be set to automatically record and save video footage at least 60 seconds prior to activation (Md. Code PS § 3-511).

412.6.1 CONSENT REQUIRED FOR ACTIVATION OF THE PORTABLE RECORDER

Generally, members are required to first obtain the consent of all parties prior to recording. However, prior consent is not required when (Md. Code CJ § 10-402; Md. Code PS § 3-511):

- (a) The member is a party to the conversation and:
 - 1. The recording is in the course of an investigation of one of the offenses listed in Md. Code CJ § 10-402.
 - 2. The person has created a barricade situation and there is probable cause to believe a hostage may be involved.
- (b) The member has detained a vehicle during a criminal investigation or for a traffic violation and:

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1. The member identifies themselves as a law enforcement officer.
 2. The member is a party to the conversation.
 3. The member informs all other parties of the recording.
 4. The recording is made as part of a video recording.
- (c) The member is in uniform or prominently displaying a badge or other department insignia, indicating the member is a law enforcement officer and:
1. The member is a party to the communication.
 2. The member is engaged in regular duties as a law enforcement officer.
 3. All involved parties are notified that they are being recorded as soon as it is safe and practical.
 4. The audio recording is being made as part of a video recording.

Members should provide notice that a recording is being made to any parties joining a conversation after the initial notice of recording has been given as soon as it is safe and practical to do so.

412.6.2 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until members reasonably believe that their direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident (Md. Code PS § 3-511).

412.6.3 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Maryland law prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation is private or confidential. However, Maryland law exempts members from some of this prohibition during the course of their regular duties pursuant to Md. Code CJ § 10-402. Nothing in this section is intended to interfere with a member's right to openly record during any investigation or interrogation pursuant to Md. Code CJ § 10-402 or Md. Code CP § 2-402.

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee (Md. Code PS § 3-511).

412.6.4 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

412.7 EXCEPTION FOR HEALTH CARE FACILITIES AND DISTRICT / CIRCUIT COURT

Inside a medical facility or courthouse, members shall not activate the BWC until meeting with the complainant/victim on a call for service or when encountering an on-view incident which requires the exercise of law enforcement powers.

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Members shall be aware of patients' rights to privacy when in hospital settings. Members shall not record patients during medical or psychological evaluations or treatments. When recording in hospitals and other medical facilities, members shall be careful to avoid recording persons other than the person of interest or recording medical documents.

However, as in any setting, if confronting a violent or assaultive suspect, or in an anticipated use of force instance, the member shall activate the BWC in advance of the encounter or as soon as reasonably practicable.

412.8 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Chief of Police. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements.

Recordings shall not be used by any member for the purpose of embarrassment, intimidation or ridicule.

412.9 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

Prior to the end of his or her shift, the member shall ensure the recorded data is tagged with the following information:

- (a) Any related CAD Call Numbers or Incident Numbers.
- (b) The type of incident (e.g., citizen contact, investigative stop, pat-down, arrest, use of force, consensual search, non-consensual search, search warrant, etc.)
- (c) Category Type.

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.

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- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

Members shall indicate in their Incident Reports if BWC data exists.

412.10 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource. (See the Officer-Involved Shootings and Deaths Policy for guidance in those cases.) However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed (Md. Code PS § 3-511):

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation, or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief of Police or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Chief of Police prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

412.10.1 PROHIBITED USES

Recordings should not be used (Md. Code PS § 3-511):

- (a) To identify persons present at public gatherings who are not suspected of being engaged in illegal activity or in need of assistance.
- (b) To create a database or pool of mug shots.
- (c) As fillers in photo arrays.

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Portable Audio/Video Recording Devices (Body Cameras)

Recordings shall not be searched with facial or voice recognition software unless an officer has reason to believe that a specific suspect or person in need of assistance may appear in the recording.

Members are prohibited from using BWC and BWC Data for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members will not access, obtain, attempt to access or obtain, or copy/convert/share for their personal use any recording produced by a BWC's. Employees will not upload BWC's recordings to public or social media sites.

Recordings shall not be used by any member for the purpose of embarrassment, intimidation or ridicule.

A member shall not activate the BWC to:

- (a) Record 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 officer believes serves a legitimate law enforcement purpose, such as a call for service or an on-view incident occurs.
- (b) Surreptitiously record conversations of citizens and employees.
- (c) Record conversations of fellow officers or civilian employees without their knowledge and consent during administrative and non-enforcement related activities.
- (d) Record court proceedings, unless an on-view incident occurs.
- (e) Record non-work-related personal activity.
- (f) Record strip searches.
- (g) Record events within 500 feet of bomb threat scenes.
- (h) Record outside the State of Maryland.
- (i) Record a constitutionally protected activity with the intent to identify persons present at the activity who are not suspected of being engaged in illegal activity or in need of assistance.
- (j) Record legally privileged communications (attorney/client, doctor/patient, etc.)

A member shall not use BWC data to:

- (a) Create a database or pool of mug shots.
- (b) Use images as fillers in photo arrays.
- (c) Be used to search using facial or voice recognition software.

Note: This subsection does not prohibit the Oxford Police Department from using recognition software to analyze the recording of a particular incident when a supervisory member has reason to believe that a specific suspect or person in need of assistance may be the subject of a particular recording.

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When a prohibited use of the BWC is encountered during an active recording, members will deactivate their BWC when it is safe, practical and possible to do so.

412.10 RETENTION OF RECORDINGS

An unaltered version of all recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 5 years. Recordings shall be securely maintained pursuant to department procedures and a log shall be kept of when a recording is viewed, the length of time it is viewed, and by whom. If copies of a recording or portions of a recording are made, a record shall be kept indicating what portions of a recording were provided and to whom (Md. Code PS § 3-511).

412.10.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy (Md. Code PS § 3-511).

412.10.2 UPLOADING AND ACCOUNTABILITY OF BWC CONTENT

BWC footage will be uploaded consistent with manufacturer's specifications.

Supervisors will ensure that all BWC footage is uploaded without unnecessary delay, and that no officer is dismissed before all BWC footage is uploaded.

Should any footage be unaccounted for, missing or damaged at the end of a shift, the responsible supervisor will immediately investigate and submit a confidential memo to the Chief.

412.10.3 CRITICAL INCIDENT PROCEDURE

The following procedure ensures that all BWC footage which potentially captures a critical incident is secured and its chain of custody preserved.

Critical incidents include:

- (a) A seriously injured officer.
- (b) A use of force resulting in serious bodily injury or death
- (c) Allegations of misconduct
- (d) In-custody death.
- (e) Any incident which, in the professional judgment of the Supervisor and/or Commander, is deemed necessary.

The Supervisor shall immediately take possession of and secure any BWC video which potentially captures a critical incident.

Upon securing the BWC from the involved officer, the Supervisor shall ensure the video footage is uploaded and categorized as "Restricted." The Police Chief or his designees may approve access to other individuals or entities if appropriate.

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412.1 DELETION OF ACCIDENTAL OR MISTAKEN RECORDINGS

The BWC Coordinator may authorize the deletion of recordings that may compromise the modesty or dignity of a member, as long as there is no duty related reason to retain the recording.

In the event of an accidental or mistaken activation of the BWC where the resulting recording has no investigative or evidentiary value, members may submit a Video Recording Deletion Request, to the Chief of Police for approval/disapproval.

Approved requests shall be forwarded to the BWC Coordinator. The BWC Coordinator shall review all accidental or mistaken recordings and determine whether the recording had an official purpose. Recordings deemed by the BWC Coordinator to hold no official purpose or evidentiary value shall then be deleted.

412.13 DISSEMINATION

Recordings will not be disseminated or shared outside the Oxford Police Department or approved partner agencies without written permission by the Chief of Police.

All recordings should be reviewed by BWC Coordinator and Chief of Police prior to public release. Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the Court.

412.13.1 MARYLAND PUBLIC INFORMATION ACT (MPIA) REQUESTS

Members of the public may request BWC footage by completing a MPIA Request Form. Request for BWC footage shall be granted or denied based upon the Maryland Public Information Act (MPIA) Annotated Code of Maryland, General Provisions Article, 4-101, et seq

412.14 MAINTENANCE PROCEDURE

The care and security of BWC is the responsibility of the officer assigned to that equipment and such equipment will be maintained and operated according to manufacturer's recommendations.

When maintenance or repairs are required to the BWC system, the officer will notify the BWC Coordinator. The Coordinator will document the repairs performed on department BWC systems.

No items will be placed on or over the cameras.

Use a soft, damp cloth to clean the surface of cameras. Do not use harsh cleaners or solvents. Only optical quality lens cleaner.

412.15 VIDEO REVIEWS

To ensure compliance with this policy, supervisors shall conduct monthly reviews of three randomly selected BWC videos for each subordinate. Upon review, the supervisor shall ensure the following:

1. Body camera video was available if required by policy
2. Categories applied correctly
3. Case number was applied (if applicable)

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4. Notification given of recording (if applicable)
5. Officer safety protocols were followed

Body Camera reviews will be captured on an OPD-46C, Body Worn Camera Compliance Review form. Forms will be signed by the officer that is reviewed and the supervisor performing the review. Forms will be submitted to the Chief of Police and filed for a retention period of 5 years.

The Deputy Chief shall conduct a monthly review of videos submitted by the Chief of Police.

412.16 POSTING OF POLICY

A copy of this policy should be made available to the public on the department website and upon request (Md. Code PS § 3-511).

412.17 TRAINING

Members should receive periodic training on the operation of body-worn cameras as well as this policy. Training should include methods of providing notice that a recording is being made to persons with limited English proficiency or persons with a disability that renders them otherwise unable to understand (see the Limited English Proficiency Services and Communications with Persons with Disabilities policies) (Md. Code PS § 3-511).

Public Recording of Law Enforcement Activity

413.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

413.2 POLICY

The Oxford Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

413.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
 - 1. Tampering with a witness or suspect.
 - 2. Inciting others to violate the law.
 - 3. Being so close to the activity as to present a clear safety hazard to the officers.
 - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officers, him/herself or others.

413.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

413.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

413.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
 - 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
 - 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 - 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

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Recording devices and media that are seized will be submitted within the guidelines of the Chief Policy.

Bicycle Patrol

414.1 PURPOSE AND SCOPE

The Town of Oxford is a pedestrian-friendly, walkable community. Officers are encouraged to regularly engage in bicycle patrol during warm weather months. The Town Commissioners believe that bicycle presence creates a community-friendly and approachable police presence. This policy establishes guidelines for the Oxford Police Department to safely and effectively use bicycle patrol for the purpose of enhancing field patrol efforts in the community.

414.2 POLICY

It is the policy of the Oxford Police Department that patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. The use of the patrol bicycle will emphasize officer mobility and department visibility in the community.

414.3 OPERATIONS

Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas, and the quiet operation of the patrol bicycle can facilitate a tactical approach to crimes in progress. Patrol bicycles may be deployed to any area, at any hour of the day or night, according to department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Chief of Police.

414.5 PATROL BICYCLE

Patrol bicycles shall be primarily black or white in color with a "Police" decal affixed to each side of the crossbar or the bicycle's gear bag. Every patrol bicycle shall be equipped with:

- (a) Front and rear reflectors.
- (b) A siren and horn.
- (c) A steady or flashing blue and red warning light that is visible from the front, sides or rear of the bicycle.
- (d) A rear rack and/or gear bag sufficient to carry all necessary equipment to handle routine patrol calls, including report writing, vehicle storage and citations.
- (e) A gear bag that shall include a first-aid kit, tire pump, repair tool, tire tube, security lock, high-visibility vest and equipment information and use manuals. These items are to remain with/on the patrol bicycle at all times.

Patrol bicycles shall be properly secured when not in the officer's immediate presence.

414.5.1 MAINTENANCE

- (a) officers shall conduct an inspection of the patrol bicycle and equipment prior to use to ensure proper working order of the equipment.

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Bicycle Patrol

- (b) Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).
 - 1. Each patrol bicycle will have scheduled maintenance yearly to be performed by a repair shop or technician approved by the Department.
- (c) Officers shall not modify the patrol bicycle or remove, modify or add components to the patrol bicycle except with the express approval of the Chief of Police, or in the event of an emergency.
- (d) If a needed repair is beyond the ability of the officer, a repair work order will be completed and forwarded to the Chief of Police for repair by a technician approved by the Department.
- (e)
- (f) At the end of a patrol bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

414.6 UNIFORMS AND EQUIPMENT

Officers shall wear uniforms and safety equipment in accordance with the Uniforms and Civilian Attire Policy.

The uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt, with Oxford Police Department badge and patches, and department-approved bicycle patrol pants or shorts. Optional attire may include, but is not limited to, a jacket in colder weather and turtleneck shirts or sweaters when worn under the uniform shirt.

Bicycle patrol officers shall carry the same equipment on their duty belts as they would on regular patrol assignments. Assignment-specific safety equipment should include, but is not limited to, department-approved helmet, riding gloves, protective eyewear and approved footwear.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

414.7 TRAINING

Officers must complete an initial department-approved bicycle-training course prior to assignment to bicycle patrol.

Homeless Persons

415.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that department members understand the needs and rights of the homeless, and to establish procedures to guide them during all contacts with the homeless, whether consensual or for enforcement purposes.

415.2 POLICY

It is the policy of the Oxford Police Department to protect the rights, dignity and private property of all members of the community, including people who are homeless. Abuse of authority to harass any member of the community will not be permitted. The Oxford Police Department will address the needs of homeless persons in balance with the overall mission of this department.

Homelessness is not a crime and members will not use homelessness as the sole basis for detention or law enforcement action.

415.2 FIELD CONTACTS

Officers are encouraged to contact a homeless person to render aid, offer assistance or to check on the person's welfare. Officers also will take enforcement action when information supports a reasonable and articulable suspicion of criminal activity. However, such contacts shall not be used for harassment.

When encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions, such as shelter referrals and counseling, in lieu of an arrest and criminal charges.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

415.2.1 CONSIDERATIONS

A homeless person will receive the same level and quality of service provided to other members of the community. The fact that a victim, witness or suspect is homeless can, however, require special consideration for a successful investigation and prosecution. When handling investigations involving victims, witnesses or suspects who are homeless, officers should consider:

- (a) Documenting alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.
- (b) Documenting locations the person may frequent.
- (c) Providing victim/witness resources, when appropriate.
- (d) Obtaining sufficient statements from all available witnesses in the event that a victim cannot be located and is unavailable for a court appearance.

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- (e) Arranging for transportation for investigation-related matters, such as medical exams and court appearances.
- (f) Whether a crime should be reported and submitted for prosecution, even when a victim who is homeless indicates that he/she does not desire prosecution.
- (g) Whether the person may be an adult abuse victim, and if so, proceed in accordance with the Adult Abuse Policy.

415.3 MENTAL HEALTH ISSUES

When mental health issues are evident, officers should consider referring the person to the appropriate mental health agency or providing the person with contact information for mental health assistance, as appropriate. In these circumstances, officers may provide transportation to a mental health facility for voluntary evaluation if it is requested or offered and accepted by the person, and approved by a supervisor. Officers should consider detaining the person under a mental health evaluation when facts and circumstances reasonably indicate such a detention is warranted (see the Mental Health Evaluations Policy).

415.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the community. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and shall not destroy or discard the personal property of a homeless person (Md. Code CR § 10-304).

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, it should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure it. It will be the supervisor's responsibility to coordinate its removal and safekeeping.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the Chief of Police and Town Attorney.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the Chief of Police if such property appears to involve a trespass, is a blight to the community or the subject of a complaint. It will be the responsibility of the Chief of Police to address the matter in a timely fashion.

415.5 ECOLOGICAL ISSUES

Sometimes homeless encampments can have an impact on the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged

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to notify other appropriate agencies or Town departments when a significant impact to the environment has or is likely to occur. A significant impact to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

Medical Cannabis

416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production, and use of cannabis under Maryland's medical cannabis laws (Md. Code CR § 5-601(c)(3); Md. Code AB § 36-101 et seq.).

416.1.1 DEFINITIONS

Definitions related to this policy include (Md. Code AB § 36-101; COMAR 10.62.06.01):

30-day supply - 120 grams of usable cannabis or 36 grams of tetrahydrocannabinol (THC).

Administration – The Maryland Cannabis Administration.

Cannabis licensee – A business licensed by the Administration to operate in the cannabis industry.

Cannabis registrant – An independent testing laboratory, transporter, security guard company, waste disposal company, or any other business authorized under the Administration to work with a cannabis licensee.

Caregiver - A person who has agreed to assist with a qualifying patient's medical use of cannabis, including a parent or legal guardian, or a designee of a parent or legal guardian of a qualified patient under the age of 18.

Certifying provider - A person licensed by the State Board of Physicians, the State Board of Dental Examiners, the State Board of Podiatric Medical Examiners, or the State Board of Nursing who has a state-controlled dangerous substances registration and is approved by the Administration to make cannabis available to patients for medical use.

Dispensary - An entity licensed by the Administration that acquires, possesses, repackages, transports, sells, distributes, or dispenses cannabis; products containing cannabis; related supplies; related products including tinctures, aerosols, oils, or ointments; or educational materials for use by a qualifying patient or caregiver.

Identification card - An identification card provided by the Administration to qualifying patients and caregivers.

Processor - An entity licensed by the Administration that transforms cannabis into another product or extract and packages and labels the cannabis product.

Qualifying patient - A person who possesses a written certification by a certifying provider with whom the person has a bona fide provider-patient relationship. If the person is under the age of 18, the person must have a caregiver.

Written certification - Certification issued by a certifying provider which includes a written statement confirming that, in the certifying provider's professional opinion, the patient has a

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condition justifying the use of medical cannabis and, if appropriate, that a 30-day supply of medical cannabis is not sufficient to meet the patient's medical needs.

416.2 POLICY

It is the policy of the Oxford Police Department to prioritize resources to avoid making arrests related to cannabis that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

Maryland medical cannabis laws are intended to provide protection from prosecution to those who possess a written certification by a certifying provider for the use of cannabis for medical use. However, Maryland medical cannabis laws do not affect federal laws, and there is no medical exception under federal law for the possession or distribution of cannabis. The Oxford Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under Maryland law and the resources of the Department.

416.3 INVESTIGATION

Investigations involving the possession, delivery, production, or use of cannabis generally fall into the following categories:

- (a) Investigations when no person makes a medicinal claim.
- (b) Investigations when the person is a qualifying patient or caregiver.
- (c) Investigations when the person is otherwise authorized.

416.3.1 INVESTIGATIONS WITH NO MEDICAL CLAIM

In any investigation involving the possession, delivery, production, or use of cannabis or drug paraphernalia where no person claims that the cannabis is used for medicinal purposes, the officer should proceed with a criminal investigation. A medicinal claim may be raised at any time, so officers should document any statements and observations that may be relevant to whether the cannabis was possessed or used for medicinal purposes.

416.3.2 INVESTIGATIONS INVOLVING A QUALIFYING PATIENT OR CAREGIVER

A qualifying patient or caregiver shall not be arrested for the authorized medical use or possession of cannabis from a dispensary, provided (Md. Code AB § 36-302; Md. Code AB § 36-1201):

- (a) Any qualifying patient possesses no more than a 30-day supply, unless the patient's written certification allows for the possession of more.
- (b) In the case of a caregiver, the caregiver is in possession of the cannabis for a qualifying patient the caregiver has agreed to assist in the use of medical cannabis.

Qualifying patients 21 years or older may also possess four or fewer cannabis plants for cultivation in compliance with Md. Code CL § 5-601.2.

A patient or caregiver identification card should suffice as evidence that a written certification has been issued. Certification or lack of certification should be verified through the Administration's

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registry before making an arrest (COMAR 10.62.04.06; COMAR 10.62.06.01 et seq.). No arrest should be made if there is reason to believe that the individual has a valid claim to possess.

416.3.3 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving cannabis possession, delivery, production, or use:

- (a) Because enforcement of medical cannabis laws can be complex, time consuming, and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:
 - 1. The suspect has been identified and can be easily located at another time.
 - 2. The case would benefit from review by a person with expertise in medical cannabis investigations.
 - 3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
 - 4. Any other relevant factors, such as available department resources and time constraints.
- (b) Whenever the initial investigation reveals an amount of marijuana greater than that specified by law, officers should consider and document, in anticipation of an affirmative defense:
 - 1. The amount of marijuana recommended by a medical professional to be ingested.
 - 2. The quality of the marijuana.
 - 3. The method of ingestion (e.g., smoking, eating, nebulizer).
 - 4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
 - 5. Whether the marijuana is being cultivated indoors or outdoors.
 - 6. The climate.

416.3.4 INVESTIGATIONS INVOLVING OTHER AUTHORIZED INDIVIDUALS

Any person falling into the following categories shall not be arrested for the authorized medical possession of cannabis (Md. Code AB § 36-1201):

- (a) Certifying providers.
- (b) Hospitals, medical facilities, and hospice programs where a qualifying patient is receiving treatment.
- (c) Academic research representatives authorized under Md. Code AB § 36-701 et seq. to research the medical uses, properties, or composition of cannabis.

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- (d) Designated school personnel authorized to administer cannabis to a student under Md. Code ED § 7-446 unless there is reasonable belief of gross negligence or wanton or willful misconduct.
- (e) Cannabis licensees and cannabis registrants.

416.4 FEDERAL LAW ENFORCEMENT

Officers should provide information regarding a cannabis investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

416.5 EVIDENCE

416.5.1 MEMBER RESPONSIBILITIES

The investigating member should notify the receiving Chief member in writing when cannabis may be the subject of a medical cannabis claim.

416.5.2 CHIEF OF POLICE RESPONSIBILITIES

The Chief should ensure that cannabis, drug paraphernalia, or other related property seized from a person engaged or assisting in the use of medical cannabis is not destroyed. The Chief is not responsible for caring for live cannabis plants.

Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Chief should return to the person from whom it was seized any useable cannabis, plants, drug paraphernalia, or other related property.

The Chief should not destroy cannabis that was alleged to be for medical purposes except upon receipt of a court order.

The Chief may release cannabis to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Criminal Investigations Unit supervisor.

Medical Aid and Response

417.1 PURPOSE AND SCOPE

This policy recognizes that officers often encounter persons in need of medical aid and establishes a law enforcement response to such persons.

417.2 POLICY

It is the policy of the Oxford Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

417.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Talbot Center and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Talbot Center with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
 - 1. Signs and symptoms as observed by the member.
 - 2. Changes in apparent condition.
 - 3. Number of patients, sex, and age, if known.
 - 4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
 - 5. Whether the person is showing signs of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel regarding whether to transport the person for treatment.

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417.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before EMS transport.

An officer shall accompany any person in custody during transport in an ambulance,

Members should not provide emergency escort for medical transport or civilian vehicles.

417.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive medical care or be transported.

However, members may assist EMS personnel when EMS personnel determine the person lacks the mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a mental health hold in accordance with the Mental Health Evaluations Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

417.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Conducted Energy Device policies.

417.7 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member should use an AED only after he/she has received the required training as provided in COMAR 30.06.02.01.

The Chief of Police shall designate an AED coordinator who shall be responsible for implementing and administering the AED program in accordance with state regulations including registering and receiving certification through the Maryland Institute for Emergency Medical Services Systems (MIEMSS) (Md. Code ED § 13-517; COMAR 30.06.02.01).

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417.7.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Chief of Police who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact Talbot Center as soon as possible and request response by EMS.

417.7.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

The Maryland Facility AED Report Form shall also be completed and forwarded to MIEMSS for each incident of suspected cardiac arrest. If the AED fails when operated, a copy of the report shall be sent to MIEMSS and to the Food and Drug Administration (FDA) (COMAR 30.06.02.03).

417.7.3 AED TRAINING AND MAINTENANCE

The Chief of Police should ensure appropriate training, including training in the most recent publication of the American Heart Association Guidelines for CPR and emergency cardiovascular care (ECC), is provided to members authorized to use an AED (COMAR 30.06.02.01).

The Chief of Police is responsible for ensuring AED devices are appropriately maintained and inspected consistent with the manufacturer's guidelines, and will retain records of all maintenance and inspections in accordance with the established records retention schedule (COMAR 30.06.02.01).

417.8 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Authorized members may administer opioid overdose medication when there is an emergency situation and medical services are not immediately available (Md. Code HG § 13-3105). Administration shall be in accordance with protocol specified by the health care provider who prescribed the overdose medication.

417.8.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Chief of Police.

Any member who administers an opioid overdose medication should contact Talbot Center as soon as possible and request response by EMS.

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417.8.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

The Chief of Police will ensure that the Chief of Police is provided enough information to meet applicable state reporting requirements (Md. Code HG § 13-3103).

417.8.3 OPIOID OVERDOSE MEDICATION TRAINING

The Chief of Police should ensure training is provided to members authorized to administer opioid overdose medication. The training should include recognizing the signs and symptoms of opioid overdose and the administration of opioid overdose medication (Md. Code HG § 13-3103).

417.9 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she shall be medically cleared prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport the arrestee to a hospital unless exigent circumstances are present.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

417.10 FIRST AID TRAINING

Subject to available resources, the Chief of Police should ensure officers receive periodic first aid training appropriate for their position.

Civil Disputes

418.1 PURPOSE AND SCOPE

This policy provides members of the Oxford Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy addresses specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Maryland law.

418.2 POLICY

The Oxford Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

418.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

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Civil Disputes

418.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

418.4.1 STANDBY REQUESTS

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

418.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

418.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

Suspicious Activity Reporting

419.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

419.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

419.2 POLICY

The Oxford Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain, and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

419.3 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable.

If the activity is not directly related to a reportable crime, the information will be recorded in an Incident Report, which will document information about the involved party and the circumstances of the incident. If an officer comes across such information while investigating an unrelated crime or incident, he/she will make no mention of the suspicious activity in the original incident/arrest

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Suspicious Activity Reporting

report, but will document the suspicious activity in a separate Incident Report and include the related incident/arrest report number.

The Chief of Police will review all Suspicious Activity Reports and forward the report to MCAC, if applicable.

Cannabis Legalization

420.1 PURPOSE

To provide employees with guidance on cannabis laws and personnel related matters involving cannabis.

420.2 POLICY

Employees will follow this directive regarding cannabis enforcement and cannabis-related personnel matters effective 7/1/23.

420.3 DEFINITIONS

ADULT SHARING: means transferring cannabis between persons who are 21 years of age or older without remuneration (payment or other compensation). It does not include instances in which cannabis is given away contemporaneously with another reciprocal transaction between the same parties; a gift of cannabis is offered or advertised in conjunction with an offer for the sale of goods or services; or a gift of cannabis is contingent on a separate reciprocal transaction for goods or services.

CANNABIS: commonly known as marijuana, means the plant *Cannabis Sativa L.*, and any part of the plant, including all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol (THC) concentration greater than 0.3% on a dry weight basis. Cannabis does not include hemp as defined by state law.

CIVIL USE AMOUNT: an amount of usable cannabis that exceeds 1.5 ounces, but does not exceed 2.5 ounces; an amount of concentrated cannabis that exceeds 12 grams but does not exceed 20 grams; or an amount of cannabis products containing THC that exceeds 750 milligrams but does not exceed 1,250 milligrams.

CRIMINAL USE AMOUNT: any amount of usable cannabis, concentrated cannabis or cannabis products containing THC that exceeds the maximum civil use amount as defined above.

PERSONAL USE AMOUNT: an amount of usable cannabis that does not exceed 1.5 ounces; an amount of concentrated cannabis that does not exceed 12 grams; an amount of cannabis products containing THC that does not exceed 750 milligrams; or two or fewer cannabis plants.

420.4 PROCEDURES

Officer Responsibilities

- a. Officers will still seize the cannabis in accordance with this directive; however, based upon the direction of the state's attorney, in some cases, may not issue charging documents as described below.
- b. Officers will contact their local state's attorney's office to gather information on charging cannabis-related offenses.

Cannabis Enforcement in General

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Cannabis Legalization

a. Personal and Civil Use Amounts of Cannabis

- If the person is **21 YEARS OR OLDER** and the officer reasonably believes the person possesses the personal use amount of cannabis (excluding packaging), the officer **WILL NOT** take any enforcement action against the person for cannabis.
- officers who encounter cannabis in the course of their duties will use their training, knowledge, and experience when estimating/determining whether persons possess the personal, civil, or criminal use amount. When estimating whether a person possesses the personal, civil, or criminal amount, doubt should always be resolved in favor of the lesser amount/offense.
- If the person is **21 YEARS OR OLDER** and the officer reasonably believes the person possesses the civil use amount of cannabis (excluding packaging), the officer **WILL** seize the cannabis, issue a DC-028, Uniform Civil Citation, and release the person from the location.

b. Criminal Use Amounts of Cannabis

- If the person is **18 YEARS OR OLDER**, and the officer reasonably believes the person possesses the criminal use amount of cannabis (excluding packaging), the officer **WILL** seize the cannabis, issue a DC-CR-045, Uniform Criminal Citation, and release the person from the location, so long as the person meets the requirements for the issuance of a DC-CR-045, Uniform Criminal Citation.
- If the person cannot meet all of the criteria for release on the issuance of a DC-CR-045, Uniform Criminal Citation, the officer **WILL** make a custodial arrest, transport the person to Central Booking for processing and complete a DC-CR-4, Statement of Probable Cause, a DC- CR-002, Statement of Charges, and ensure the person's appearance before a District Court Commissioner.
- If a juvenile is **13 YEARS OR OLDER, BUT UNDER 18 YEARS OLD**, and the officer reasonably believes the juvenile possesses the criminal use amount of cannabis (excluding packaging), the officer **WILL** seize the cannabis, refer the juvenile to the Department of Juvenile Services (DJS) by completing a Juvenile Referral Form, and release the juvenile from the location to a parent, guardian, or custodian after they sign the form.
- In cases where the location is unsafe (e.g., shoulder of interstate) or the parent, guardian, or custodian's response time will be prolonged, the officer **MAY** make a custodial arrest and transport the juvenile to headquarters or other safe location to await the arrival of the juvenile's parent, guardian, or custodian.
- If the person is **18 YEARS OR OLDER, BUT UNDER 21 YEARS OLD**, and the officer reasonably believes the person possesses the personal use or civil use amount of cannabis (excluding packaging), the officer **WILL** seize the cannabis, issue an DC-028, Uniform Civil Citation, and release the person from the location.
- If a juvenile is **7 YEARS OR OLDER, BUT UNDER 18 YEARS OLD**, and the officer reasonably believes the juvenile possesses the personal use or civil use amount of cannabis (excluding packaging), the officer **WILL** seize the cannabis and **MAY** issue a CC-JVCIT-001, Uniform Juvenile Civil Citation, to the juvenile and release the juvenile

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from the location. Within seven calendar days, the officer will mail a copy of the citation to the juvenile's parent or legal guardian, if not provided to them at the time.

- Offenders are not required to sign civil citations and additional enforcement action will not be taken for refusing to sign. In such instances, the officer will write, "Refused to Sign" on the designated line.
- A person is also not required to furnish proof of identification when receiving a civil citation. Should a officer have probable cause to believe the person (only those 18 years or older) is providing a fictitious name, the officer may charge the person with the criminal charge of obstructing & hindering and process the person as an on-view arrest.

c. Distribution/Dispensing of Cannabis

- officers, with the concurrence of the state's attorney's office, MAY place distribution charges against a person who possesses:
 - the personal or civil use amount of cannabis, so long as there is additional evidence of distribution/dispensing, excluding the weight/amount of cannabis; or
 - the criminal amount of cannabis in sufficient quantity to reasonably indicate an intent to distribute/dispense when no other evidence of distribution/dispensing exists, so long as the officer is able to reasonably articulate the justification for the charge.
- If a officer has probable cause to charge a person with possession of cannabis with the intent to distribute/dispense, the officer WILL:
 - for persons **18 YEARS OR OLDER**, issue the person a DC-CR-045, Uniform Criminal Citation, so long as the person meets the requirements for the issuance of a DC-CR-045, Uniform Criminal Citation.
 - for persons **18 YEARS OR OLDER** that do not meet the criteria for release on a DC-CR-045, Uniform Criminal Citation, transport the person to Central Booking and complete a DC- CR-4, Statement of Probable Cause, DC-CR-002, Statement of Charges, and ensure the person's appearance before a District Court Commissioner.
 - for juveniles **13 YEARS OR OLDER, BUT UNDER 18 YEARS OLD**, seize the cannabis, refer the juvenile to the Department of Juvenile Services (DJS) by completing a Juvenile Referral Form, and release the juvenile from the location to a parent, guardian, or custodian after they sign the form.
 - in cases where the location is unsafe (e.g., shoulder of interstate) or the parent, guardian, or custodian's response time will be prolonged, the officer MAY make a custodial arrest and transport the juvenile to headquarters or other safe location to await the arrival of the juvenile's parent, guardian, or custodian.
 - officers WILL NOT take any enforcement action against persons 21 years or older for adult sharing the personal use amount of cannabis.

d. Officers who encounter a driver of a vehicle smoking or consuming cannabis in a vehicle:

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- if the operator of a motor vehicle is **16 YEARS OR OLDER**, WILL issue a Uniform Traffic Citation for the offense.

e. Officers who encounter an occupant of a vehicle (excluding the driver) smoking cannabis in the passenger area of a vehicle or a person smoking cannabis in a public place:

- if the person is **18 YEARS OR OLDER**, WILL issue a DC-028, Uniform Civil Citation, at the location of incident.
- if the person is **7 YEARS OR OLDER, BUT UNDER 18 YEARS OLD**, MAY issue a CC-JVCIT- 001, Uniform Juvenile Civil Citation.

f. Vehicle/Person Stops and Searches

- officers MAY only conduct vehicle searches when there is probable cause to believe:
 - the driver/operator is impaired or under the influence of drugs/alcohol;
 - there is evidence of distribution/dispensing of cannabis; or
 - another crime is afoot.
- When a officer is investigating a person solely for driving while impaired or while under the influence of cannabis, the officer may only search the areas of the vehicle that are readily accessible to the driver/operator or areas reasonably likely to contain evidence to support the condition of the driver/operator.
- officers WILL NOT conduct a stop or a search of a person or vehicle based on any one, or combination of, the following:
 - the odor of burnt or raw cannabis;
 - the possession or suspicion of possession of cannabis that does not exceed the personal use amount; or
 - the presence of cash or currency in proximity to cannabis without other indications of an intent to distribute.
- officers may not ask for consent to search a vehicle in order to circumvent the above criteria, unless it is reasonably believed another crime is afoot.
- officers will only conduct a search of a person for cannabis offenses following a custodial arrest. Persons issued citations for cannabis offenses and released at the location will not be searched.

g. Cannabis Plants

- Persons 21 years or older may cultivate no more than two cannabis plants. If two or more persons at least 21 years old reside at the same residence, no more than two cannabis plants may be cultivated at that residence. Persons under 21 may not cultivate any cannabis plants. However, medical cannabis patients registered with the Maryland Cannabis Administration (MCA) may cultivate up to four cannabis plants in their residence.

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- Cannabis plants may not be cultivated in a location where the plants are subject to public view, including a view from another private property, without the use of binoculars, aircraft, or other optical aids and must include reasonable precautions to ensure the plants are secure from unauthorized access and access by persons under the age of 21 years.
- officers that encounter violations WILL:
 - for persons **18 YEARS OR OLDER**, seize the cannabis plants, issue a DC-CR-045, Uniform Criminal Citation, and release the person from the location, so long as the person meets the requirements for the issuance of a DC-CR-045, Uniform Criminal Citation.
 - for persons **18 YEARS OR OLDER**, that do not meet the criteria for release on a DC-CR-045, Uniform Criminal Citation, make a custodial arrest, transport the person to Central Booking for processing, complete a DC-CR-4, Statement of Probable Cause, DC-CR-002, Statement of Charges and ensure the person's appearance before a District Court Commissioner.
 - for juveniles **13 YEARS OR OLDER, BUT UNDER 18 YEARS OLD**, seize the cannabis plants, refer the juvenile to the DJS by completing a Juvenile Referral Form, and release the juvenile to a parent, guardian or custodian after they sign the form.
 - in cases where the location is unsafe (e.g., shoulder of interstate) or the parent, guardian, or custodian's response time will be prolonged, the officer MAY make a custodial arrest and transport the juvenile to headquarters or other safe location to await the arrival of the juvenile's parent, guardian, or custodian.
 - seize all cannabis plants at the location as evidence for prosecution (not seize just the number of cannabis plants that bring the person into compliance with the law).

h. Use of K-9s

- Only K-9s that are not trained to detect the odor of cannabis will be used to conduct scans of vehicles.

i. Cannabis Processing Procedures

- Anytime cannabis is seized, officers will continue to complete the required reports. Reports include:
 - Form 67, Request for Laboratory Analysis/Chain of Custody;
 - RMS Incident Report.
- Should the officer return to the barrack, weigh the cannabis (excluding packaging), and determine the cannabis is of the personal use amount and the person has already been issued a citation, the officer will notify the criminal section supervisor who will consult with the state's attorney's office to seek guidance regarding disposition of the charge.

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- Should the officer return to the barrack, weigh the cannabis (excluding packaging), and determine the cannabis is of the criminal use amount and the person has already been issued a civil citation, no further action will be taken.

Chapter 5 - Traffic Operations

Traffic

500.1 PURPOSE AND SCOPE

This policy provides guidelines for improving public safety through education and enforcement of traffic-related laws.

500.2 POLICY

It is the policy of the Oxford Police Department to educate the public on traffic-related issues and to enforce traffic laws. The efforts of the Department will be driven by such factors as the location and/or number of traffic accidents based on citizen complaints, traffic volume, traffic conditions and other traffic-related needs. The ultimate goal of traffic law enforcement and education is to increase public safety.

500.3 DEPLOYMENT

Enforcement efforts may include such techniques as geographic/temporal assignment of department members and equipment, the establishment of preventive patrols to deal with specific categories of unlawful driving, and a variety of educational activities. These activities should incorporate methods that are suitable to the situation, timed to events, seasons, past traffic problems or locations and, whenever practicable, preceded by enforcement activities.

Several factors will be considered in the development of deployment schedules for department members. State and local data on traffic accidents are a valuable resource. Factors for analysis include, but are not limited to the following:

- Location
- Time
- Day
- Violation factors
- Requests from the public
- Construction zones
- School zones
- Special events

Department members assigned to uniformed patrol or traffic enforcement functions will emphasize the enforcement of violations that contribute to traffic accidents, and consider the hours and locations where traffic accidents tend to occur. Members will take directed enforcement action on request, and random enforcement action when appropriate, against violators. Members shall maintain high visibility while working general enforcement, especially in areas where traffic accidents frequently occur.

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500.4 ENFORCEMENT

Traffic enforcement will be consistent with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas. The number of arrests or citations issued by any member shall not be used as the sole criterion for evaluating member overall performance.

Several methods are effective in the reduction of traffic accidents, including but not limited to:

500.4.1 WARNINGS

Warnings are a non-punitive option that may be considered by the member when circumstances warrant, for example when a minor violation was inadvertent.

500.4.2 CITATIONS

Citations should be issued when a member believes it is appropriate. When issuing a citation for a traffic violation, it is essential that the rights and requirements imposed on motorists be fully explained. At a minimum, motorists should be provided with (Md. Code TR § 26-201):

- (a) A copy of the traffic citation.
- (b) An explanation of the violation or charge.
- (c) The court appearance procedure, including the optional or mandatory appearance by the motorist.
- (d) Notice that:
 - 1. The motorist can enter a plea and pay the fine by mail or at the court.
 - 2. Acknowledgement of receipt of the citation is not an admission of guilt.
 - 3. Failure to acknowledge receipt of the citation may subject the motorist to arrest.

500.4.3 PHYSICAL ARREST

Physical arrest can be made for a number of criminal traffic offenses. These cases usually deal with, but are not limited to (Md. Code TR § 26-202):

- (a) A violation relating to vehicles transporting hazardous materials (Md. Code TR § 21-1411; Md. Code TR § 22-409).
- (b) A violation relating to the failure or refusal to submit a vehicle to a weighing or to remove excess weight from the vehicle (Md. Code TR § 24-111; Md. Code TR § 24-111.1).
- (c) The person does not furnish satisfactory evidence of identity.
- (d) The person refuses to acknowledge receipt of a traffic citation by signature (Md. Code TR § 26-203).
- (e) The officer has reasonable grounds to believe that the person will disregard the traffic citation.

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- (f) A violation for any of the following offenses:
 - 1. Driving or attempting to drive while under the influence of alcohol, while impaired by alcohol or in violation of an alcohol restriction.
 - 2. Driving or attempting to drive while impaired by any drug, any combination of drugs, or any combination of one or more drugs and alcohol, or while impaired by any controlled dangerous substance.
 - 3. Failure to stop, give information or render reasonable assistance as required by state law in the event of an accident resulting in bodily injury to or death of any person (Md. Code TR § 20-102; Md. Code TR § 20-104).
 - 4. Driving or attempting to drive a motor vehicle without a driver's license unless exempt or otherwise authorized (Md. Code TR § 16-101).
 - 5. Driving or attempting to drive a motor vehicle while the driver's license or privilege to drive is suspended or revoked.
 - 6. Failure to stop or give information, as required by state law, in the event of an accident resulting in damage to a vehicle or other property (Md. Code TR § 20-103; Md. Code TR § 20-104; Md. Code TR § 20-105).
 - 7. Any offense that caused or contributed to an accident resulting in bodily injury to or death of any person.
 - 8. Fleeing or attempting to elude an officer.
 - 9. Falsifying, manufacturing, possessing or sale of any official document issued by the Maryland Department of Transportation (Md. Code TR § 14-110(b); Md. Code TR § 14-110(c); Md. Code TR § 14-110(d); Md. Code TR § 14-110(e)).
 - 10. Racing a vehicle that results in serious bodily injury to another person (Md. Code TR § 21-1116(a)).
- (g) A person is a nonresident and the officer has probable cause to believe that the person committed a violation that contributed to an accident.

500.5 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members, who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn when increased visibility would improve the safety of the department member or when the member will be exposed to the hazards of passing traffic, maneuvering or operating vehicles, machinery and equipment.

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Examples of when high-visibility vests should be worn include traffic control duties, traffic accident investigations, lane closures and disaster scenes.

When emergency conditions preclude the immediate donning of the vest, members should retrieve and wear the vest as soon as conditions reasonably permit.

Use of the vests shall also be mandatory when directed by a supervisor.

500.5.2 CARE AND STORAGE

High-visibility vests shall be maintained in the trunk of each patrol and investigation vehicle and in the gear bag of each patrol bicycle. Each vest should be stored inside a resealable plastic bag to protect and maintain the vest in a serviceable condition. Before going into service, each member shall ensure that a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained and made available for replacement of damaged or unserviceable vests. The Chief of Police should be promptly notified whenever the supply of vests needs replenishing.

Traffic Accidents

501.1 PURPOSE AND SCOPE

This policy provides guidelines for responding to and investigating traffic accidents.

501.2 POLICY

It is the policy of the Oxford Police Department to respond to traffic accidents and to render or summon aid to injured victims as needed. The Department will investigate and prepare reports according to established minimum reporting requirements with the goal of reducing the occurrence of accidents by attempting to identify the cause of the accident and through enforcing applicable laws. Unless restricted by law, accident reports will be made available to the public upon request.

501.3 RESPONSE

Upon arriving at the scene, the responding member should assess the need for additional resources and summon assistance as appropriate. Generally, the member initially dispatched to the scene will be responsible for the investigation and report, if required, unless responsibility is reassigned.

The Chief of Police shall be called to the scene when the incident:

- (a) Is within the jurisdiction of this department and there is:
 - 1. A life-threatening injury.
 - 2. A fatality.
 - 3. A Town vehicle involved.
 - 4. A Town official or employee involved.
 - 5. Involvement of an on- or off-duty member of this department.
- (b) Is within another jurisdiction and there is:
 - 1. A Town of Oxford vehicle involved.
 - 2. A Town of Oxford official involved.
 - 3. Involvement of an on-duty member of this department.

501.3.1 MEMBER RESPONSIBILITIES

Upon arriving at the scene, the responding member should consider and appropriately address:

- (a) Traffic direction and control.
- (b) Proper placement of emergency vehicles, cones, roadway flares or other devices if available to provide protection for members, the public and the scene.
- (c) First aid for any injured parties if it can be done safely.
- (d) The potential for involvement of hazardous materials.

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- (e) The need for additional support as necessary (e.g., traffic control, emergency medical services, fire department, HAZMAT, tow vehicles).
- (f) Clearance and cleanup of the roadway.

501.4 NOTIFICATION

If a traffic accident involves a life-threatening injury or fatality, the responding officer shall notify the Chief of Police, or if unavailable, the Deputy Chief. The investigating officer may request an Accident Reconstruction Team from an allied agency investigate the incident.

501.4.1 NOTIFICATION OF FAMILY

In the event of a life-threatening injury or fatality, the officer responsible for the incident should ensure notification of the victim's immediate family or coordinate such notification with the Medical Examiner, department chaplain or another suitable person. Notification should be made as soon as practicable following positive identification of the victim.

The identity of any person seriously injured or deceased in a traffic accident should not be released until notification is made to the victim's immediate family,

501.5 MINIMUM REPORTING REQUIREMENTS

An accident report shall be taken when (Md. Code TR § 20-107; Md. Code TR § 20-113):

- (a) A fatality, any injury (including complaint of pain), driving under the influence, or hit and run is involved.
- (b) An on-duty member of the Town of Oxford is involved.
- (c) The accident results in any damage to any Town-owned or leased vehicle.
- (d) The accident involves any other public agency driver or vehicle.
- (e) There is damage to public property.
- (f) The accident involves a public or private school bus.
- (g) There is damage to any vehicle to the extent that towing is required.
- (h) Prosecution or follow-up investigation is contemplated.
- (i) Directed by a supervisor.

Accidents involving a Maryland Transit Administration (MTA) vehicle should be handled by MTA.

501.5.1 PRIVATE PROPERTY

Generally, reports should not be taken when a traffic accident occurs on private property unless there is an injury or fatality, a hit-and-run violation or other traffic law violation. Members may provide assistance to motorists as a public service, such as exchanging information and arranging for the removal of the vehicles.

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501.5.2 TOWN VEHICLE INVOLVED

A traffic accident report shall be taken when a Town vehicle is involved in a traffic accident that results in property damage or injury.

A general information report may be taken in lieu of a traffic accident report when the incident occurs entirely on private property or does not involve another vehicle.

Whenever there is damage to a Town vehicle, a vehicle damage report shall be completed. Photographs should be taken of the scene and the vehicle damage.

501.5.3 INJURED ANIMALS

Department members should refer to the Animal Complaint and make appropriate notifications when a traffic accident involves the disposition of an injured animal or when learning that a domestic animal has been struck by a vehicle (Md. Code TR § 20-106(b)).

501.6 INVESTIGATION

When a traffic accident meets minimum reporting requirements the investigation should include, at a minimum:

- (a) Identification and interview of all involved parties.
- (b) Identification and interview of any witnesses.
- (c) A determination of whether a violation of law has occurred and the appropriate enforcement action.
- (d) Identification and protection of items of apparent evidentiary value.
- (e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on the appropriate forms.

501.6.1 INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY

The Chief of Police or on-duty Chief of Police should request that the Maryland State Police (MSP) or other outside law enforcement agency investigate and complete a traffic accident investigation when a life-threatening injury or fatal traffic accident/collision occurs within the jurisdiction of the Oxford Police Department and involves:

- (a) An on- or off-duty member of the Department.
 - 1. The involved member shall complete the department traffic accident form. If the member is unable to complete the form, the supervisor shall complete it.
- (b) An on- or off-duty official or employee of the Town of Oxford.

Department members shall promptly notify a supervisor when any department vehicle is involved in a traffic accident. The traffic accident investigation and report shall be completed by the agency having jurisdiction.

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501.7 ENFORCEMENT ACTION

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of a traffic law contributed to the accident, authorized members should issue a citation or arrest the offending driver, as appropriate.

More serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced. If a driver who is subject to enforcement action is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

501.8 REPORTS

Department members shall utilize forms approved by the MSP as required for the reporting of traffic accidents. All such reports shall be forwarded to the Patrol Division for approval and filing.

501.8.1 REPORT MODIFICATION

A change or modification of a written report that alters a material fact in the report may be made only by the member who prepared the report, and only prior to its approval and distribution. Once a report has been approved and distributed, corrections shall only be made by way of a written supplemental report. A written supplemental report may be made by any authorized member.

Vehicle Towing

502.1 PURPOSE AND SCOPE

This policy provides guidance related to vehicle towing. Nothing in this policy shall require a member of this department to tow a vehicle.

502.2 POLICY

The Oxford Police Department will tow vehicles when appropriate and in accordance with the law.

502.3 REMOVAL OF VEHICLES DUE TO HAZARD

When a vehicle should be towed because it presents a hazard, the owner or operator should arrange for the towing. Department members may assist by communicating requests through Talbot Center to expedite the process.

If the owner or operator is unable to arrange for towing and the vehicle presents a hazard, the vehicle may be towed at the direction of the department member.

Vehicles that are not the property of the Town should not be driven by department members unless it is necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

502.4 ARREST SCENES

Whenever the owner or operator of a vehicle is arrested, the arresting officer should provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or when appropriate, by having the vehicle towed, such as when the vehicle presents a traffic hazard or the vehicle would be in jeopardy of theft or damage if left at the scene.

Officers are not required to investigate whether alternatives to towing a vehicle exist after an arrest. However, a vehicle should not be towed if reasonable alternatives exist. When considering whether to leave a vehicle at the scene, officers should take into consideration public safety as well as the reasonable safety of the vehicle and its contents.

The following are examples of situations where a vehicle should not be towed:

- The vehicle can be legally parked, left in a reasonably secure and safe location and the vehicle is not needed as evidence.
- The vehicle is parked on private property, on which the arrestee or owner is legally residing, or the property owner does not object to the vehicle being parked at that location.
- The arrestee or owner of the vehicle requests that it be released to a person who is present, willing and able to legally take control of the vehicle.
- The vehicle is legally parked and the arrestee or owner requests that it be left at the scene. In such cases the requestor should be informed that the Department will not be responsible for theft or damages.

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502.5 VEHICLES RELATED TO CRIMINAL INVESTIGATIONS

Officers should tow vehicles that are needed for the furtherance of an investigation or prosecution of a case, or that are otherwise appropriate for seizure as evidence. Officers should make reasonable efforts to return a recovered stolen vehicle to its owner rather than have it towed, so long as the vehicle is not needed for evidence.

502.6 RECORDS

Chief of Police members shall ensure that pertinent data regarding a towed vehicle is promptly entered into the appropriate database.

502.6.1 VEHICLE STORAGE REPORT

Department members towing a vehicle shall complete a vehicle tow report. The report should be submitted to the Chief of Police as soon as practicable after the vehicle is towed.

502.6.2 NOTICE OF TOW

As soon as reasonably possible and within seven days of a vehicle being towed, it shall be the responsibility of the Chief of Police to send a notice of tow to all registered owners and others having a recorded interest in the vehicle. Notice shall be sent to all such individuals by certified mail. The notice shall include (Md. Code TR § 25-204; Md. Code TR § 16-303.1):

- (a) A statement that the vehicle has been taken into custody.
- (b) The location of the vehicle.
- (c) A description of the vehicle, including the following:
 - 1. Color
 - 2. Manufacturer year
 - 3. Make and model
 - 4. License plate number and/or Vehicle Identification Number (VIN)
 - 5. Mileage
- (d) The authority and purpose for the removal of the vehicle.
- (e) An explanation of the procedure for release of the vehicle and for obtaining a vehicle tow hearing.
- (f) Information for the owner, or others having a recorded interest in the vehicle, of the right to reclaim the vehicle within three weeks after the date of the notice, on payment of all towing, preservation and storage charges resulting from taking or placing the vehicle in custody.
 - 1. For vehicles impounded pursuant to Md. Code TR § 16-303.1, the owner or others having a recorded interest in the vehicle shall be notified that the vehicle must be reclaimed within 10 days after the date specified in the applicable court order.

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- (g) A statement that the failure of the owner, or others having a recorded interest in the vehicle, to exercise this right to reclaim the vehicle in the time provided is:
 - 1. A waiver to right, title and interest in the vehicle.
 - 2. Consent to the sale of the vehicle at public auction.
 - 3. Consent by the owner, other than a lessor, to the retention of the vehicle for public purposes as provided by state law (Md. Code TR § 25-207).

If the identity or address of the last registered owner, or others having a recorded interest in the vehicle, cannot be determined or the certified notice is returned as undeliverable, the Chief of Police shall post the notice where the abandoned vehicle was found as provided by state law (Md. Code TR § 25-205(c)).

502.7 TOWING SERVICES

Members shall not show preference among towing services that have been authorized for use by the Department. A rotation or other system established by the Department for tow services should be followed when reasonably practicable.

502.8 VEHICLE INVENTORY

The contents of all vehicles towed at the request of department members shall be inventoried and listed on the inventory report. When reasonably practicable, photographs may be taken to assist in the inventory.

- (a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, any unlocked glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats.
- (b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in any other type of unlocked compartments that are a part of the vehicle, including unlocked vehicle trunks and unlocked car top containers.
- (c) Any locked compartments including, but not limited to, locked glove compartments, locked vehicle trunks, locked hatchbacks and locked car-top containers should be inventoried, provided the keys are available and released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.
- (d) Closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes except for the following: wallets, purses, coin purses, fanny packs, personal organizers, briefcases or other closed containers designed for carrying money, small valuables or hazardous materials.

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Members should ask the occupants whether the vehicle contains any valuables or hazardous materials. Responses should be noted in the inventory report. If the occupant acknowledges that any closed container contains valuables or a hazardous material, the container shall be opened and inventoried. When practicable and appropriate, such items should be removed from the vehicle and given to the owner, or booked into property for safekeeping.

Any cash, jewelry or other small valuables located during the inventory process will be held for safekeeping, in accordance with the Chief Policy. A copy of the property receipt should be given to the person in control of the vehicle, or if that person is not present, left in the vehicle.

A copy of the vehicle inventory will be given to the tow truck operator.

These inventory procedures are for the purpose of protecting the vehicle owner's property, providing for the safety of department members and protecting the Department against fraudulent claims of lost, stolen or damaged property.

Towing a vehicle in order to perform an inventory should not be used as a pretext for an evidence search. Nothing in this policy prevents the towing of a vehicle that would occur for reasons independent of any suspicion that the vehicle may contain evidence if it is otherwise justified by law or this policy.

502.9 SECURITY OF VEHICLES AND RETRIEVAL OF PROPERTY

If the search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, the department member conducting the search shall take such steps as are reasonably necessary to secure or protect the vehicle or property from such hazards.

Unless it would cause an unreasonable delay in towing the vehicle or create an issue of officer safety, reasonable accommodations should be made to permit the owner, operator or occupant to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions), which are not considered evidence or contraband.

Members who become aware that a vehicle may have been towed by the Department in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the owner or his/her agent to request a hearing to contest the tow.

Under the Influence/Impaired Driving

503.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence/driving while impaired (DUI/DWI).

503.2 POLICY

The Oxford Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Maryland's impaired driving laws.

503.3 INVESTIGATIONS

All officers are expected to enforce these laws with due diligence.

The Chief of Police will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI/DWI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FST) administered and the results.
- (b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in this state or another jurisdiction.

503.4 FIELD TESTS

The Chief of Police should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI/DWI laws.

503.5 CHEMICAL TESTS

A person implies consent under Maryland law to a chemical test or tests, and to providing the associated chemical sample, when an officer has detained the person on suspicion of driving or attempting to drive a motor vehicle when the person is (Md. Code TR § 16-205.1(a)(2); Md. Code TR § 16-205.2(a); Md. Code TR § 16-813):

- (a) Under the influence of alcohol or impaired by alcohol.
- (b) So impaired by any drug, any combination of drugs or a combination of a drug and alcohol that he/she cannot safely drive a vehicle.

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Under the Influence/Impaired Driving

- (c) Impaired by a controlled dangerous substance.
- (d) In violation of an alcohol restriction.
- (e) Driving, operating or in physical control of a commercial vehicle with any concentration of alcohol in his/her blood or breath.

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

A test to determine alcohol concentration shall be taken within two hours after the person is apprehended. A test to determine the presence of a drug or a controlled dangerous substance shall be taken within four hours after the person is apprehended (Md. Code CJ § 10-303).

503.5.1 TYPE OF TEST

A blood test may be required: (Md. Code CJ § 10-305):

- (a) To determine alcohol concentration when:
 - 1. Injuries to the person require removal of the arrestee to a medical facility.
 - 2. Equipment for administering the test of breath is not available.
 - 3. An officer has reasonable grounds to believe a person who was involved in a motor vehicle accident that resulted in death or a life-threatening injury to another person was driving while under the influence or impaired by alcohol or drugs, pursuant to Md. Code TR § 16-205.1(c)(1)(ii) or (c)(1)(iii).
- (b) The officer reasonably believes that the impairment is caused by drug or controlled dangerous substance content.

503.5.2 STATUTORY NOTIFICATIONS

Officers shall advise the detained person that:

- (a) Neither a refusal nor the taking of a preliminary breath test shall prevent or require a subsequent chemical test (Md. Code TR § 16-205.2(b)).
- (b) Upon receipt of a sworn statement from the officer that the person was charged with DUI/DWI and refused to take a test, or was tested and the result indicated an alcohol concentration of 0.08 or more, the Motor Vehicle Administration (MVA) shall (Md. Code TR § 16-205.1(b)):
 - 1. Suspend the person's driving privilege pursuant to state law.
 - 2. Disqualify the person's privilege to operate a commercial vehicle pursuant to state law.

The result of the preliminary breath test shall be used only to decide whether an arrest should be made (Md. Code TR § 16-205.2(c)).

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503.5.3 BREATH SAMPLES

Unless otherwise required by law, a breath test shall be used to determine alcohol concentration (Md. Code CJ § 10-305(a)). These tests will be administered by the Maryland State Police or other capable allied agency,

503.5.4 BLOOD SAMPLES

Only a qualified medical person trained in the use of equipment that has been approved under the Postmortem Examiners Commission shall draw blood to collect blood samples. The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task (Md. Code CJ § 10-304(c)(1)).

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test shall not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

503.6 REFUSALS

When an arrestee refuses to provide a chemical sample, officers should (Md. Code TR § 16-205.1(b)(2)):

- (a) Advise the arrestee of the requirement to provide a sample and the administrative sanctions or criminal penalties for refusal (Md. Code TR § 16-205.1(b)(1)).
- (b) Audio- and/or video-record the admonishment and the response when practicable.
- (c) Document the refusal in the appropriate report.

Any person who drives, operates or is in physical control of a commercial motor vehicle and refuses to take a chemical test to determine the alcohol concentration shall be placed out of service for the 24-hour period immediately following the time the officer detects alcohol in the driver's blood or breath (Md. Code TR § 16-813(b)).

503.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to an alcohol concentration test or a drug and controlled dangerous substance test, officers shall (Md. Code TR § 16-205.1(b)(3)):

- (a) Confiscate the person's driver's license.
- (b) Personally serve an order of suspension of the driver's license on the person.
- (c) Issue a temporary license to drive.
- (d) Inform the person that the temporary license allows the person to continue driving for 45 days.
- (e) Inform the person of his/her rights, as listed on the MVA Advice of Rights form.

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503.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample should be obtained when any of the following conditions exist:

- (a) A person has refused to submit to a chemical test and the officer has reasonable grounds to believe that the person was involved in a vehicle accident while driving under the influence of alcohol or a controlled substance that resulted in serious bodily injury or death of another (Md. Code TR § 16-205.1(c)(1)).
- (b) The officer has reasonable grounds to believe a person was driving while under the influence of alcohol or a controlled substance and the person is dead, unconscious or otherwise in a condition that renders him/her incapable of refusing a test. (Md. Code CJ § 10-305; Md. Code TR § 16-205.1(d)(1)).
- (c) A warrant is required if either of these circumstances exists, unless the officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay resulting from an accident investigation or medical treatment of the person.

503.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer), and attempt to persuade the individual to submit to providing such a sample without physical resistance.
 - 1. This dialogue should be recorded on audio and/or video when practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure that the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
 - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 - 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
 - 3. In felony cases, force that reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

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- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform the duties of a supervisor, as set forth above.

503.7 ARREST AND INVESTIGATION

503.7.1 REPORTING

The Chief of Police shall ensure that this department complies with all state reporting requirements pursuant to Md. Code TR § 16-205.1(b)(3)(viii).

503.7.2 TEST ADMINISTERED BY OUTSIDE PHYSICIAN

A person is permitted to have a physician of his/her own choosing administer tests, in addition to the test administered at the direction of an officer. In the event a test was neither offered nor requested by the officer, the person may request, and the officer shall have administered, one or more of the tests provided by state law (Md. Code CJ § 10-304(e)).

503.8 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

503.9 ADMINISTRATIVE HEARINGS

The Chief of Police will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the MVA.

Any officer who receives notice of required attendance at an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and the MVA file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

Safety Equipment Repair Orders (SERO), Traffic and Parking Citations

504.1 PURPOSE AND SCOPE

This policy outlines the responsibilities for issuing, correcting, voiding and dismissing Safety Equipment Repair Order (SERO), traffic and parking citations.

504.2 POLICY

It is the policy of the Oxford Police Department to enforce traffic laws fairly and equally. Authorized members may issue a SERO, traffic citation, parking citation, or written/printed warning based upon the circumstances of the contact and in the best interest of the motoring public and community safety.

504.3 RESPONSIBILITIES

The Chief of Police shall be responsible for the supply and accounting of all SERO, traffic and parking citation books issued to members of this department using Motor Vehicle Administration (MVA) inventory withdrawal forms (COMAR 11.17.18.01; COMAR 11.17.18.02). Citations and SERO forms will be kept in a secure location and issued to members by the Chief of Police staff. SERO forms (MSP Form 157) may be obtained from the Maryland State Police (MSP) Automotive Safety Enforcement Division (ASED).

Members will sign for the SERO or citation books when issued or upon return of unused citations. A traffic citation book may not be reassigned to another member or another law enforcement agency without the prior authorization of the MVA. Members may not lend, borrow or share traffic citations (COMAR 11.17.18.03).

The Chief of Police or the authorized designee shall submit a report on official letterhead advising the MVA within five days of any lost, stolen, mutilated or destroyed traffic citation (COMAR 11.17.18.04(B)).

Upon request, the Chief of Police or the authorized designee shall account for the disposition of traffic citations in a format and within the time required by MVA (COMAR 11.17.18.04(D)).

504.3.1 WRITTEN WARNINGS

Written warnings may be issued when the department member believes it is appropriate. The Chief of Police should maintain information relating to traffic stops in which a written warning is issued. Written warnings are retained by this department in accordance with the established records retention schedule.

504.4 TRAFFIC CITATIONS

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Safety Equipment Repair Orders (SERO), Traffic and Parking Citations

504.4.1 ISSUANCE

Upon issuing a traffic citation, members shall ask the person to acknowledge receipt of a copy of the citation and advise the person that failure to acknowledge receipt may lead to the person's arrest (Md. Code TR § 26-201(b); Md. Code TR § 26-203).

Following issuance of a traffic citation, members shall promptly file an electronic or written copy of the citation with the District Court. If the person acknowledges receipt on a written copy of the citation, members shall keep that copy to produce as evidence if required in court and dispose of the other copies of the citation in accordance with the regulations adopted by the MVA (Md. Code TR § 26-407(b)).

504.4.2 CORRECTION

When a traffic citation is issued but is in need of correction, the member issuing the citation shall submit the citation and a letter to his/her immediate supervisor requesting a specific correction. Once approved, the citation and letter shall then be forwarded to the Chief of Police. The Chief of Police or the authorized designee shall prepare a letter of correction to the District Court having jurisdiction and notify the citation recipient in writing.

504.4.3 VOIDING

Voiding a traffic citation may occur when the citation has not been completed or when it is completed but not issued. All copies of the voided citation shall be presented to a supervisor for approval. The citation and copies shall then be forwarded to the Chief of Police.

504.4.4 DISMISSAL

Members of this department do not have the authority to dismiss a traffic citation once it has been issued. Upon a review of the circumstances involving the issuance of the traffic citation, the Chief of Police may request the Patrol Chief of Police to recommend dismissal. If approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal (Md. Code TR § 26-407(c); Md. Code TR § 26-407(g)).

Any request from a recipient to dismiss a citation shall be referred to the District Court (Md. Code TR § 26-408).

Prior to a court hearing, a member may submit a request for dismissal of a traffic citation to his/her supervisor. The request must be in writing and should include the reason for dismissal (i.e., in the interest of justice, prosecution is deemed inappropriate). Upon a review of the circumstances involving the issuance of the traffic citation, the supervisor may forward the request to the Patrol Chief of Police to recommend dismissal. If approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal.

Should a member determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the member may request the court to dismiss the citation. Upon such dismissal, the member shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required, and forward it to the Patrol Chief of Police for review.

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504.4.5 DISPOSITION

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the member's immediate supervisor for review by the end of each shift. The citation copies shall then be filed with the Chief of Police.

Upon separation from appointment or employment with this department, all members who were issued traffic citations books shall return any unused citations to the Chief of Police.

504.4.6 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency and the type of offense should be considered before issuing a juvenile a citation.

504.4.7 DATA COLLECTION

Whenever an officer conducts a traffic stop and detains the driver for any period of time for a violation of the Maryland Vehicle Law, he/she shall document the stop as required by law (Md. Code TR § 25-113(d)).

The following are exempt from the reporting requirement:

- Checkpoint or roadblock stops
- Stops of multiple vehicles due to a traffic accident or emergency situation requiring vehicles to stop for public safety purposes
- Stops based on the use of radar, laser or Visual Average Speed Computer and Recorder (VASCAR) technology
- Stops based on the use of automated license plate reader (ALPR) technology

Traffic stop data shall be reported and reviewed as specified in the Bias-Based Policing Policy.

504.5 PARKING CITATION APPEALS

Parking citations may be appealed in accordance with local and state law.

An appeal of a parking citation must be received by this department at least five days prior to the date of payment set forth on the citation. The Chief of Police shall forward a copy of the notice of intention to stand trial and a copy of the parking citation to the District Court (Md. Code CJ § 7-302(d); Md. Code TR § 26-303(a)).

If the presence of the member who issued the citation is required at trial and the Department has received notice, the member shall appear at trial. Absent proper notice, the member need not appear at the trial and the copy of the citation bearing the certification of the member is prima facie evidence of the facts stated in it (Md. Code TR § 26-303(b)).

504.6 SERO

An officer may issue a SERO for defective safety equipment on all classes of Maryland registered motor vehicles, trailers and semi-trailers except those vehicles displaying historic license plates,

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interchangeable license plates and temporary registration plates. Specific equipment violations subject to a SERO is maintained by the MSP and are included on the SERO form (Md. Code TR § 23-105(a)).

An officer shall complete a visual inspection and certification upon contact by a member of the public or as assigned (Md. Code TR § 23-105(c)).

504.7 RECORDS

For each citation issued, this department shall keep:

- (a) Every citation, or a record of every citation, for at least three years after issuance (COMAR 11.17.18.04).
- (b) A record of the disposition of the charge by the District Court (Md. Code TR § 26-407(e)).

Disabled Vehicles

505.1 PURPOSE AND SCOPE

This policy establishes guidelines for department members who provide assistance to motorists in disabled vehicles within the primary jurisdiction of the Oxford Police Department.

505.2 POLICY

It is the policy of the Oxford Police Department to assist motorists with disabled vehicles until those vehicles are safely removed from the roadway. Members should take appropriate action to mitigate potential problems when a vehicle constitutes a traffic hazard or the safety of the motorist is a concern.

505.3 RESPONSIBILITIES

When an on-duty member of this department sees a disabled vehicle on the roadway, the member should make a reasonable effort to provide assistance. If this is not reasonably possible, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another department member to respond as soon as practicable.

505.4 ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department members will be contingent on the time of day, the location, the availability of department resources and the vulnerability of the disabled motorist.

505.4.1 MECHANICAL REPAIRS

Department members shall not make mechanical repairs to a disabled vehicle. The use of push bumpers is authorized in emergency situations only.

505.4.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

505.4.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and dispositions of criminal investigations.

600.2 POLICY

It is the policy of the Oxford Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - 1. An initial statement from any witnesses or complainants.
 - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
 - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 - 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Chief of Police.
 - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 - 5. Collect any evidence.
 - 6. Take any appropriate law enforcement action.
 - 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary and what other resources may be available, and advise the informant or complainant of this information.

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600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.4.1 AUDIO/VIDEO RECORDINGS

An officer conducting a custodial interrogation of an individual who is suspected of having committed any violent felony offense, including murder, rape, sexual offense in the first degree or sexual offense in the second degree, shall make reasonable efforts to create an audiovisual recording in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings (Md. Code CP § 2-402).

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Criminal Investigations Unit supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes. An audio or audiovisual recording made by a law enforcement unit of a custodial interrogation of a criminal suspect is exempt from the Maryland Wiretapping and Electronic Surveillance Act (Md. Code CP § 2-403).

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

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- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor; charges have been filed; further investigation is not reasonable, warranted or requested; and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- (f) Investigation has proved that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners from an outside agency assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the Internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

600.7.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses,

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requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

Sexual Assault Investigations

601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notification requirements are addressed in the Child Abuse and Adult Abuse policies.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in Md. Code CR § 3-301 et seq. (Sexual Crimes).

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims (Md. Code CP § 11-923).

601.2 POLICY

It is the policy of the Oxford Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

601.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies, and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates, and support for the victim (Md. Code CP § 11-926).
- (f) Participate in or coordinate with the SART or other multidisciplinary investigative teams as applicable.

Officers who do not have the required specialized training should request assistance from the Talbot County Sheriffs Office or other available allied agency.

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Sexual Assault Investigations

601.4 REPORTING

In all reported or suspected cases of sexual assault, a report shall be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

601.5 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call the victim makes to Talbot Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of the SART should be included in the initial victim interviews.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded should be included in a report.

Victims should not be asked or required to take a polygraph examination (34 USC § 10451).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

601.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing (Md. Code PS § 2-504(a)(3)(iii)).

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

601.6.1 DNA TEST RESULTS

Members investigating sexual assault cases should (Md. Code CP § 11-926; COMAR 02.08.01.03):

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- (a) Within 30 days of any request by a victim, provide notification regarding the department's decision as to whether to send a sexual assault evidence kit for analysis; and if sent, the status and results, unless doing so would impede or compromise the investigation.
- (b) If no request is made, victims should be notified of any DNA test results as soon as reasonably practicable.

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in COMAR 02.08.02.04 and the Victim and Witness Assistance Policy.

Members investigating sexual assault cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

601.6.2 COLLECTION AND TESTING REQUIREMENTS

Members investigating sexual assaults or handling related evidence are required to do the following:

- (a) Offer the alleged victim the opportunity to be taken immediately to the nearest medical facility. The offer shall be made without regard for the place of the alleged sexual assault or where it is reported (Md. Code CP § 11-924(b)).
- (b) Inform any victim who wants to remain anonymous and not file a criminal complaint that the victim may file a criminal complaint in the future (Md. Code CP § 11-926).
- (c) Submit any sexual assault evidence collection kit and any associated reference standards to a forensic laboratory for analysis within 30 days of receipt unless (Md. Code CP § 11-926):
 - 1. Clear evidence exists that disproves the sexual assault allegation.
 - 2. The alleged facts do not amount to a sexual assault, abuse, a crime relating to prostitution, or another covered crime.
 - 3. The victim from whom the evidence was collected declines to give consent for testing.
 - 4. The evidence was collected from a suspect who has pleaded guilty to the offense for the purpose of entry into the Combined DNA Index System (CODIS).
- (d) If not already completed, take steps to enter any eligible results of the analysis of a kit into CODIS (Md. Code CP § 11-926).
- (e) Promptly retrieve sexual assault evidence collection kits upon notice of their availability (e.g., a hospital calls and advises a kit is ready for law enforcement collection) (COMAR 02.08.01.04).
- (f) Record in the department's records management system all information necessary for reporting the required information about sexual assault evidence collection kits

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in the member's control or possession to the reporting program established by the Governor's Office of Crime Prevention, Youth, and Victim Services and ensure compliance with related regulations (Md. Code CP § 11-926.1). See the Chief of Police Policy for reporting responsibilities.

Additional guidance regarding evidence retention and destruction is found in the Property Policy.

601.7 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Chief of Police.

Classification of a sexual assault case as unfounded requires the determination that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

601.8 CASE REVIEW

The Chief of Police should ensure cases are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit.

601.9 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Chief of Police should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

601.10 TRAINING

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
 1. Initial response to sexual assaults.
 2. Legal issues.
 3. Victim advocacy.
 4. Victim's response to trauma.

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601.11 ASSIGNMENT OF COMPLAINT

When responding to reports of sexual assaults involving a Department member, Town employee, or Town elected official, or, at the discretion of the Chief of Police, an immediate family member of a Department member, Town employee, or elected official, the investigation shall be transferred to the Talbot County Sheriffs Office, or another outside agency.

Eyewitness Identification

602.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Md. Code PS § 3-506).

602.1.1 DEFINITIONS

Definitions related to this policy include (Md. Code PS § 3-506.1):

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

602.2 POLICY

The Oxford Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

602.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

602.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Chief of Police shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.
- (c) The name of the person administering the identification procedure.

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- (d) If applicable, the names of all individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification (Md. Code PS § 3-506.1).
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures, instructions and identification statement.
- (j) A signed statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure (Md. Code PS § 3-506.1).

The process and related forms should be reviewed at least annually and modified when necessary.

602.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

602.6 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup (Md. Code PS § 3-506.1).

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

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The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

602.6.1 MULTIPLE EYEWITNESSES

When there are multiple eyewitnesses (Md. Code PS § 3-506.1):

- (a) The identification procedure shall be conducted separately for each eyewitness.
 - 1. Instructions shall be provided to each eyewitness outside the presence of other eyewitnesses.
- (b) The suspect shall be placed in a different position for each identification procedure conducted for each eyewitness.
- (c) The eyewitnesses may not be allowed to communicate with each other until all identification procedures have been completed.

602.6.2 MULTIPLE SUSPECTS

If an eyewitness has previously participated in an identification procedure in connection with the identification of another person suspected of involvement in the offense, the fillers in the identification procedure shall be different from the fillers used in any prior identification procedure (Md. Code PS § 3-506.1).

602.6.3 NUMBER OF LINEUP MEMBERS

Lineups shall consist of the following number of members, not including the suspect (Md. Code PS § 3-506.1).

- (a) For a live lineup, at least four persons.
- (b) For a photo lineup, at least five photographs.

602.7 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identification. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
 - 1. The length of time the witness observed the suspect.

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2. The distance between the witness and the suspect.
 3. Whether the witness could view the suspect's face.
 4. The quality of the lighting when the suspect was observed by the witness.
 5. Whether there were distracting noises or activity during the observation.
 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
 7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
 - (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
 - (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
 - (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
 - (g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
 - (h) If a witness positively identifies a subject of a show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

602.8 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification shall be documented in the case report (Md. Code PS § 3-506.1).

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness shall be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

A written record is not required if a video or audio record of the identification procedure is made that captures all of the information specified in Md. Code PS § 3-506.1.

Brady Information

603.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

603.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the Oxford Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

603.2 POLICY

The Oxford Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Oxford Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

603.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the department case file.

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603.4 BRADY PROCESS

The Chief of Police shall select a member of the Department to coordinate requests for *Brady* information. This person shall be directly responsible to the Chief of Police or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

- (a) Working with the appropriate prosecutors' offices and the Town Attorney's office to establish systems and processes to determine what constitutes *Brady* information and the method for notification and disclosure.
- (b) Maintaining a current list of members who have *Brady* information in their files or backgrounds.
 - 1. Updating this list whenever potential *Brady* information concerning any department member becomes known to the Department or is placed into a personnel or internal affairs file.

603.5 DISCLOSURE OF REQUESTED INFORMATION

If *Brady* information is located, the following procedure shall apply:

- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member whose file is related to the motion shall be notified of the potential presence of *Brady* information.
- (b) The prosecuting attorney or Town Attorney should be requested to file a motion in order to initiate an in-camera review by the court.
 - 1. If no motion is filed, the Custodian of Records should work with the appropriate counsel to determine whether the records should be disclosed to the prosecutor.
- (c) The Custodian of Records shall accompany all relevant personnel files during any in-camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.
- (d) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
 - 1. Prior to the release of any information pursuant to this process, a protective order should be requested from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.
- (e) If a court has determined that relevant *Brady* information is contained in a member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

603.6 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the

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information shall be investigated and processed in accordance with the Personnel Complaints Policy.

603.7 SUBPOENA PROCESSING

The individual processing subpoenas (or the supervisor of the subpoenaed member) shall check the subpoenaed member's name against the current list of those who are known to have *Brady* information in their files or background, and shall alert the coordinator if a person on the list is subpoenaed.

603.8 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

Warrant Service

604.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

604.2 POLICY

It is the policy of the Oxford Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

604.3 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor for review and classification of risk (see the Operations Planning and Deconfliction Policy).

604.4 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the Chief of Police. Risk Assessments screening in as high risk will be forwarded to the Easton Police Department Crisis Response Unit or other available Tactical Team for approval and service. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

604.5 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

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- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution (Md. Code CP § 1-203).
- (b) A clear explanation of the affiant's training, experience and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the *Brady* Information Policy).

604.5.1 WARRANT EXECUTION PROCEDURES

The Chief of Police should establish procedures regarding execution of search warrants (e.g., appropriate approvals and training, time of service limitations, measures for participants to be identifiable and recognizable as uniformed officers, use of body-worn cameras where required) (Md. Code CP § 1-203).

604.6 HIGH-RISK WARRANT SERVICE

The Chief of Police or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed. Warrants classified as High Risk will be served by the Easton Police Department Crisis Response Unit or other available Tactical Team.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- (b) Body-worn cameras should be used by officers executing the warrant (Md. Code CP § 1-203) (see the Portable Audio/Video Recorders Policy).

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- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.
- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

604.7 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

604.8 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

604.9 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The Chief of Police will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities

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- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the Chief of Police. The Chief should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The Chief should ensure that members of the Oxford Police Department are utilized appropriately. Any concerns regarding the requested use of Oxford Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If officers intend to serve a warrant outside Oxford Police Department jurisdiction, the Chief of Police should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Oxford Police Department when assisting outside agencies or serving a warrant outside Oxford Police Department jurisdiction.

604.10 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

604.11 TRAINING

The Chief of Police should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

Chapter 7 - Equipment

Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

The policy addresses the care of department-owned property and the role of the Department when personal property, the property of another or department-owned property is damaged or lost.

700.2 POLICY

Members of the Oxford Police Department shall properly care for department property assigned or entrusted to them. Department-owned property that becomes damaged shall be promptly replaced. Members' personal property that becomes damaged during the performance of assigned duties will be reimbursed in accordance with this policy.

700.3 DEPARTMENT PROPERTY

All property and equipment issued by the Department shall be documented in the appropriate property sheet or equipment log. Receipt of issued items shall be acknowledged by the receiving member's signature. Upon separation from the Department, all issued property and equipment shall be returned. Documentation of the return shall be acknowledged by the signature of a supervisor.

700.3.1 CARE OF PROPERTY

Members shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property that has been assigned or entrusted to them.

Intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to, the cost of repair or replacement.

- (a) Members shall promptly report, through their chain of command, any loss, damage to, or unserviceable condition of any department-issued property or equipment.
 - 1. A supervisor receiving such a report shall conduct an investigation and direct a memo to the appropriate Chief of Police, which shall include the result of the investigation and whether misconduct or negligence caused the loss, damage or unserviceable condition.
 - 2. A review by command staff should determine whether additional action is appropriate.
- (b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or otherwise reasonable by circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

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- (d) Department property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.
- (e) A supervisor's approval is required before any attempt to repair damaged or unserviceable property is made by a member.

700.4 PERSONAL PROPERTY

Carrying and/or using personal property or equipment on-duty requires prior written approval by the Chief of Police. The member should submit a request that includes a description of the property, and the reason and length of time it will be used. Personal property of the type routinely carried by persons who are not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

The Department will not replace or repair costly items (e.g., jewelry, expensive watches, exotic equipment) that are not reasonably required as part of work.

700.4.1 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage to, or loss of, personal property must be made via intradepartmental memorandum.. This memo is submitted to the Chief of Police. The Chief of Police may require a separate written report.

The Chief of Police shall investigate and direct a memo to the Town Administrator, which shall include the result of the investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

Upon review and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police, who will then forward the claim to the Town Administrator who will be responsible for issuing payments.

700.5 DAMAGE TO PROPERTY OF ANOTHER

Members who intentionally or unintentionally damage or cause to be damaged the real or personal property of another while performing any law enforcement function shall promptly report the damage to the Chief of Police.

The Chief of Police shall conduct an investigation and direct a memo to the Town Manager, which shall include the result of the investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

A review of the incident by command staff to determine whether misconduct or negligence was involved should be completed.

700.5.1 DAMAGE BY PERSONNEL OF ANOTHER AGENCY

Personnel from another agency may intentionally or unintentionally cause damage or cause to be damaged the real or personal property of the Town of Oxford or of another person while performing their duties within the jurisdiction of this department. It shall be the responsibility of the department member present or the member responsible for the property to report the damage as follows:

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- (a) A verbal report shall be made to the Chief of Police as soon as circumstances permit.
- (b) A written report shall be submitted before the member goes off-duty.

The Chief of Police shall conduct an investigation and direct a memo to the appropriate Town Administrator, which shall include the result of the investigation and whether misconduct or negligence caused the loss, damage or unserviceable condition.

Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.2 POLICY

The Oxford Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable Maryland Public Information Act (PIA) laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

701.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Department-issued or funded PCDs may not be used for personal business either on or off-duty unless authorized by the Chief of Police or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

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Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

701.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The personally owned PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.
 - 1. Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Chief of Police.
- (e) The device shall not be utilized to record or disclose any department business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the Department, without the express authorization of the Chief of Police or the authorized designee.
- (f) Use of a personally owned PCD while at work or for work-related business constitutes consent for the Department to access the personally owned PCD to inspect and copy data to meet the needs of the Department, which may include litigation, PIA retention and release obligations and internal investigations. If the personally owned PCD is carried on-duty, members will provide the Department with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the Oxford Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements or memorandums of understanding, or if the member has prior express authorization from his/her supervisor, the member may engage in department business-related communications. Should members engage in such approved off-duty communications or work, members entitled to

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compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

701.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (b) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (c) Members are prohibited from taking pictures, making audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.
- (d) Members will not access social networking sites for any purpose that is not official department business.
- (e) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

701.7 CHIEF OF POLICE RESPONSIBILITIES

The responsibilities of Chief of Police include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
 - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
 - 2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

701.8 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information

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is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

701.9 USE WHILE DRIVING

The use of a PCD while driving is only permitted for officers who are acting within the scope of their official duties. However, such use can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Therefore, officers should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD (Md. Code TR § 21-1124.2).

Except in an emergency, members who are operating vehicles that are not equipped with lights and siren shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (Md. Code TR § 21-1124.2). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

Vehicle Maintenance

702.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that department vehicles are appropriately maintained.

702.2 POLICY

The Oxford Police Department will service department vehicles to ensure they remain operational and maintain their appearance, as resources allow.

702.3 GENERAL DUTIES

Members are responsible for assisting in maintaining department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

702.4 DEFECTIVE VEHICLES

When a vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service. Proper documentation shall be promptly completed by the member who becomes aware of the defective condition and forwarded for action.

Documents describing the correction of the safety issue shall be filed with the vehicle history without delay.

702.4.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

702.4.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

702.4.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

702.5 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles.

702.5.1 PATROL VEHICLES

Members shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is in the vehicle:

- 1 roll crime scene barricade tape
- 1 first-aid kit and CPR mask

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- 1 fire extinguisher
- 1 sharps container
- 1 high-visibility vest
- 1 hazardous materials emergency response handbook
- Spare tire, jack and lug wrench
- 4 traffic cones

702.6 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, patrol vehicles shall not be placed into service with less than one-quarter tank of fuel. Patrol vehicles should not be retired at the end of shift with less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized location.

702.7 WASHING OF VEHICLES

Vehicles shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to maintain the professional appearance of the Department.

Patrol officers shall obtain clearance from the dispatcher before going to the car wash. Only one patrol vehicle should be at the car wash at a time..

Members using a vehicle shall remove any trash or debris at the end of their shifts. Confidential material should be placed in a designated receptacle that has been provided for shredding this material.

Vehicle Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the Town of Oxford to provide assigned take-home vehicles.

703.2 POLICY

The Oxford Police Department provides vehicles for department-related business and may assign patrol vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

703.3 USE OF VEHICLES

703.3.1 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Chief of Police. A notation will be made on the shift assignment roster indicating the member's name and vehicle number.

This subsection does not apply to those who are assigned to transport vehicles to and from the maintenance yard or car wash.

703.3.2 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.3.3 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency

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lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

703.3.4 MOBILE DATA TERMINAL

Members assigned to vehicles equipped with a Mobile Data Terminal (MDT) shall log onto the MDT with the required information when going on-duty. If the vehicle is not equipped with a working MDT, the member shall notify the Talbot Center. Use of the MDT is governed by the Mobile Data Terminal Use Policy.

703.3.5 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by personnel other than supervisors will require Chief of Police approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

703.3.6 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

703.3.7 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than Town personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized by the Chief of Police.

703.3.8 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

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703.3.9 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

703.3.10 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

703.4.1 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the member's duties, job description and essential functions; and the member's employment or appointment status. Residence in the Town of Oxford is a prime consideration for assignment of a take-home vehicle.

Members are cautioned that under federal and local tax rules, personal use of a Town vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
 - 1. In circumstances when a member has been placed on call by the Chief of Police and there is a high probability that the member will be called back to duty.
 - 2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
 - 3. When the member has received permission from the Chief of Police.

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4. When the vehicle is being used by the Chief of Police or members who are in on-call administrative positions.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDT and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
 1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
 2. All weapons shall be secured while the vehicle is unattended.
 3. All department identification, portable radios and equipment should be secured.
- (g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
- (h) Vehicles are to be secured at the Oxford Public Works facility when a member will be away (e.g., on vacation) for periods exceeding one week.
- (i) The member is responsible for the care and maintenance of the vehicle.

703.4.2 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Oxford Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

703.4.3 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.

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- (b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.
- (d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
- (f) All weapons shall be removed from any vehicle left for maintenance.
- (g) Supervisors shall make periodic inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

703.5 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic accident or otherwise incurs damage, the involved member shall promptly notify the Chief of Police. Any traffic accident report shall be filed with the agency having jurisdiction (see the Traffic Accidents Policy).

Damage to any department vehicle that was not caused by a traffic accident shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Chief of Police. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

703.6 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempt from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

- (a) Members operating department vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the Town for any toll fees incurred in the course of official business.
- (b) Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the Chief of Police within five working days explaining the circumstances.

703.7 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

Chapter 8 - Support Services

Property

800.1 PURPOSE AND SCOPE

This policy provides guidelines for the proper processing, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and identifies those persons authorized to remove and/or destroy property.

800.1.1 DEFINITIONS

Definitions related to this policy include:

Property - All articles placed in secure storage, including the following:

- Evidence - Items taken or recovered in the course of an investigation that may be used in the prosecution of a case, including photographs and latent fingerprints.
- Found property - Items found by members of the Department or the public that have no apparent evidentiary value and where the owner cannot be readily identified or contacted.
- Safekeeping - Items received by the Department for safekeeping, such as a firearm, the personal property of an arrestee that has been not taken as evidence, and items taken for safekeeping under authority of law.

800.2 POLICY

It is the policy of the Oxford Police Department to process and store all property in a manner that will protect it from loss, damage or contamination, while maintaining documentation that tracks the chain of custody, the location of property and its disposition.

800.3 SECURITY

The Chief shall maintain secure storage and control of all property in the custody of this department.

800.3.1 REFUSAL OF PROPERTY

The Chief has the obligation to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the Chief refuse an item of property, he/she shall maintain secure custody of the item in a temporary property locker or other safe location and inform the submitting member's supervisor of the reason for refusal and the action required.

800.3.2 KEY CONTROL

Evidence Locker keys and access codes should be maintained by the Chief of Police and Deputy Chief of Police..

800.3.3 ACCESS

Only authorized members shall have access to property storage areas. Any individual who needs to enter the property storage area (e.g., maintenance or repair contractors) must be approved by and accompanied by the Chief of Police or Deputy Chief of Police.

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800.4 PROPERTY HANDLING

The member who first comes into possession of any property is generally responsible for the care, custody and control of such property until it is processed and placed in a temporary property locker or storage area. Care shall be taken to maintain the chain of custody for all items of evidence.

Whenever property is taken from an individual, a property receipt form will be completed. The receipt shall describe the property and contain a notice on how to retrieve the property from the Department. A copy of the property receipt form shall be given to the individual from whom the property was taken.

800.4.1 PROCESSING AND PACKAGING

All property must be processed prior to the responsible member going off-duty.. Members shall process and package property as follows:

- (a) A property form shall be completed, separately describing each item of property. List all known information including:
 - 1. Serial numbers
 - 2. Owner's name
 - 3. Finder's name
 - 4. Other identifying information or markings
- (b) Property shall be packaged in a container suitable for its size.
- (c) A property tag or label shall be completed and attached to the property or container in which the property is stored.
- (d) The case number shall be indicated on the property tag, label, or container.
- (e) The property form shall be placed in the evidence log book.
- (f) The property shall be placed in a temporary property locker. Items too large to fit in a temporary property locker may be placed in a designated storage area (Juvenile Cell) and secured from unauthorized entry.

800.4.2 EXCEPTIONAL PROCESSING

The following items require special consideration and shall be processed as follows, unless special conditions dictate a reasonable deviation:

Bicycles - Bicycles and bicycle frames shall have a property tag securely attached and should be placed in the Juvenile Cell.

Biological and related items - Evidence that may contain biological samples shall be indicated as such on the property form.

Property stained with bodily fluids, such as blood or semen, shall be air-dried in a secure location prior to processing.

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Items of evidence collected from a crime scene that require specific storage requirements pursuant to laboratory processing shall have such storage requirements clearly indicated on the property form.

Items that are potential biohazards shall be appropriately packaged and marked "Biohazard" to reduce the risk of exposure or contamination.

Cash - Cash shall be counted in the presence of another member. The cash shall be placed in a property envelope and initialed by both members.

Explosives and fireworks - Explosives will not be retained in the police facility. Fireworks that are considered stable and safe, as well as road flares or similar signaling devices, may be stored in proper containers in an area designated for storage of flammable materials.

Firearms and other weapons - Firearms shall be unloaded and packaged separately from ammunition. Knife boxes should be used to package knives.

Government property - License plates that have not been reported stolen or are of no evidentiary value should be placed in a temporary locker for return to the Motor Vehicle Administration. No formal property processing is required.

Town property that is of no evidentiary value should be released directly to the appropriate Town department. No formal property processing is required.

If no responsible Town personnel can be located, the property should be held for safekeeping.

Sharps - Syringe tubes should be used to package syringes and needles.

800.4.3 CONTROLLED DANGEROUS SUBSTANCES

- (a) Controlled dangerous substances (CDS) shall not be packaged with other property, but shall be processed separately using a separate property form.
- (b) The member processing CDS shall retain such property in his/her possession until it is weighed, packaged, tagged, and placed in a temporary locker
- (c) Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected CDS. If conducted, the result of the test shall be included in the crime report.
 - 1. The member shall package CDS as follows:
 - (a) Maintain the property in the container in which it was seized and place it in a property envelope of appropriate size.
 - (b) Seal and initial the property envelope and cover the initials with cellophane tape.
 - (c) Weigh the property envelope to obtain the Gross Package Weight (GPW).
 - (d) Write the GPW and then initial and date the outside of the package and the property form.
- (d) When the quantity of CDS exceeds the available safe storage capacity, the quantity shall be photographed and weighed.

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1. A representative sample of sufficient quantity to allow scientific analysis of the CDS should be taken as allowed by state law and placed in a separate package or container.
 2. Excess quantities should be stored or disposed of as required by law or directed by court order.
- (e) Marijuana with any perceptible moisture content shall be loosely packaged in a container that allows for drying or shall be dried prior to storage.

800.4.4 EXTREME RISK PROTECTIVE ORDERS

Whenever a firearm or ammunition is received under an extreme risk protective order, the receiving member should complete a property form identifying the firearm by make, model, and serial number, retain the form, and provide a copy of the form to the person, along with information on the process for reclaiming the firearm/ammunition (Md. Code PS § 5-608).

All firearms taken in relation to an extreme risk protective order should be stored and transported in a protective case, if available, and in a manner intended to prevent damage to the firearm. No identifying or other marks may be placed on the firearm (Md. Code PS § 5-608).

800.4.5 FIREARMS REPORTING REQUIREMENTS

Whenever a firearm is recovered in connection with illegal firearm possession, transportation, or transfer, or that was used in the commission of a crime of violence as defined in Md. Code PS § 5-101, or that was surrendered pursuant to a final protective order issued under Md. Code FL § 4-506, the responsible member should record on the appropriate form, when applicable (Md. Code PS § 5-803):

- (a) The number and type of firearms recovered.
- (b) The jurisdiction where the firearm was recovered or surrendered.
- (c) The source of the firearm recovered if it can be determined.
- (d) Information concerning any person found in possession of the firearm or who surrendered the firearm.
- (e) Any additional information required by the Maryland State Police Gun Center.

800.5 RECORDING OF PROPERTY

The property form will be the permanent record of the property.

A unique property number shall be obtained for each item or group of items from the property log. This number shall be recorded on the property form and the property tag/label.. The property log shall document the following:

- (a) Property number
- (b) Case number
- (c) Item description
- (d) Item storage location

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- (e) Receipt, release and disposal dates

Any change in the location of property held by the Oxford Police Department shall be noted in the property log.

800.6 PROPERTY CONTROL

Any member relinquishing custody of property to another person shall record his/her signature, the date and time the property was released and the name of the person accepting custody of the property on the property control form.

The member shall obtain the signature of the person to whom the property is released, and the reason for release. Any member receiving property shall be responsible for such property until it is properly returned to the Chief or properly released to another authorized person or entity.

The return of the property should be recorded on the property control card, indicating the date, time and the name of the person who returned the property, and to whom the property is returned.

800.6.1 EVIDENCE

Every time evidence is released or received, an appropriate entry on the property form shall be completed to maintain the chain of custody. No evidence is to be released without first receiving written authorization from the Chief of Police or Deputy Chief of Police.

Temporary release of evidence to members for investigative purposes, or for court proceedings, shall be noted on the property form, stating the date, time and to whom released. Requests for items of evidence needed for court proceedings shall be submitted to the Chief of Police or Deputy Chief at least three days prior to the court date.

Requests for laboratory analysis for items other than CDS shall be completed on the appropriate lab form and submitted to the Chief of Police or deputy Chief. This request may be submitted any time after the property has been processed.

800.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The member releasing items of evidence for laboratory analysis must complete the required information on the property control form. The transporting member will acknowledge receipt of the evidence by indicating the date and time on the property control card. The lab form will be transported with the evidence to the examining laboratory. Upon delivering the item involved, the member will record the delivery time on the lab form and the property control card and obtain the signature of the person accepting responsibility of the evidence. The original copy of the lab form will remain with the evidence and a copy of the form will be returned for filing with the case.

800.6.3 CONTROLLED DANGEROUS SUBSTANCES

The Department will be responsible for the storage, control and destruction of all CDS coming into the custody of the Department. The GPW will be verified every time CDS are checked in or out of the Department and any discrepancies will be noted on the outside of the package. Any change in weight should be immediately reported to the Chief of Police.

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800.6.4 UNCLAIMED MONEY

The Chief of Police or the authorized designee shall submit an annual report regarding money that is presumed to have been abandoned to the Town Manager or more frequently as directed. The Chief of Police may transfer such money in compliance with existing laws upon receipt of proper authorization from the Town Manager and Town Attorney.

800.7 RELEASE OF PROPERTY

The Chief of Police or Deputy Chief shall authorize the release of all property coming into the care and custody of the Department. All reasonable attempts shall be made to identify the rightful owner of found property or items of evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized property release form, listing the name and address of the person to whom the property is to be released. The property release form shall be signed by the authorizing supervisor or investigator and must conform to the items listed on the property control card or must specify the specific items to be released. Release of all property shall be documented on the property control card.

Found property and property held for safekeeping shall be held for the period of time required by law. During such period, investigating members shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. The final disposition of all such property shall be fully documented in related reports.

Authorized members shall release the property when the owner presents proper identification and an authorized property release form has been received. A signature of the person receiving the property shall be recorded on the property control form. If some items of property have not been released, the property control form will remain with the property log book. After release of all property entered on the property control form, the form shall be forwarded to the Chief of Police for filing with the case. Upon release, the proper entry shall be documented in the property log.

Firearms or ammunition should only be released upon presentation of valid identification and determination that the individual may legally possess the item.

800.7.1 DISCREPANCIES

The Chief of Police shall be notified whenever a person alleges there is a shortage or discrepancy regarding the person's property. The Chief of Police will interview the person claiming the shortage. The Chief of Police shall ensure that a search for the alleged missing items is complete and shall attempt to prove or disprove the claim.

800.7.2 DISPUTED CLAIMS TO PROPERTY

Occasionally, more than one party may claim an interest in property being held by the Department and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department should be contacted.

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800.7.3 EXTREME RISK PROTECTIVE ORDERS

Firearms or ammunition taken in relation to an extreme risk protective order should only be released as follows (Md. Code PS § 5-608):

- (a) On the expiration or termination of the order, the Chief of Police should notify the respondent on the order that the respondent may request a return of the firearms/ammunition.
- (b) If the respondent requests a return of the firearms/ammunition and is not prohibited from possessing the firearms/ammunition, the Chief of Police should return the firearms/ammunition no later than 14 days after the expiration of an interim or temporary order or termination of a final order and no later than 48 hours after the expiration of a final order.
- (c) If the respondent does not desire that the firearms/ammunition be returned, the Chief of Police may release the firearms/ammunition to a licensed firearms dealer or another person who is not prohibited from possessing the firearms/ammunition and who does not live with the respondent, but only upon written verification that the respondent has agreed to the transfer.
- (d) If another person claims ownership of the firearms/ammunition, the Chief of Police may release the property to the person upon proof of ownership if the person is not prohibited from possessing the firearms/ammunition.

800.8 DESTRUCTION OR DISPOSAL OF PROPERTY

The Chief shall authorize the destruction or disposal of all property held by the Department. All property not held for evidence in a pending criminal investigation or proceeding may be destroyed or disposed of in compliance with existing laws upon receipt of proper authorization from a supervisor. The disposition of all property shall be entered on the property control card and property log. Ninety (90) days after reasonable attempts are made to locate the owner of found or abandoned property before disposal, the Chief may dispose of found or abandoned property.

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law, unless a different disposition is ordered by a court:

- Weapons or devices that are forfeited by court order or declared by law to be illegal to possess (Md. Code CP § 13-206) will be destroyed.
- CDS declared by law to be illegal to possess without a legal prescription (Md. Code CP § 12-403).
- Money seized in connection with arrest for unlawful bookmaking, betting, or gaming (Md. Code CP § 13-106).
- A forfeited motor vehicle, other vehicle, vessel, or aircraft that was used to conceal, convey, or transport explosives in violation of law (Md. Code CP § 13-301(d)).
- Firearms or ammunition surrendered pursuant to an extreme risk protective order, upon a respondent's request for destruction, or if such property is not reclaimed within six months of the notice provided to the respondent (Md. Code PS § 5-608) will be destroyed.

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Destruction Schedule:

- Found / Abandoned Property - 90 days after reasonable attempts to find the owner
- Offender Pled Guilty and Found Guilty - 3 years
- Offender Pled Not Guilty but Found Guilty - Consult with State's Attorney
- Found Not Guilty - Judge's Order
 - No Court Order after adjudication - return to owner unless contraband, otherwise dispose after 3 years.
- Alcohol and Food - photographed at time of incident and destroyed
- Homicide / Sexual Assault Evidence - Hold indefinitely

800.8.1 BIOLOGICAL EVIDENCE

The Chief of Police shall ensure that no biological evidence held by this department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim

Biological evidence shall be retained for a minimum period established by law (Md. Code CP § 8-201) or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice, unless a motion seeking an order to retain the sample is filed and served on this department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Chief of Police. If the Chief of Police determines that biological evidence should be destroyed before the end of the statutorily required retention period, he/she should give 120-days' notice to the appropriate parties pursuant to Maryland law, if applicable (Md. Code CP § 8-201).

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of the applicable statute of limitations, the Chief of Police should be consulted and the sexual assault victim should be notified.

Sexual assault evidence collection kits and other crime scene evidence relating to sexual assaults that has been identified by the prosecutor as relevant to the prosecution should not be disposed of prior to 20 years from the date of collection, unless allowed by law (Md. Code CP § 11-926; COMAR 02.08.01.04).

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800.8.2 REQUEST FOR NOTICE

Upon written request by a victim of sexual assault, the Oxford Police Department should notify the victim 60 days before the date of intended disposal of biological or other evidence relating to the victim's case or retain the evidence for 12 months longer than the time period required by law unless a different time period has been agreed upon by the victim (Md. Code CP § 11-926; COMAR 02.08.01.04).

800.8.3 MARIJUANA

At the first sign of mold growth, stored marijuana shall be photographed showing the mold growth and the Chief of Police shall make efforts to lawfully destroy the contaminated marijuana in compliance with this policy and as soon as practicable. The Chief of Police should consult with the member assigned to the case investigation for his/her authorization to destroy the remaining marijuana after taking representative samples and should request assistance from the appropriate prosecutor in obtaining a court order for immediate destruction.

800.8.4 MEDICAL CANNABIS

The investigating member should advise the Chief of Police and the prosecutor if the party from whom the marijuana was seized claims that the possession of the marijuana is for medical purposes.

The Chief of Police shall store marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical cannabis consistent with the provisions of the Medical Cannabis Policy.

Marijuana that is infected with mold shall not be returned. This includes marijuana seized from a person who holds a valid medical permit to possess marijuana or who claims that possession of the marijuana is for medical purposes.

800.9 INSPECTIONS

The Chief of Police shall ensure that periodic, unannounced inspections of the Property & Evidence operations and storage facilities are conducted to ensure adherence to appropriate policies and procedures. The Chief of Police shall ensure that an audit is conducted annually.. Inspections and audits shall be conducted by a member of this department who is not routinely or directly connected with the Property & Evidence operations.

Whenever there is a change of assignment for any member with authorized access to Property and Evidence storage, an inventory of all property shall be conducted by a person who is not associated with the Property & Evidence function. This is to ensure that all property is accounted for and records are correct.

Records Maintenance and Release

801.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

801.2 POLICY

The Oxford Police Department is committed to providing access to public records in a manner that is consistent with the Maryland Public Information Act (PIA) (Md. Code GP § 4-101 et seq.).

801.3 CUSTODIAN OF RECORDS

The Chief of Police shall serve as the Custodian of Records for the department. The responsibilities of the Custodian of Records include but are not limited to (Md. Code GP § 4-201 et seq.):

- (a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.
- (b) Maintaining and updating the department records retention schedule including (Md. Code SG § 10-610; Md. Code SG § 10-615; COMAR 14.18.02.04):
 - (a) Identifying the minimum length of time the Department must keep records.
 - (b) Identifying the member responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing procedures for correcting an error in records (Md. Code GP § 4-502).
- (f) Establishing rules regarding the processing of subpoenas for the production of records.
- (g) Ensuring a current schedule of fees for public records as allowed by law is available.
- (h) Preparing and making available to the public a description of the basic rights of a person who requests public information, the responsibilities of the Department, and the procedures, including the cost of inspecting or obtaining copies.
- (i) Ensuring that the Department only maintains information about a person that is (Md. Code GP § 4-102):
 - 1. Authorized or required by law.
 - 2. Relevant to the accomplishment of a legitimate purpose.
- (j) Adopting rules defining sociological information held by the Oxford Police Department and restricted release of the information (Md. Code GP § 4-330).

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- (k) Ensuring that updated contact information for the Chief of Police is maintained on the department's website and submitted annually to the Maryland Office of the Attorney General as required by Md. Code GP § 4-503.
- (l) Establishing database access requirements consistent with state and federal laws related to immigration enforcement (8 USC § 1373; Md. Code PS § 3-529).
- (m) Adopting rules for the appropriate proactive disclosure of public records that are available for inspection under the Maryland PIA (Md. Code GP § 4-104).
- (n) Posting in a prominent public location an explanation of the procedures for filing a request to obtain records relating to officer misconduct as defined by Md. Code PS § 3-101 (Md. Code PS § 3-515).

801.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Chief of Police who shall advise the Town Administrator and Town Attorney. The Chief of Police, Town Administrator, and Town Attorney shall discuss the nature of the request and determine whether the request shall be the responsibility of the Chief of Police or Town Administrator.

801.4.1 REQUESTS FOR RECORDS

The processing of requests for any public record is subject to the following (Md. Code GP § 4-203):

- (a) Absent a valid reason for denial, the Custodian of Records shall grant access to the requested records promptly or within the reasonable period that is needed to retrieve the public record, but not more than 30 days after receipt of the request.
- (b) If the Custodian of Records reasonably believes that it will take more than 10 working days to produce the requested records, written or electronic notice shall be provided to the applicant within 10 working days indicating the amount of time needed to produce the records, the reason for the delay, and the estimated fees that may be charged for the production.
- (c) The Department is not required to create records that do not exist.
- (d) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
 - 1. A copy of the redacted release should be maintained in the case file, or in an electronic file, as proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (e) A Custodian of Records may not ignore a request to inspect public records on the grounds that the request was made for the purpose of harassment.
- (f) If a request for records is denied, the Custodian of Records must notify the applicant within 10 working days in writing of the following (Md. Code GP § 4-203):
 - 1. The reasons for the denial.

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2. The legal authority for the denial.
 3. A brief description of the undisclosed record that will allow the applicant to evaluate the applicability of the legal authority for the denial. The description provided shall not disclose any protected information from the record.
 4. The remedies available to the applicant for review of the denial (Md. Code GP § 4-362).
- (g) The time limits set forth above in this section may be extended for an additional 30 days with the agreement of the applicant (Md. Code GP § 4-203).
- (h) The time limits set forth above in this section may be extended in the event of a dispute under Md. Code GP § 4-1A-01 et seq. or Md. Code GP § 4-1B-01 et seq.

Whenever the Custodian of Records reasonably believes that inspection would cause substantial injury to the public interest, the Custodian of Records may deny inspection temporarily, but within 10 working days after the denial, the Custodian of Records shall petition a court to issue an order permitting the continued denial of inspection (Md. Code GP § 4-358). If the Custodian of Records reasonably believes that inspection of part of a public record would be contrary to the public interest, the Custodian may deny inspection of that part of the record, but shall provide an explanation of why denial is necessary and why redaction would not address the reason for the denial (Md. Code GP § 4-203; Md. Code GP § 4-343).

801.4.2 DISPUTES

Anytime a written complaint regarding a dispute is received from the State Public Information Act Compliance Board (Board), the Custodian of Records shall notify the Town Administrator and Town Attorney. A written response containing the required information shall be filed with the Board within 30 days after receipt of the complaint (Md. Code GP § 4-1A-06). The Custodian of Records shall cooperate with the Board and participate in any processes outlined by law (Md. Code GP § 4-1A-05 et seq.). Legal counsel should be consulted with regard to all such challenges..

In the event that the Custodian of Records becomes aware that an applicant has made a complaint to the Office of the Public Access Ombudsman, the Custodian of Records shall notify the Town Manager and Town Attorney. Legal counsel should be consulted with regard to all such complaints.

(Md. Code GP § 4-1B-04; Md. Code GP § 4-301).

If the Custodian of Records believes that an applicant's request or pattern of requests is frivolous or has been made in bad faith or with the purpose to annoy, the Custodian of Records should notify the Town Manager and Town attorney, who, in consultation with legal counsel, should determine whether a complaint should be made with the Ombudsman or Board as allowed by law (Md. Code GP § 4-1A-01 et seq.; Md. Code GP § 4-1B-01 et seq.).

801.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

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- (a) Any personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, personal email address, and telephone number; and medical or disability information that is contained in any driver's license record, motor vehicle record, or any department record, including traffic accident reports, is restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Records of ongoing investigations (Md. Code GP § 4-351).
- (c) Traffic and criminal records may not be released to persons reasonably known to be soliciting or marketing legal services (Md. Code GP § 4-315).
- (d) Arrest warrants and associated charging documents may not be released until the warrant has been served or 90 days has elapsed since the warrant was issued (Md. Code GP § 4-316).
- (e) Traffic control signal monitoring and speed monitoring system records (Md. Code GP § 4-321).
- (f) Personnel records, including retirement records, medical records, and personal employee information, including an employee's home address, email address, or telephone number (Md. Code GP § 4-306; Md. Code GP § 4-311; Md. Code GP § 4-312; Md. Code GP § 4-331).
- (g) Surveillance images (Md. Code GP § 4-322).
- (h) Information systems, alarm or security systems, and emergency policies, procedures, and plans (Md. Code GP § 4-314.1; Md. Code GP § 4-338; Md. Code GP § 4-339; Md. Code GP § 4-352).
- (i) Any record that the Custodian of Records reasonably believes would cause substantial injury to the public interest may be temporarily denied (Md. Code GP § 4-358).
- (j) Records relating to juveniles (Md. Code CJ § 3-8A-27).
- (k) Criminal history records (Md. Code CP § 10-219).
- (l) Information protected by the Address Confidentiality Program (Md. Code SG § 7-310).
- (m) Reports of suspected cruelty received from a veterinarian, including the identity of the veterinarian who filed the report (COMAR 15.14.15.04).
- (n) Portions of 9-1-1 communications records that depict a victim (Md. Code GP § 4-356).
- (o) Certain records sought for the purpose of enforcing federal immigration laws (Md. Code GP § 4-320; Md. Code GP § 4-320.1; Md. Code PS § 3-529).

801.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Chief of Police for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

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Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the State's Attorney, Town Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

801.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

801.8 SECURITY BREACHES

Members who become aware that any Oxford Police Department system containing personal information may have been breached should notify the Chief of Police as soon as practicable.

The Chief of Police shall ensure the required notice is provided to the Office of the Attorney General, the Department of Information Technology, and the persons whose personal information is reasonably believed to have been breached pursuant to the requirements set forth in Md. Code SG § 10-1305. Notice shall be in the form and manner specified in Md. Code SG § 10-1305.

Notice shall be given as soon as reasonably practicable after discovery of the possible breach consistent with the legitimate needs of the Oxford Police Department and any measures to determine the scope of the breach, the identity of those affected, and to restore the integrity of the breached system. Notice may be delayed if notification will impede a criminal investigation or jeopardize homeland or national security (Md. Code SG § 10-1305).

For purposes of the notice requirement, personal information includes a person's first name, first initial and last name, personal mark, or unique biometric or genetic print or image in combination with any one or more of the following (Md. Code SG § 10-1301):

- (a) Social Security number and Individual Taxpayer Identification Number
- (b) Driver's license number, Maryland identification card number or other similar identification number, including a passport number
- (c) Full account number, credit or debit card number, or any required security code, access code, or password that would permit access to an individual's financial account

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Chief of Police should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

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801.9 EXPUNGEMENT

Expungement orders received by the Department shall be reviewed for appropriate action by the Chief of Police. The Chief of Police shall expunge such records as ordered by the court. Records may include, but are not limited to, a record of arrest, investigation, detention or conviction. Once a record is expunged, members shall respond to any inquiry as though the record did not exist (Md. Code CP § 10-101 et seq.).

Unless an order is stayed pending an appeal, the Chief of Police or authorized designee served with an order of expungement of a juvenile record under Md. Code CJ § 3-8A-27.1 shall notify the court, the petitioner, and all parties in writing within 60 days after entry of the order that the Department has complied with the order.

801.10 TRAINING

All members authorized to manage, release or facilitate public access to department records shall complete a training program that includes identification of material appropriate for public access and the department systems and procedures guiding such release and access.

801.11 RETENTION AND DISPOSAL SCHEDULE

- (a) Annuals Reports - retain indefinitely
- (b) NIBRS / UCR Reports - Retain for 5 years then destroy
- (c) Miscellaneous Requests (requests for reports, fingerprints, photographs) - Retain for 2 years and destroy
- (d) NCIC Validations - 5 years
- (e) CJIS Reports - Retain 2 years and destroy
- (f) Mail Receipts - Retain 2 years and Destroy
- (g) Fingerprint Records -
 - 1. Adult Criminal Prints - until offender is 99 years old then destroy
 - 2. Juvenile Criminal Prints - Retain until offender becomes 21 years old or 10 years after last arrest, whichever is later, then destroy
 - 3. Deceased Criminal Prints - Retain 10 years after death then destroy
- (h) Fiscal Records - Retain for 3 years then destroy
- (i) Grant Documents - as stated in grant instructions
- (j) Police Records
 - 1. Incident Reports - 50 years then delete/destroy
 - 2. Accident Reports - 50 years then delete/destroy
 - 3. Adult Arrest Files - Retain until offender is 99 years old, then delete/destroy
 - 4. Juvenile Arrest Files - Retain until offender becomes 21 years old or 10 years after last arrest, whichever is later, then delete/destroy

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5. DJS Notification Letter - Retain 2 years then destroy
 6. Expungement Records - Retain 5 years then destroy
 7. Traffic Citation Copies - Retain 3 years then destroy
 8. Town Parking Citations - Retain 3 years then destroy
 9. Field Interview Reports / Warnings - Retain 1 year then destroy
 10. SERO - Retain 1 year then destroy
 11. Civil Citation - retain 5 years then destroy
 12. Digital Video Recordings - 5 years then delete (unless otherwise stated in Mobile Video Policy)
 13. Internal Affairs Documents - Indefinite
- (k) Statistical Reports - Retain for 5 years then destroy

Protected Information

802.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Oxford Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

802.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Oxford Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

802.2 POLICY

Members of the Oxford Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

802.3 RESPONSIBILITIES

The Chief of Police shall coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Motor Vehicle Administration (MVA) records, Maryland Criminal Justice Information System (CJIS) and Maryland Electronic Telecommunications Enforcement Resource System (METERS).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining procedures necessary to comply with confidentiality and release of information obtained from the Biological Agents Registry Program (BAR) (Md. Code HG § 17-604).
- (d) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (e) Developing procedures to ensure training and certification requirements are met.
- (f) Resolving specific questions that arise regarding authorized recipients of protected information.

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- (g) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

802.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Oxford Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

802.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Chief of Police for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Chief of Police to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone, or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members, or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

802.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.

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- (d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

802.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

802.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

Animal Complaints

803.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

803.2 POLICY

It is the policy of the Oxford Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

803.3 THE HUMANE SOCIETY

Animal control services are generally the primary responsibility of the Humane Society and include the following:

- (a) Animal-related matters during periods when the Humane Society is available.
- (b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that the Humane Society is available for investigation and resolution.
- (c) Follow-up on animal-related calls, such as locating owners of injured animals.

803.4 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

- (a) There is a threat to public safety.
- (b) An animal has bitten someone; members should take measures to confine the animal and prevent further injury.
- (c) An animal is creating a traffic hazard.
- (d) An animal is seriously injured.
- (e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.
 - 1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
 - 2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.

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3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

803.5 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced including but not limited to:

- (a) Abuse or neglect of an animal (Md. Code CR § 10-604).
- (b) Aggravated cruelty to animals (Md. Code CR § 10-606).
- (c) Dogfights (Md. Code CR § 10-607).
- (d) Cockfights (Md. Code CR § 10-608).
- (e) Poisoning a dog (Md. Code CR § 10-618).
- (f) Endangering the health or safety of a dog or cat by leaving the animal unattended in a motor vehicle (Md. Code TR § 21-1004.1).
- (g) An investigation should be conducted on all reports of animal cruelty.
- (h) Officers may seize an animal if necessary to protect an animal that is in need of immediate care or protection from acts of cruelty (Md. Code CR § 10-615(b)(1)).
 1. If an animal is impounded, yarded, or confined without necessary food, water, or proper attention, or is subject to cruelty or is neglected, an officer may enter the place where the animal is located, except if the animal is in a private dwelling, and supply the animal with necessary food, water, and attention, or seize the animal if seizure is necessary for the animal's health (Md. Code CR § 10-615(c)).
 2. The officer shall notify the animal's owner or custodian by personal service or certified mail with 24 hours of the seizure and any administrative or judicial remedies that may be available (Md. Code CR § 10-615(d)).
 3. Seizure of livestock, poultry, or a dog actively engaged in livestock herding or guarding requires the prior recommendation of a veterinarian licensed in the state (Md. Code CR § 10-615(f)).
 4. If an animal or livestock is seized, the officer should follow the requirements of Md. Code CR § 10-615.1 for filing a petition with the court.

803.5.1 CONFIDENTIAL REPORTS

Reports of suspected cruelty received from a veterinarian and the identity of the veterinarian shall be confidential, must be kept in a secure location, and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (COMAR 15.14.15.04).

803.6 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Members shall complete the Maryland Animal-Bite Report and Rabies Quarantine Agreement Form and make the report available within 24 hours to the local health officers and, on request, to the Public Health Veterinarian (COMAR 10.06.02.05; Md. Code HG § 18-316).

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Efforts should be made to capture or otherwise have the animal placed under quarantine in accordance with Md. Code HG § 18-320. Members should attempt to identify and notify the owner of the final disposition of the animal.

803.7 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate shelter/holding pen.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

803.8 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Chief of Police will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

803.9 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (i.e., barking dogs), as such calls may involve significant quality of life issues.

803.10 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag, and properly disposed of by the responding member.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

803.11 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

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

803.12 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

803.13 TRAINING

Members shall receive training as follows (COMAR 15.14.15.04):

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- (a) All members handling reports of animal cruelty shall receive training on the confidentiality and restrictions on dissemination of records and information relating to these reports.
- (b) All members shall receive training on the requirements of COMAR 15.14.15.04 and the consequences for releasing confidential information (Md. Code AG § 12-101 et seq.).
- (c) All members shall receive training on the requirements of the Public Information Act and how to protect confidential information.

Chapter 9 - Custody

Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Oxford Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times for a member of the Department.

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody

Temporary custody - The time period an adult is in custody at the Oxford Police Department prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The Oxford Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release. Adults that have been arrested and require temporary custody should primarily be transported the Talbot County Central Booking facility for processing and temporary custody. Holding cells at the Oxford Police Department should only be used for exigent circumstances.

900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Oxford Police Department, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.

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- (b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision or medication while in temporary custody.
- (c) Any individual who is seriously injured.
- (d) Individuals who are suspected suicide risk (see the Mental Health Evaluation Policy).
 - 1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.
- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
- (f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (g) Any individual who has exhibited extremely violent or continuously violent behavior.
- (h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.
- (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

At least one female department member or allied law enforcement agency member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process.

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present.

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No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

900.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by the Chief of Police.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

If there is any suspicion that the individual may be suicidal, he/she shall be transported to the appropriate mental health facility.

900.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall:

- (a) Be aware of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
- (b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:
 - 1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
 - 2. Provide an individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
 - (a) Continuous, direct sight and sound supervision.
 - (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
 - 3. Ensure individuals are separated according to severity of the crime (e.g. felony or misdemeanor).
 - 4. Ensure males and females are separated by sight and sound when in cells.

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5. Ensure restrained individuals are not placed in cells with unrestrained individuals.
- (c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.
- (d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

900.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Patrol Chief of Police will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
 1. If the country is on the mandatory notification list, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
 - (c) Forward any communication from the individual to his/her consular officers without delay.
 - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any faxed confirmation for the individual's file.
 2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Forward any communication from the individual to his/her consular officers without delay.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

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900.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Oxford Police Department, the custody shall be promptly and properly documented in a Field Arrest, including:

- (a) Identifying information about the individual, including his/her name.
- (b) Date and time of arrival at the Department.
- (c) Any charges for which the individual is in temporary custody and any case number.
- (d) Time of all safety checks.
- (e) Any medical and other screening requested and completed.
- (f) Any emergency situations or unusual incidents.
- (g) Any other information that may be required by other authorities, such as compliance inspectors.
- (h) Date and time of release from the Oxford Police Department.

900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted on the log.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
 - 2. This prohibition does not apply to surreptitious and legally obtained recorded interrogations
- (c) There is reasonable access to toilets and wash basins.
- (d) There is reasonable access to a drinking fountain or water.
- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (f) There is privacy during attorney visits.
- (g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
- (i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (j) Adequate furnishings are available, including suitable chairs or benches.

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900.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Oxford Police Department. They should be released or transferred to another facility as appropriate.

900.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

900.5.5 TELEPHONE CALLS

Every individual in temporary custody should be allowed to make a reasonable number of completed telephone calls as soon as possible after arrival.

- (a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.
 - 1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see Child and Dependent Adult Safety Policy).
- (b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
 - 1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.
- (c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

900.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

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Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

900.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Oxford Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

900.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

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The Chief of Police shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Chief of Police shall attempt to prove or disprove the claim.

900.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

- (a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.
- (b) The individual shall constantly be monitored by an audio/video system during the entire custody.
- (c) The individual shall have constant auditory access to department members.
- (d) The individual's initial placement into and removal from a locked enclosure shall be logged.
- (e) Safety checks by department members shall occur no less than every 15 minutes.
 - 1. Safety checks should be at varying times.
 - 2. All safety checks shall be logged.
 - 3. The safety check should involve questioning the individual as to his/her well-being.
 - 4. Individuals who are sleeping or apparently sleeping should be awakened.
 - 5. Requests or concerns of the individual should be logged.

900.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Chief of Police will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Oxford Police Department. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate.
- (b) Immediate notification of the Chief of Police, and Patrol Division Chief of Police.
- (c) Notification of the spouse, next of kin or other appropriate person.
- (d) Notification of the appropriate prosecutor.
- (e) Notification of the Town Attorney.
- (f) Notification of the Medical Examiner.
- (g) Evidence preservation.

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900.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms and logs have been completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.
- (d) All property, except evidence, contraband or dangerous weapons, has been return to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (copies of booking forms, medical records, an itemized list of his/her property, warrant copies).
- (f) The individual is not permitted in any non-public areas of the Oxford Police Department unless escorted by a member of the Department.
- (g) Any known threat or danger the individual may pose (escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.
 - 1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.
- (i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

900.11 TRAINING

Department members should be trained and familiar with this policy and any supplemental procedures.

Temporary Custody of Juveniles

901.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Oxford Police Department (34 USC § 11133).

901.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held by law enforcement for the juvenile's own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for the juvenile's protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person.

Juvenile offender - A juvenile 13 to 17 years of age who is alleged to have committed an offense that would subject an adult to arrest, or a juvenile 10 to 12 years of age who is alleged to have committed a crime of violence as defined in Md. Code CR § 14-101 (Md. Code CJ § 3-8A-01; Md. Code CJ § 3-8A-03). A juvenile offender also includes a juvenile in custody for handgun possession by a person under age 21 years under Md. Code PS § 5-133 (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of an officer or other department member at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication, is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of juveniles in temporary custody.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail or other object.
- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when a non-secure booking area is available.

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- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

901.2 POLICY

The Oxford Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and to keeping juveniles safe while in temporary custody at the Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

901.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit certain behaviors or conditions should not be held at the Oxford Police Department. These include:

- (a) Unconsciousness or having been unconscious while being taken into custody or transported.
- (b) Serious injuries or a medical condition requiring immediate medical attention.
- (c) A suspected suicide risk or showing obvious signs of severe emotional or mental disturbance (see the Mental Health Evaluations Policy).
 - 1. If the officer taking custody of a juvenile believes that he/she may be a suicide, risk, the officer shall ensure continuous direct supervision until evaluation, release or transfer to an appropriate facility is completed.
- (d) Significant intoxication or showing signs of having ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (e) Extremely violent or continuously violent behavior.
- (f) Afflicted with, or displaying symptoms of, a communicable disease that poses an unreasonable exposure risk.

Officers taking custody of a juvenile exhibiting any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and should notify a supervisor of the situation. These juveniles should not be held at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

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901.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Oxford Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile who is suspected of being a victim.

No juvenile should be held in temporary custody at the Department without authorization. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent, legal guardian, or other responsible adult, or transferred to a juvenile custody facility or to another authority as soon as practicable. In no event shall a juvenile be held beyond six hours from the time of his/her entry into the Department (34 USC § 11133).

901.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Oxford Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

901.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133).

The following offenses require a citation in lieu of custody absent a separate justification for custody (Md. Code CJ § 3-8A-33):

- (a) Alcoholic beverage violations (Md. Code CR § 10-113; Md. Code CR § 10-114; Md. Code CR § 10-115; Md. Code CR § 10-116)
- (b) Possession of *Salvia divinorum* (Md. Code CR § 10-132)
- (c) Table game and video lottery terminal violations (Md. Code CR § 10-136)
- (d) Alcohol possession or consumption on school premises (Md. Code ED § 26-103)
- (e) Use or possession of cannabis (Md. Code CR § 5-601)

901.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Oxford Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Juvenile offenders are subject to custody when (Md. Code CJ § 3-8A-14; Md. Code CJ § 3-8A-19.5):

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- (a) An officer has probable cause to believe the juvenile committed an offense that would subject an adult to arrest or violated a peace order.
- (b) There is a valid warrant for the juvenile's arrest (Md. Code CJ § 3-8A-14.1).

An officer should contact the court or an intake officer in cases when there is reason to believe a juvenile offender in custody may need to be detained because the juvenile needs protection, the juvenile is a danger to others, or the juvenile is likely to abscond (Md. Code CJ § 3-8A-15).

901.5 NOTIFICATIONS

When a juvenile is taken into custody, officers should immediately notify the juvenile's parent, guardian, or custodian of the custody, the reason for the custody, the juvenile's location, and how to meet with the juvenile. Other reasonable attempts to communicate this information should be made if direct contact cannot be immediately made (Md. Code CJ § 3-8A-14; Md. Code CP § 2-108). If the juvenile has been taken into protective custody, the officers should also immediately notify the county department of social services (Md. Code CJ § 3-814). If there is reason to believe that the juvenile is a victim of sex or human trafficking, as soon as practicable, officers shall notify the appropriate regional navigator, report to the local department of social services, and release the juvenile to a parent, guardian, or custodian, or to social services, as appropriate (Md. Code CJ § 3-8A-14).

901.5.1 REQUIRED SCHOOL NOTIFICATION

If a juvenile between the ages of 5 and 21 (inclusive) is taken into custody for one of the reportable offenses listed in Md. Code ED § 7-303(a)(6) or for an offense related to the juvenile's membership in a criminal organization, the officer must notify the following officials of any school the juvenile attends within 24 or as soon as practicable:

- Local superintendent
- School principal
- School security officer (if applicable)

The officer may also notify the State's Attorney (Md. Code ED § 7-303).

901.6 JUVENILE CUSTODY LOGS

Any time a juvenile is in temporary custody at the Oxford Police Department, the custody shall be promptly and properly documented in the juvenile field arrest, including:

- (a) Identifying information about the juvenile.
- (b) Date and time of arrival and release from the Department.
- (c) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.
- (d) Any changes in status (e.g., emergency situations, unusual incidents).
- (e) Time of all safety checks.
- (f) Any medical and other screening requested and completed.

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- (g) Circumstances that justify any secure custody.
- (h) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Chief of Police should review and approve all juvenile field arrest forms.

901.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Oxford Police Department (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Department shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

901.7.1 TRANSPORTATION

A juvenile may not be transported from the field or to another detention facility with any adult who has been charged with or convicted of a crime unless the court has waived its jurisdiction and the juvenile is being prosecuted as an adult (Md. Code CJ § 3-8A-16(c)).

901.8 TEMPORARY CUSTODY REQUIREMENTS

Members assigned to monitor or process any juvenile at the Oxford Police Department shall ensure:

- (a) Safety checks and significant incidents/activities are noted on the field arrest form.
- (b) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
 - 2. This prohibition does not apply to surreptitious and legally obtained recorded interrogations.
- (c) A member of the same sex will supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (d) There is reasonable access to toilets and wash basins.
- (e) There is reasonable access to a drinking fountain or water.
- (f) Food is provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.
- (g) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (h) There is privacy during family, guardian, and/or attorney visits.

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- (i) Juveniles are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (j) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
- (k) Adequate shelter, heat, light, and ventilation are provided without compromising security or enabling escape.
- (l) Adequate furnishings are available, including suitable chairs or benches.
- (m) Juveniles have the right to the same number of telephone calls as an adult in temporary custody (see the Temporary Custody of Adults Policy).
- (n) Discipline is not administered to any juvenile, nor will juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse.

901.9 RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as an adult in temporary custody (see the Temporary Custody of Adults Policy).

901.10 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Oxford Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Chief of Police. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

901.10.1 PREGNANT JUVENILES

Juveniles who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

901.11 PERSONAL PROPERTY

The personal property of a juvenile shall be processed in the same manner as an adult in temporary custody (see the Temporary Custody of Adults Policy).

901.12 SECURE CUSTODY

Only juvenile offenders 13 years of age or older may be placed in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others.

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Members of this department should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

When practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. A member must be present at all times to ensure the juvenile's safety while secured to a stationary object.

Generally, juveniles should not be secured to a stationary object for more than 60 minutes.

901.12.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the locked enclosure to ensure there are no weapons or contraband and that the area is clean and sanitary. An inspection should be conducted when the juvenile is released. Any damage noted to the area should be photographed and documented.

The following requirements shall apply:

- (a) Anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.
- (b) The juvenile shall constantly be monitored by an audio/video system during the entire temporary custody.
- (c) The juvenile shall have constant auditory access to department members.
- (d) The juvenile's initial placement into and removal from a locked enclosure shall be logged.
- (e) Unscheduled safety checks by department members shall occur no less than every 15 minutes.
 - 1. All safety checks shall be logged.
 - 2. The safety check should involve questioning the juvenile as to his/her well-being.
 - 3. Juveniles who are sleeping or apparently sleeping should be awakened.
 - 4. Requests or concerns of the juvenile should be logged.
- (f) Males and females shall not be placed in the same locked room.
- (g) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (h) Restrained juveniles shall not be placed in a cell or room with unrestrained juveniles.

901.13 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

The Chief of Police will ensure procedures are in place to address any suicide attempt, death, or serious injury of any juvenile held at the Oxford Police Department. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate
- (b) Immediate notification of the Chief of Police.

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- (c) Notification of the parent, guardian, or person standing in loco parentis, of the juvenile
- (d) Notification of the appropriate prosecutor
- (e) Notification of Town Manager
- (f) Notification of the Town Attorney
- (g) Notification of the Medical Examiner
- (h) Notification of the juvenile court
- (i) Evidence preservation

901.14 INTERVIEWING OR INTERROGATING

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent, to an interview or interrogation.

No custodial interrogation of a juvenile should occur without the juvenile having consulted with an attorney and without an actual or attempted contact of a parent, guardian, or custodian as set forth in Md. Code CJ § 3-8A-14.2 (Md. Code CJ § 3-8A-14.2; Md. Code CP § 2-405). Associated documentation of the attorney contacted and the contact or efforts to contact a parent, guardian, or custodian are also to be made (Md. Code CJ § 3-8A-14.2; Md. Code CP § 2-405).

All custodial interrogations of juveniles should be recorded in an audio and video format (e.g., body-worn camera) and only after the juvenile is advised the interrogation will be recorded (Md. Code CJ § 3-8A-14.2; Md. Code CP § 2-405).

901.15 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

Any department record, including fingerprints and photographs, concerning a child is confidential and shall be maintained separate from those of adults. These may not be divulged, by subpoena or otherwise, except by order of the court upon good cause shown or as otherwise provided by law (Md. Code CJ § 3-8A-27(a)).

901.16 TRAINING

Department members should be trained on and familiar with this policy and any supplemental procedures.

Custodial Searches

902.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Oxford Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

902.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

902.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

902.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

902.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Oxford Police Department facilities. Except in exigent circumstances, the search should be conducted by a

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member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

902.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Oxford Police Department identification number and information regarding how and when the property may be released.

902.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

902.5 STRIP SEARCHES

No individual in temporary custody at any Oxford Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

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- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
 - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

902.5.1 STRIP SEARCHES PROCEDURES

Strip searches at Oxford Police Department facilities shall be conducted as follows (28 CFR 115.115):

- (a) Authorization from the Chief of Police shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
 - 1. The facts that led to the decision to perform a strip search.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The written authorization for the search, obtained from the Chief of Police.
 - 4. The name of the individual who was searched.
 - 5. The name and sex of the members who conducted the search.
 - 6. The name, sex and role of any person present during the search.
 - 7. The time and date of the search.
 - 8. The place at which the search was conducted.

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9. A list of the items, if any, that were recovered.
 10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search.

902.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy.

902.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following:

- (a) No individual shall be subjected to a physical body cavity search without written approval of the Chief of Police and only upon a search warrant or approval of legal counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a physician or other qualified medical practitioner may conduct a physical body cavity search.
- (c) Except for the physician conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
 1. The facts that led to the decision to perform a physical body cavity search of the individual.

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2. The reasons less intrusive methods of searching were not used or were insufficient.
 3. The Chief of Police's approval.
 4. A copy of the search warrant, if applicable.
 5. The time, date and location of the search.
 6. The medical personnel present.
 7. The names, sex and roles of any department members present.
 8. Any contraband or weapons discovered by the search.
- (f) A copy of the written authorization shall be retained and may be provided/made available to the individual who was searched or other authorized representative upon request.

902.7 TRAINING

The Chief of Police shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

Chapter 10 - Personnel

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Oxford Police Department and that are promulgated and maintained by the Chief of Police and Town Administrator.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Oxford Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Chief of Police should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Chief of Police shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Chief of Police should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

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1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Polygraph or voice stress analyzer (VSA) examination (when legally permissible)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
- (j) Review board or selection committee assessment
- (k) Physical Fitness Assessment
- (l) Drug Screen

1000.4.1 CRIMINAL HISTORY INQUIRIES

The Chief of Police should establish procedures to ensure that inquiries into the criminal history of applicants conform to the requirements of Md. Code LE § 3-1501 et seq.

1000.4.2 FACIAL RECOGNITION

The Department should not use any facial recognition service to create a facial template of a candidate during an interview for employment unless the candidate provides a written consent waiver containing (Md. Code LE § 3-717):

- (a) The candidate's name.
- (b) The date of the interview.
- (c) A statement that the candidate consents to the use of facial recognition during the interview.
- (d) A statement that the candidate has read and understood the consent waiver form.

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1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify the candidate's personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Oxford Police Department.

The Chief of Police shall ensure that background investigations for candidates for officer include (COMAR 12.04.01.05):

- (a) A check of military records, when applicable, including obtaining a complete copy of the candidate's discharge document.
- (b) A report from a credit agency regarding the candidate's current and past credit history.
- (c) An investigation of the prior illegal use of controlled substances by the candidate as specified under COMAR 12.04.01.16. Prior marijuana use is not a disqualifier for certification as an officer and may not be the basis for disqualifying an applicant for a position as an officer (Md. Code PS § 3-209; Md. Code PS § 3-215).
- (d) An examination of school records or interviews with school officials if the candidate attended school within the last five years.
- (e) Interviews of:
 - 1. Personal references furnished by the candidate.
 - 2. Neighbors of the candidate within the past five years.
 - 3. Current and past employers within the last five years.
 - 4. Coworkers within the last five years.

The Chief of Police shall maintain a record of the background investigation on each candidate hired as an officer by this department. The results of the investigation shall be recorded on an Application for Certification (AFC), including any supplemental information, as specified in COMAR 12.04.01.01 and submitted to the Maryland Police Training and Standards Commission (MPTSC). The MPTSC may refuse to certify the candidate based upon supplemental information (COMAR 12.04.01.05).

1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

1000.5.2 STATE NOTICES

The Chief of Police shall complete an AFC for an officer hired by this department. The Chief of Police is responsible for (COMAR 12.04.01.02):

- (a) Accurately completing the AFC.
- (b) Submitting the AFC to the MPTSC (COMAR 12.04.01.08).
- (c) Signing the AFC to certify that the MPTSC's selection standards have been met.

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- (d) Including on the AFC the:
 - 1. Date the candidate completed the certification requirements.
 - 2. Department telephone number for the Chief of Police.
- (e) Submitting the AFC to the MPTSC if he/she has, within one year before submitting the AFC:
 - 1. Completed or verified for the candidate each of the selection standards as required under COMAR 12.04.01.04 or COMAR 12.04.01.08.
 - 2. Determined that the candidate meets each of the selection standards under COMAR 12.04.01.04 or COMAR 12.04.01.08.

False or misrepresented information on the AFC is a basis for rejection or revocation of certification by the MPTSC and may be the basis for separate administrative or legal action (COMAR 12.04.01.02).

1000.5.3 INTERVIEWS

Background investigation interviews may be conducted (COMAR 12.04.01.05):

- (a) In person.
 - 1. A personal interview conducted as part of a background investigation is considered appropriate when an interviewee is available within 50 miles of this department.
- (b) By telephone.
- (c) By using a designated department form and questionnaire that the interviewer or individual interviewed is required to complete.
- (d) By using other lawful methods designed to elicit useful information from an individual concerning the candidate.

Personal references and others residing outside the state may be contacted by correspondence or telephone (COMAR 12.04.01.05).

1000.5.4 OUT-OF-STATE CANDIDATES

When the candidate for officer has resided or been employed out-of-state, the background investigation may be performed by an appropriate law enforcement agency or a legitimate private background investigation agency in the area where the candidate lived or worked (COMAR 12.04.01.05).

If a candidate has been employed as a police officer for the federal government or in another state, the Chief of Police shall:

- (a) Report the law enforcement agency's name and jurisdiction to the MPTSC.
- (b) Forward any supplemental information obtained from the previous out-of-state law enforcement agency or from any other source.

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1000.5.5 INVESTIGATIONS BY OTHER AGENCIES

The Department may authorize another individual, office or agency to conduct a background investigation (COMAR 12.04.01.05).

The Maryland State Police or a local law enforcement agency may assist this department in a background investigation.

1000.5.6 CRIMINAL RECORD CHECKS AND FINGERPRINTS

The Department shall fingerprint candidates for officer and submit the fingerprints to the appropriate local, state, and national agencies for a search of criminal records (COMAR 12.04.01.05).

1000.5.7 PRIOR PEACE OFFICER EMPLOYMENT

The Chief of Police or the authorized designee should require candidates for officer to disclose, under penalty of perjury, all prior instances of employment as an officer at other law enforcement agencies and to authorize the Oxford Police Department to obtain the candidate's personnel and disciplinary records from those agencies (Md. Code PS § 3-215). The background investigator should obtain and review any personnel and disciplinary records and include the results in the background report. The Chief of Police or the authorized designee should certify to the MPTSC that applicant's disciplinary record was reviewed (Md. Code PS § 3-215).

1000.5.8 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.5.9 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence

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- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law. Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates for certification as an officer shall meet the following MPTSC minimum standards (COMAR 12.04.01.04):

- (a) Be 21 years old or older.
- (b) Be a United States citizen and submit documents supporting a claim of citizenship to this department.
 - 1. Candidates may be permanent legal residents if they are honorably discharged veterans of the United States armed forces and have applied to obtain United States citizenship, provided that their application for citizenship must be ultimately approved (Md. Code PS § 3-209).
- (c) Possess and submit either of the following:
 - 1. A high school diploma issued by a high school or recognized by the State Board of Education.
 - 2. A General Education Development (GED) certificate or diploma issued by Maryland or another state or recognized by the State Board of Education.
 - (a) A college degree may be accepted in place of high school diploma or GED requirements.
 - (b) In the absence of a copy of a diploma, the Chief of Police may accept a certified transcript indicating that a candidate successfully completed the requirements for graduation from a high school or college.
- (d) Be eligible under federal and Maryland law to possess and use a handgun.

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- (e) Be of good moral character as determined by a thorough background investigation and criminal history investigation, including a fingerprint check, according to the requirements under COMAR 12.04.01.05.
- (f) Submit to mental health and physical agility assessments as required by the MPTSC and any related regulations and be free from any physical, emotional, or mental condition which might adversely affect the exercise of police powers as evidenced by examinations and recommendations by appropriate health care officials (Md. Code PS § 3-209).
- (g) Possess a valid driver's license
- (h) Participate in an interview with the Chief of Police or the authorized designee.
- (i) Submit to a screening for controlled dangerous substances, narcotic drugs, and marijuana according to procedures outlined in COMAR 12.04.01.15.
- (j) Submit to an implicit bias test as required by the MPTSC and any related regulations (Md. Code PS § 3-207).

The Chief of Police may establish more restrictive standards than those of the MPTSC for selection of a candidate for the position of officer.

The Chief of Police may submit a request for a waiver of MPTSC selection standards in accordance with the requirements of COMAR 12.04.01.14.

1000.8 PROBATIONARY PERIODS

The Chief of Police should identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

Performance Evaluations

1001.1 PURPOSE AND SCOPE

This policy provides guidelines for the Oxford Police Department performance evaluation system.

1001.2 POLICY

The Oxford Police Department shall use a performance evaluation system to measure, document and recognize work performance. The performance evaluation will serve as an objective guide for the recognition of good work and the development of a process for improvement.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

1001.3 TYPES OF EVALUATIONS

The Department shall use the following types of evaluations:

Regular - An evaluation completed at regular intervals by the employee's immediate supervisor. Employees who have been promoted should be evaluated as established by the Department of Human Resources or minimally, on the anniversary of the date of the last promotion.

Special - An evaluation that may be completed at any time the Chief of Police or the authorized designee determine an evaluation is necessary to address less than standard performance. The evaluation may include a plan for follow-up action (e.g., performance improvement plan (PIP), remedial training, retraining).

1001.3.1 RATINGS

When completing an evaluation, the supervisor will identify the rating category that best describes the employee's performance. The definition of each rating category is as follows:

Outstanding - Performance is well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Exceeds standards - Performance is better than demonstrated by a competent employee. It is performance superior to what is required, but is not of such nature to warrant a rating of outstanding.

Meets standards - Performance of a competent employee. It is satisfactory performance that meets the standards required of the position.

Needs improvement - Performance is less than the standards required of the position. A needs improvement rating shall be thoroughly discussed with the employee.

Unsatisfactory - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be allowed to continue.

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Comments may be included in the evaluation to document the employee's strengths, weaknesses and requirements for improvement. Any job dimension rating marked as unsatisfactory or outstanding shall be substantiated with comments.

1001.3.2 PERFORMANCE IMPROVEMENT PLAN

Employees who receive an unsatisfactory rating may be subject to a PIP. The PIP shall delineate areas that need improvement, any improvement measures and a timetable in which to demonstrate improvement. The issuing evaluator shall meet with the employee to review his/her performance and the status of the PIP at least monthly.

1001.4 EVALUATION PROCESS

Supervisors should meet with the employees they supervise at the beginning of the evaluation period to discuss expectations and establish performance standards. Each supervisor should discuss the tasks of the positions, standards of expected performance and the evaluation criteria with each employee.

Performance evaluations cover a specific period of time and should be based upon documented performance dimensions that are applicable to the duties and authorities granted to the employee during that period. Evaluations should be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the evaluating supervisor for input.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise and to acknowledge good work. Periodic discussions with the employee during the course of the evaluation period are encouraged. Supervisors should document all discussions in the prescribed manner.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

All supervisors shall receive training on performance evaluations within one year of a supervisory appointment.

1001.5 EVALUATION FREQUENCY

All employees shall be evaluated at least once every year on the anniversary of the employee's date of appointment or hire.

Those employees who are required to successfully complete a probationary period should be evaluated periodically during the probationary period..

1001.6 EVALUATION INTERVIEW

When the supervisor has completed his/her evaluation, a private discussion of the evaluation should be scheduled with the employee. The supervisor should discuss the evaluation ratings

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and respond to any questions the employee may have. The supervisor should provide relevant counseling regarding advancement, specialty positions and training opportunities. Any performance areas in need of improvement and goals for reaching the expected level of performance should be identified and discussed. If the employee has reasonable objections to any of the ratings, the supervisor may make appropriate adjustments to the evaluation. The reason for such adjustments shall be documented.

Employees may write comments in an identified section of the evaluation. The supervisor and employee will sign and date the evaluation.

1001.7 APPEAL

An employee who disagrees with his/her evaluation may provide a formal written response that will be attached to the evaluation, or may request an appeal.

To request an appeal, the employee shall forward a written memorandum within three days to the Town Manager. The memorandum shall identify the specific basis for the appeal and include any relevant information for the reviewer to consider.

1001.8 CHAIN OF REVIEW

The signed performance evaluation and any employee attachment should be forwarded to the Town Manager and Chief of Police. The Town Manager and the Chief of Police or the authorized designee shall review the evaluation for fairness, impartiality, uniformity and consistency, and shall consider any written response or appeal made by the employee.

1001.9 RETENTION AND DISTRIBUTION

The original performance evaluation and any original correspondence related to an appeal shall be maintained by the Department in accordance with the Personnel Records Policy.

A copy of the evaluation and any documentation of a related appeal shall be provided to the employee and also forwarded to the Oxford Department of Human Resources.

Special Assignments and Promotions

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Oxford Police Department.

1002.2 POLICY

The Oxford Police Department determines assignments and promotions in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police after obtaining approval from the Town Commissioners.

1002.3 SPECIAL ASSIGNMENT POSITIONS

1002.3.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

- (a) Three years of relevant experience
- (b) Off probation
- (c) Possession of or ability to obtain any certification required by the Maryland Police Training and Standards Commission (MPTSC) or law
 - 1. School resource officers are required to be specially trained as required by Md. Code ED § 7–1508.
- (d) Exceptional skills, experience, or abilities, related to the special assignment

1002.3.2 EVALUATION CRITERIA

The following criteria will be used in evaluating candidates for a special assignment:

- (a) Presents a professional, neat appearance.
- (b) Maintains a physical condition that aids in his/her performance.
- (c) Expressed an interest in the assignment.
- (d) Demonstrates the following traits:
 - 1. Emotional stability and maturity
 - 2. Stress tolerance
 - 3. Sound judgment and decision-making
 - 4. Personal integrity and ethical conduct
 - 5. Leadership skills
 - 6. Initiative
 - 7. Adaptability and flexibility

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8. Ability to conform to department goals and objectives in a positive manner

1002.3.3 SELECTION PROCESS

The selection process for special assignments will include an administrative evaluation as determined by the Chief of Police to include:

The selection process for all special assignment positions may be waived for temporary assignments, emergency situations, for training, and at the discretion of the Chief of Police.

1002.4 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the Department of Human Resources.

Grievances

1003.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the filing and processing of employee grievances in addition to the Oxford Employee Manual.

1003.1.1 GRIEVANCE DEFINED

A grievance is a difference of opinion or dispute regarding the meaning, interpretation, or application of any of the following:

- The employee collective bargaining agreement or memorandum of understanding
- This Policy Manual
- Rules and regulations governing personnel practices or working conditions
- Workplace issues that do not amount to misconduct under the Personnel Complaints Policy, such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of members

Specifically outside the category of grievances are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state, or local law, as set forth in the Personnel Complaints Policy.

1003.2 POLICY

It is the policy of the Oxford Police Department to provide a just and equitable system for the prompt handling of employee grievances without discrimination, coercion, restraint or retaliation against any employee who submits or is otherwise involved in a grievance.

1003.3 PROCESS

Grievances may be brought by an individual employee or by an employee group representative. Employees may have representation during the grievance process.

If an employee believes that he/she has a grievance as defined above, that employee shall:

- (a) Attempt to resolve the issue through informal discussion with his/her immediate supervisor.
- (b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the Chief of Police.
- (c) If the employee and the Chief of Police are unable to arrive at a mutual solution, the employee shall proceed as follows:

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1. Submit a written statement of the grievance to the Chief of Police and provide a copy to the Town Administrator and Town Attorney.
2. Include the following information in the written statement:
 - (a) The basis for the grievance (i.e., the facts of the case).
 - (b) The allegation of any specific wrongful act and the harm done.
 - (c) The specific policies, rules or regulations at issue.
 - (d) The remedy or goal being sought by the grievance.
- (d) The supervisor shall provide the employee with a signed acknowledgment of the grievance that shall include the date and time of receipt.
- (e) The Chief of Police and the Town Administrator should review the grievance and respond to the employee within 14 calendar days.
 - (a) The response will be in writing, and will affirm or deny the allegations.
 - (b) The response shall include any remedies, if appropriate.
 - (c) The decision of the Town Administrator is considered final.
- (f) In the event that the grievance is brought by an employee against the Chief of Police, the employee may submit a written statement of the grievance to the Town Administrator including the information in subsection (c)(2) above. The Town Administrator shall review the grievance and respond to the employee within 14 days.

1003.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the Chief of Police for inclusion into a secure file for all written grievances. Copies of the documents should also be sent to the Department of Human Resources.

1003.5 POLICY OR TRAINING IMPLICATIONS

If an employee who participates in the grievance review process identifies any issue that may warrant an immediate revision to this Policy Manual, a procedural change or an immediate training need, the employee should promptly notify the Chief of Police in a memorandum.

1003.6 GRIEVANCE AUDITS

The Chief of Police should perform an annual audit of all grievances filed the previous calendar year to evaluate whether any change in policy, procedure or training may be appropriate to avoid future grievances. The Chief of Police should record these findings in a confidential memorandum to the file without including any identifying information about any individual grievance.

Anti-Retaliation

1004.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or collective bargaining agreement or memorandum of understanding.

1004.2 POLICY

The Oxford Police Department has a zero tolerance policy for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1004.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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Anti-Retaliation

1004.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to the Chief of Police or the Town Administrator.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1004.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

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1004.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

1004.7 WHISTLE-BLOWING

State law protects officers from discrimination or other negative consequences for disclosing mismanagement, waste, dangers to public health/safety, or law/policy violations, or for lawfully exercising constitutional rights (Md. Code PS § 3-110). State law also protects employees from discrimination or retaliation for opposing discriminatory practices prohibited by Md. Code SG § 20-601 et seq. or participating in matters related to possible violations of that law (Md. Code SG § 20-606).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Chief of Police for investigation pursuant to the Personnel Complaints Policy.

1004.8 RECORDS RETENTION AND RELEASE

The Chief of Police shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1004.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

Reporting of Arrests, Convictions and Court Orders

1005.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions and court orders restrict their ability to perform the official duties and responsibilities of the Oxford Police Department. This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction or court order disqualifies them from possessing a firearm.

1005.2 POLICY

The Oxford Police Department requires disclosure of member arrests, convictions and certain court orders to maintain the high standards, ethics and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Department.

1005.3 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and Maryland law prohibits individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Md. Code PS § 5-133).

All members and retired officers with identification cards issued by the Department are responsible for ensuring that they have not been disqualified from possessing firearms by any such conviction or court order, and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1005.4 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

COMAR 12.04.01.04 prohibits any individual who is ineligible under federal or Maryland law to possess or use a handgun from receiving or maintaining an officer certification through the Maryland Police Training and Standards Commission (MPTSC). Additionally, Md. Code PS § 3-107 and Md. Code PS § 3-212 require the termination and decertification of an officer who is convicted of a felony, perjury, or other misdemeanor related to truthfulness.

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

1005.5 REPORTING

All members and all retired officers with identification cards issued by the Department shall immediately notify the Chief of Police in writing of any past or current criminal detention, arrest, charge, or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending or on appeal, and regardless of the penalty or sentence, if any.

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Reporting of Arrests, Convictions and Court Orders

All members and all retired officers with identification cards issued by the Department shall immediately notify the Chief of Police in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired officer from possessing a firearm or requires suspension or revocation of applicable MPTSC certification.

Any member whose criminal arrest, conviction, or court order restricts or prohibits that member from fully and properly performing the member's duties, including carrying a firearm, may be disciplined. This includes but is not limited to being placed on administrative leave, reassignment, and/or termination.

Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on the member's own time and at the member's own expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

1005.5.1 NOTIFICATION REQUIREMENTS

The Department shall report arrests or convictions to the MPTSC for possible suspension and revocation of any applicable certification (Md. Code PS § 3-212).

Drug- and Alcohol-Free Workplace

1006.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding controlled dangerous substances (CDS) and alcohol in the workplace (41 USC § 8103).

1006.2 POLICY

It is the policy of the Oxford Police Department to provide a drug- and alcohol-free workplace for all members.

1006.3 GENERAL GUIDELINES

Alcohol and CDS use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Chief of Police or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1006.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

1006.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

1006.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using CDS or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to CDS, medication or alcohol use.

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Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1006.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and CDS problems (41 USC § 8103). Insurance coverage that provides treatment for CDS and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or CDS problems lead to performance problems.

1006.6 WORK RESTRICTIONS

If a member is on-duty informs a supervisor that he/she has consumed any alcohol, CDS or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol, CDS or medication, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1006.7 SCREENING TESTS

A supervisor may require an employee to submit to a screening under any the following circumstances (Md. Code HG § 17-214(h)):

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or CDS that is impairing the employee's ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

An officer who is under investigation may be ordered to submit to a blood alcohol test and/or a blood, breath, or urine test for CDS when the testing specifically relates to the investigation (Md. Code PS § 3-107).

1006.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or CDS, or both.

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- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1006.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

- (a) Fails or refuses to submit to a screening test (Md. Code PS § 3-107).
- (b) After taking a screening test that indicates the presence of a CDS, fails to provide proof, within 72 hours after being requested, that the employee took the CDS as directed, pursuant to a current and lawful prescription issued in the employee's name.

1006.7.3 TESTING REQUIREMENTS

The provisions of a collective bargaining agreement that cover preliminary drug testing of a job applicant preempt conflicting portions of this policy (Md. Code HG § 17-214(l)).

When an employee is required to be tested for job-related reasons for the use or abuse of any CDS or alcohol, this department shall:

- (a) When using a single-use test device, collect, handle, store and ship each specimen in a manner that maintains the employee donor's identity and confidentiality, the physical integrity of the specimen and precludes contamination of the specimen (Md. Code HG § 17-214(d)(1)).
- (b) Maintain a written record of the chain of custody of each specimen from the time that the specimen is collected until the time that the specimen is no longer needed for retesting (Md. Code HG § 17-214(d)(2)).
- (c) Have the specimen tested by a laboratory that is certified or otherwise approved and at the time of testing provide the name and address of the laboratory, if requested by the employee (Md. Code HG § 17-214(b)(1)).
- (d) Upon notice from the laboratory that an employee has tested positive, deliver to the employee by certified mail or in person and within 30 days from the date the test was performed (Md. Code HG § 17-214(c)(1)):
 - 1. A copy of the laboratory test indicating the test results.
 - 2. A copy of this policy.
 - 3. If applicable, written notice of intent to take disciplinary action, terminate employment or change the conditions of continued employment.
 - 4. A statement or copy of the provisions set forth in Md. Code HG § 17-214(e) which permits the employee to request independent testing of the same sample for verification of the test result.

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1006.7.4 DISCLOSURE OF INFORMATION

Information that may not be disclosed to the Department includes (Md. Code HG § 17-214(i)(1)):

- (a) The use of a nonprescription drug, excluding alcohol, that is not prohibited under state law.
- (b) The use of a medically prescribed drug, unless the employee being tested is unable to establish that the drug was medically prescribed for him/her in accordance with state law.

The prohibitions against disclosure of information do not apply to the extent that they prevent a person from complying with the applicable provisions of the federal Commercial Motor Vehicle Safety Act of 1986 and the federal Motor Carrier Safety Regulations (Md. Code HG § 17-214(i)(2)).

The results of a mandatory test are not admissible or discoverable in a criminal proceeding against an officer (Md. Code PS § 3107).

1006.7.5 TRAINING

The Department shall establish a program to train individuals to collect specimens and perform CDS tests in the workplace in accordance with the provisions of Md. Code HG § 17-214(k).

The responsibilities of this department shall include:

- (a) Keeping a record of the training received by each trainee.
- (b) Establishing a procedure to ensure that each trainee receives the minimum training required to properly perform and demonstrate competency in performing the test.
- (c) Maintaining documentation that indicates the trainee has been trained in accordance with state law.

1006.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1006.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the employee's medical file in accordance with the Personnel Records Policy.

Sick, Vacation, Holiday, and Personal Leave

1007.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of vacation, holiday, personal and sick leave. The accrual and terms of use of sick leave for eligible employees is detailed in the Town of Oxford Employee Manual.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.) or the Maryland Flexible Leave Act (Md. Code LE § 3-802).

1007.2 POLICY

It is the policy of the Oxford Police Department to provide eligible employees with vacation, holiday, personal and sick leave benefits.

1007.3 USE OF SICK LEAVE

All full-time employees shall earn two hours of sick leave each weekly pay period, or thirteen days per year accounting from the date of their initial probationary hiring.

Sick leave is intended to be used for qualified absences.

Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational or other activity that may impede recovery from the injury or illness (see the Outside Employment and Outside Overtime Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

1007.3.1 NOTIFICATION

All members should notify the Chief of Police or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than two hours before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 30-days' notice of the impending absence.

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

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1007.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days.

1007.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
 1. Negatively affected the member's performance or ability to complete assigned duties.
 2. Negatively affected department operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

1007.6 VACATION LEAVE

Vacation accrual rates can be found in the Town of Oxford Employee Manual.

Vacation leave will be based upon an eight hour working day.

- Example - One vacation day accrued equals 8 hours of leave.

1007.7 PERSONAL LEAVE

Personal leave accrual rates can be found in the Town of Oxford Employee Manual.

Personal leave will be based upon an eight hour workday.

- Example - One personal day accrued equals 8 hours of leave

For HR and tracking purposes, personal leave hours will be added to the vacation accrual hours displayed on the employees pay stub.

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1007.8 HOLIDAY LEAVE

A list of Holidays observed can be found in the Town of Oxford Employee Manual.

Holiday leave will be based upon an eight hour workday.

- Example - One holiday equals 8 hours of leave

Communicable Diseases

1008.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1008.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, or tissue, or by breathing or coughing. These diseases commonly include but are not limited to hepatitis B virus (HBV), HIV, and tuberculosis.

Exposure - When an eye, mouth, mucous membrane, or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing, or coughing (i.e., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Oxford Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1008.2 POLICY

The Oxford Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1008.3 EXPOSURE PREVENTION AND MITIGATION

1008.3.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes but is not limited to:

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks, and other specialized equipment in the work area or department vehicle, as applicable.
- (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes, and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

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- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing, portable radio) as soon as possible if the equipment is a potential source of exposure.
 - 1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, or smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1008.3.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost.

1008.4 POST EXPOSURE

1008.4.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

1008.4.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented:

- (a) Name of the member exposed
- (b) Date and time of incident
- (c) Location of incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., cleanup, notifications)

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Communicable Diseases

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Work-Related Injury and Illness Reporting and Workplace Safety and Health policies).

1008.4.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary. The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1008.4.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure.

1008.4.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the exposed member's supervisor.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Seeking testing through the procedures in the Md. Code HG § 18-338.3 and COMAR 10.18.08.12.
- (c) Seeking testing through the procedures in Md. Code CP § 11-107 et seq. and COMAR 10.52.10.01 et seq.

Since there is the potential for overlap between the different manners in which source testing may occur, the supervisor is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The supervisor should seek the consent of the individual for testing and consult the Town Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

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1008.5 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1008.6 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training:

- (a) Should be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Should be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

Personnel Complaints

1009.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of members of the Oxford Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment, or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1009.2 POLICY

The Oxford Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and the Town Employee Manual and applicable federal, state and local laws; municipal and county rules; and the requirements of any collective bargaining agreement or memorandum of understanding.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1009.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy, or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy, federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1009.3.1 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

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1009.3.2 INTERNAL COMPLAINTS

An employee who is notified by another agency member or has knowledge that an agency member violated agency policy or procedures, will submit a Form 24 - Complaint Against Personnel and a Confidential Memorandum to the Chief of Police within 24 hrs. If the policy violation is serious in nature or is a violation of state or federal law, notification to the Chief of Police will be made as soon as practical but no later than the end of shift.

If the violation involves a member of the public, the Chief of Police will complete a Talbot County Police Accountability Board Complaint Form and forward the form to the Police Accountability Board.

1009.3.3 EXTERNAL COMPLAINTS

Complaints from the public alleging a pattern, practice, or conduct by an officer that includes the deprivation of constitutional rights, a violation of criminal law, or a violation of department standards or policy will be documented on a Talbot County Police Accountability Board Complaint form and forwarded to their office.

The Officer accepting the complaint will forward a copy of the complaint form along with a Confidential Memorandum to the Chief of Police within 24 hrs. If the policy violation is serious in nature or is a violation of state or federal law, notification to the Chief of Police will be made as soon as practical but no later than the end of shift.

1009.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1009.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website (Md. Code PS § 3-515).

1009.4.2 ACCEPTANCE

All complaints from the public will be courteously accepted by any department member. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. The officer accepting the complaint shall ensure a Talbot County Police Accountability Board complaint form is completed by either the complainant or the accepting officer. The completed form shall be forwarded to the Chief of Police, who will then forward the form to the Police Accountability Board.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

1009.5 DOCUMENTATION

The Chief of Police shall ensure that all complaints are documented on a complaint form. Internal complaints will be documented on a Form 24 - Complaint Against Personnel Form. External complaints will be documented on the Talbot County Police Accountability Board Complaint Form. The Chief of Police shall ensure that the nature of the complaint is defined as clearly as possible.

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All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

All complaints documented on a Talbot County Police Accountability Board complaint form will be forwarded to the Police Accountability Board.

1009.5.1 COMPLAINTS ALLEGING MISCONDUCT

A complaint that alleges a pattern, practice, or conduct by an officer that includes the deprivation of constitutional rights, a violation of criminal law, or a violation of department standards or policy should include (Md. Code PS § 3-103):

- (a) The name of the officer.
- (b) A description of the alleged facts leading to the complaint.
- (c) Contact information of the person making the complaint.
- (d) Any other information required by law.

1009.6 ADMINISTRATIVE INVESTIGATIONS

All internal and external complaints will be administratively investigated.

1009.6.1 INVESTIGATIVE RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the Chief of Police. The Chief of Police may direct that another supervisor or outside law enforcement agency to investigate any complaint.

If the Chief of Police is the subject of the complaint, the investigation will be completed by an outside law enforcement agency

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 - 1. The original complaint form will be directed to the Chief of Police, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complainants in a courteous and professional manner.
- (c) 1.

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- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Deputy Chief and the Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Department of Human Resources and the Chief of Police for direction regarding the supervisor's role in addressing a complaint that relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination.
- (f) Forwarding personnel complaints to the Chief of Police, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses, and telephone numbers of witnesses.
 - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed.
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1009.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

- (a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, the employee shall be compensated.
- (b) Unless waived by the employee, interviews of an accused employee shall be at the Oxford Police Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused employee.
- (d) Prior to any interview, the employee should be informed in writing of the nature of the investigation.
- (e) All interviews should be for a reasonable period, and the employee's personal needs should be accommodated.
- (f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards, or other inducements be used to obtain answers.
- (g) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 - 1. An employee should be given an order to answer questions in an administrative investigation that might incriminate the employee in a criminal matter only after the employee has been given a *Garrity* advisement. Administrative investigators

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should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview may be provided to the employee prior to any subsequent interview.
- (i) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (j) All employees shall provide complete and truthful responses to questions posed during interviews.
- (k) No employee should be compelled to submit to a polygraph examination, nor should any refusal to submit to such examination be mentioned in any investigation (Md. Code PS § 3-107).

1009.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

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1009.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not Administratively Charged - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Administratively Charged - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1009.6.5 COMPLETION OF INVESTIGATIONS

Every investigator assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation.

A complaint of officer misconduct (as defined in Md. Code PS § 3-101) made by a member of the public is subject to immediate review and completion within a sufficient amount of time so that any disposition by the appropriate administrative charging committee can be accomplished within the obligated statutory timeframe (Md. Code PS § 3-113).

1009.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1009.6.7 NOTICE RELATED TO MISCONDUCT

The Deputy Chief of Police shall serve as the Victim Liaison, which is the department's contact for the public in complaints related to officer misconduct covered by Md. Code PS § 3-101 et seq. and should (Md. Code PS § 3-108):

- (a) Explain to a complainant the various processes involved and any decisions made, including status updates through each stage.
- (b) Provide a complainant with an opportunity to review an officer's statement before completion of the department's investigation, with any redactions of protected information that may be required by law.
- (c) Provide any other support required by law.

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The Department should create and maintain a database that enables a complainant to enter their case number to follow the status of the case throughout each stage, and the crime victim liaison should make sure that a complainant is provided information with how to access this database (Md. Code PS § 3-108).

1009.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1009.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons, and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift and will report as ordered.

1009.8.1 EMERGENCY SUSPENSION

For complaints against officers covered by Md. Code PS § 3-101 et seq., administrative leave may only be imposed as provided by Md. Code PS § 3-107, which addresses when pay and law enforcement authority may be suspended and which limits suspensions to considerations of the public's best interest and a period of 30 days if the suspension is without pay.

1009.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police shall immediately notify the Town Commissioners, Town Attorney and the Town Administrator. The Chief of Police shall request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

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The Chief of Police may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1009.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES FOR INTERNAL COMPLAINTS NOT INVOLVING MEMBER OF THE PUBLIC

Upon completion of the administrative investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review the report and include their comments in writing before forwarding the report.

Upon receipt of any completed administrative investigation, the Chief of Police of the involved member shall review the entire investigative file, the member's personnel file, and any other relevant materials. Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a written notice and the following:

- (a) Access to all the materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.
 - 1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.
 - 2. If the member elects to respond orally, the presentation shall be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Employees not covered by Md. Code PS § 3-101 et seq. will be given a pre-discipline meeting with the Chief of Police._

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation be conducted or may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to conduct further investigation, the employee shall be provided with the results prior to the imposition of any discipline.

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- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

Once the member has completed the member's response, or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective. Discipline for officers shall be in compliance with the uniform state disciplinary matrix adopted by the Maryland Police Training and Standards Commission (MPTSC) (Md. Code PS § 3-105).

1009.10.1 HEARING BY TRIAL BOARD

If an officer refuses the Chief of Police's offer of discipline, the matter should be referred to a trial board for a hearing as provided by Md. Code PS § 3-106 and any related regulations. The Chief of Police or the authorized designee should establish a trial board process consistent with state law that will govern these proceedings (Md. Code PS § 3-106). At least 30 days before any trial board proceeding begins, the officer should be (Md. Code PS § 3-105):

- (a) Provided with a copy of the investigatory record.
- (b) Notified of the charges against the officer.
- (c) Notified of the discipline being recommended.

Once the decision from the trial board is final, the Chief of Police should proceed to conclude the matter in accordance with its recommendations.

1009.10.2 SUMMARY PUNISHMENT

Summary punishment may be imposed for violations of agency rules and regulations when the facts which constitute the violations are not in dispute, the complaint does not involve a member of the public, the employee waives the right to a hearing, and the employee accepts the punishment imposed by the Chief of Police.

Summary Punishment may be offered to the respondent by the Chief of Police. If the punishment is accepted by the employee:

- (a) And the discipline involves a loss of leave or loss of pay, the appropriate information will be forwarded by the Chief of Police to the Town Manager on a Disciplinary Action form.
- (b) The Disciplinary Action Form will be filed in the employee's personnel file by the Town of Oxford Department of Human Resources (HR).

If Summary Punishment is not accepted, all documentation will be forwarded for processing of a hearing board.

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1009.11 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES FOR EXTERNAL COMPLAINTS INVOLVING MEMBER OF THE PUBLIC

Upon completion of the administrative investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review the report and include their comments in writing before forwarding the report.

Upon receipt of any completed administrative investigation, the Chief of Police of the involved member shall review the entire investigative file, the member's personnel file, and any other relevant materials.

The administrative investigation file for External Complaints or Internal Complaints involving a member of the public will be forwarded to the Administrative Charging Committee (ACC). The Chief of Police may submit a letter to the ACC with recommendations regarding discipline.

1009.11.1 ADMINISTRATIVE CHARGING COMMITTEE

For complaints alleging a pattern, practice, or conduct by an officer that includes the deprivation of constitutional rights, a violation of criminal law, or a violation of department standards or policy involving a member of the public, before the determination or imposition of any discipline, the Chief of Police or the authorized designee should forward the investigatory files to the appropriate Administrative Charging Committee, with any redactions of protected information that may be required by law (Md. Code PS § 3-101; Md. Code PS § 3-104). All such submissions to the Administrative Charging Committee may include certain written recommendations from the Chief of Police and should be made within the timeframe established by law (COMAR 12.04.09.06).

If the Administrative Charging Committee issues an administrative charge against an officer, within 15 days thereafter, the Chief of Police should offer that officer discipline that is consistent with the uniform state disciplinary matrix, but in no case less than the discipline recommended by the Administrative Charging Committee (Md. Code PS § 3-105).

1009.11.2 HEARING BY TRIAL BOARD

If an officer refuses the Chief of Police's offer of discipline following an administrative charging committee's charge, the matter should be referred to a trial board for a hearing as provided by Md. Code PS § 3-106 and any related regulations. The Chief of Police or the authorized designee should establish a trial board process consistent with state law that will govern these proceedings (Md. Code PS § 3-106). At least 30 days before any trial board proceeding begins, the officer should be (Md. Code PS § 3-105):

- (a) Provided with a copy of the investigatory record.
- (b) Notified of the charges against the officer.
- (c) Notified of the discipline being recommended.

Once the decision from the trial board is final, the Chief of Police should proceed to conclude the matter in accordance with its recommendations.

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1009.11.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee should ensure that the complainant is notified of the disposition of the complaint.

1009.11.4 NOTICE REQUIREMENTS

The Chief of Police or the authorized designee shall provide any notifications required by the uniform citizen complaint process developed by the MPTSC (Md. Code PS § 3-207).

For complaints related to officer misconduct covered by Md. Code PS § 3-101 et seq., the crime victim liaison should provide a case summary to the complainant within 30 days after the final disposition of the complaint, with any redactions of protected information that may be required by law (Md. Code PS § 3-108).

1009.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

Notice that a licensed member separated shall be sent to the MPTSC within 30 days of member's change in employment status (COMAR 12.04.01.02).

1009.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by an employment agreement or other rules.

In the event of punitive action against an officer under Md. Code PS § 3-101 et seq., the appeal process shall be as provided in Md. Code PS § 3-109.

1009.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees or officers under Md. Code PS § 3-101 et seq. may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

Any probationary period may be extended at the discretion of the Chief of Police in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

1009.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

Seat Belts

1010.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles.

1010.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213 (Md. Code TR § 22-412.2).

1010.2 POLICY

It is the policy of the Oxford Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle accident.

1010.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Department, are properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement.

1010.4 TRANSPORTING CHILDREN

Child passengers under 8 years old and under 4 feet 9 inches tall shall be transported using an approved child restraint system in compliance with Md. Code TR § 22-412.2(d).

Child passengers under 16 years old shall be transported in an approved child restraint system or with a seat belt in compliance with Md. Code TR § 22-412.2(e).

A child safety seat or seat belt may not be used to restrain, seat or position more than one individual at a time (Md. Code TR § 22-412.2(g)).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

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1010.5 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1010.6 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1010.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

1010.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

Body Armor

1011.1 PURPOSE AND SCOPE

This policy provides guidelines for the proper issuance, use, care and maintenance of body armor.

1011.2 POLICY

It is the policy of the Oxford Police Department to maximize officer safety through the use of body armor, in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1011.3 ISSUANCE

The Chief of Police shall ensure that body armor is issued to all officers and that, when issued, the body armor meets or exceeds the standards of the U.S. Department of Justice, National Institute of Justice.

Body armor shall be issued when an officer begins service at the Oxford Police Department and shall be replaced when it becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1011.3.1 USE

Generally, the required use of body armor is subject to the following:

- (a) Members shall only wear department-approved body armor.
- (b) Members shall wear body armor any time they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Members shall wear body armor when working in uniform or taking part in department range training.
- (d) Members are not required to wear body armor when they are functioning primarily in an administrative or support capacity and would not reasonably be expected to take enforcement action.
- (e) Officers may be excused from wearing body armor when they are involved in undercover or plainclothes work that a supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.
 - 1. In those instances when body armor is not worn, officers should have reasonable access to their body armor.

1011.3.2 INSPECTION

Supervisors should ensure through routine observation and periodic documented inspections that body armor is worn and maintained in accordance with this policy.

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Body Armor

Annual inspections of body armor should be conducted by a person trained to perform the inspection for fit, cleanliness and signs of damage, abuse and wear.

1011.3.3 CARE AND MAINTENANCE

The required care and maintenance of body armor is subject to the following:

- (a) Members are responsible for inspecting their body armor for signs of damage, wear and cleanliness at the start of each shift.
 - 1. Unserviceable body armor shall be reported to the supervisor.
- (b) Members are responsible for the proper storage of their body armor.
 - 1. Body armor should not be stored for an extended period of time in an area where environmental conditions (e.g., temperature, light, humidity) could potentially degrade its effectiveness.
- (c) Members are responsible for the care and cleaning of their body armor pursuant to the manufacturer's care instructions.
 - 1. Body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer.
 - 2. Failure to follow manufacturer's care instructions may damage the ballistic performance capabilities of the body armor. If care instructions for the body armor cannot be located, the manufacturer should be contacted to request the instructions.
- (d) Body armor should be replaced in accordance with the manufacturer's recommended replacement schedule, or when its effectiveness or functionality has been compromised.

1011.4 CHIEF OF POLICE RESPONSIBILITIES

The responsibilities of the Chief of Police include, but are not limited to:

- (a) Monitoring technological advances in the body armor industry for any appropriate changes to department-approved body armor.
- (b) Assessing the current level of weapons and ammunition utilized by the public and the suitability of approved body armor to protect against those threats.
- (c) Educating officers about the safety benefits of wearing body armor.

Personnel Records

1012.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1012.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Maryland.

1012.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational, and employment history or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently maintained.
- (e) Discipline records, including copies of sustained personnel complaints.
- (f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment (Md. Code).
 - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment.
 - 2. Any member response shall be attached to and retained with the original adverse comment.
 - 3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.
- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.
- (i) Only information required to accomplish a necessary governmental purpose shall be kept on a member (Md. Code GP § 4-102).

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1012.4 TRAINING FILE

An individual training file shall be maintained by the Chief of Police for each member. Training files will contain records of all training, original or photocopies of available certificates, transcripts, diplomas and other documentation, education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Chief of Police or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Chief of Police or supervisor shall ensure that copies of such training records are placed in the member's training file.

1012.5 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Chief of Police.

Access to these files may only be approved by the Chief of Police ~~or the supervisor.~~

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's department file but will be maintained in the internal affairs file.

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

1012.6 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (e) Any other documents or material that reveals the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

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1012.7 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures (Md. Code GP § 4-311).

Nothing in this policy is intended to preclude review of personnel records by the Town Commissioners, Town Administrator, Town Attorney or other attorneys or representatives of the Town in connection with official business (Md. Code GP § 4-311).

1012.7.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Chief of Police..

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure, which result in access to a member's personnel records, shall be logged in the corresponding file.

1012.7.2 RELEASE OF PERSONNEL INFORMATION

The Department may not release personal information about a member unless allowed by law, regulation, or order (Md. Code GP § 4-311; Md. Code GP § 4-401; Md. Code GP § 4-351).

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

1012.8 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files (Md. Code GP § 4-311).

Any member seeking the removal of any item from his/her personnel records shall file a written request to the Chief of Police. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record.

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Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.
- (d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

1012.9 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule (Md. Code SG § 10-615).

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.
- (c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

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1012.9.1 RECORDS RELATED TO OFFICER MISCONDUCT

A record relating to an administrative or criminal investigation of misconduct by an officer, including an internal affairs investigatory record, a hearing record, and records relating to a disciplinary decision, may not be expunged or destroyed (Md. Code PS § 3-112).

Fitness for Duty

1013.1 PURPOSE AND SCOPE

Monitoring members' fitness for duty is essential for the safety and welfare of the members of the Department and the community. The purpose of this policy is to ensure that all members of this department remain fit for duty and able to perform their job functions.

1013.2 POLICY

The Oxford Police Department strives to provide a safe and productive work environment and ensure that all members of this department can safely and effectively perform the essential functions of their jobs. Under limited circumstances, the Department may require a professional evaluation of a member's physical and/or mental capabilities to determine his/her ability to perform essential functions.

1013.2.1 GROUNDS FOR SEEKING A FITNESS FOR DUTY EVALUATION

A supervisor or the Town Manager may request a fitness for duty evaluation whenever they believe a medical or psychological condition might be preventing the member or supervisor from performing their job functions in a safe and effective manner or that it could pose a direct threat to the member or supervisor's safety or the safety of others. The need for a fitness for duty evaluation might become evident from the supervisor or Town Manager's observations of the member or supervisor or from reliable information received from a third party.

Behaviors that might suggest the need for a fitness for duty evaluation include, but are not limited to:

- (a) Difficulties with manual dexterity, memory, coordination, alertness, speech, vision acuity and concentration;
- (b) Emotional withdrawal;
- (c) Unusual expressions of fear, anxiety, sadness or confusion;
- (d) Outbursts, hostility, oppositional or violent behavior;
- (e) Irrational verbal conduct or behaviors, including delusions and hallucinations;
- (f) Suicidal or threatening statements;
- (g) Personal expressions of mental or physical instability or incapacity;
- (h) Inattention to personal hygiene;
- (i) Reasonable suspicion of drug or alcohol abuse;
- (j) Excessive lateness and absenteeism and/or decreased work productivity; and
- (k) Any other factor or combination of factors that cause the supervisor to believe a physical or psychological condition might be interfering with the member's ability to perform job functions in a safe and effective manner.

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Fitness for Duty

1013.3 MEMBER RESPONSIBILITIES

It is the responsibility of each member of this department, including the Chief of Police, to maintain physical stamina and psychological stability sufficient to safely and effectively perform the essential duties of his/her position.

During working hours, all members are required to be alert, attentive and capable of performing their assigned responsibilities.

Any member who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that a member believes that another department member is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1013.4 SUPERVISOR RESPONSIBILITIES

All supervisors should be alert to any indication that a member may be unable to safely perform his/her duties due to an underlying physical or psychological impairment or condition.

Such indications may include:

- (a) An abrupt and negative change in the member's normal behavior.
- (b) A pattern of irrational conduct, hostility or oppositional behavior.
- (c) Personal expressions of instability.
- (d) Inappropriate use of alcohol or other substances, including prescribed medication.
- (e) A pattern of questionable judgment, impulsive behavior or the inability to manage emotions.
- (f) Any other factor or combination of factors causing a supervisor to believe the member may be suffering from an impairment or condition requiring intervention.

Supervisors shall maintain the confidentiality of any information consistent with this policy.

1013.4.1 REPORTING

A supervisor observing a member, or receiving a report of a member who is perceived to be unable to safely or effectively perform his/her duties shall promptly document all objective information and/or observations.

The supervisor should attempt to meet with the member to inquire about the conduct or behavior giving rise to the concerns.

If a meeting does not resolve the supervisor's concerns or does not take place, the supervisor shall promptly document his/her observations and actions in a written report and inform the Chief of Police.

If a member observes a supervisor who is unable to safely or effectively perform his/her duties, the member shall promptly document all objective information and/or observations and submit such documentation to the Chief of Police.. If the Chief of Police is the person in question, the Town Manager should be notified. The Town Administrator should meet with the Chief of Police to

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inquire about the conduct or behavior giving rise to the concerns and document their observations in a written report.

1013.4.2 DUTY STATUS

In conjunction with the Chief of Police, the supervisor should make a preliminary determination regarding the member or supervisor's duty status.

If a determination is made that the member or supervisor can safely and effectively perform the essential functions of his/her job, the member or supervisor should be returned to duty and arrangements for appropriate follow-up made.

If a preliminary determination is made that the member or supervisor's conduct or behavior represents an inability to safely and effectively perform the essential functions of his/her job, the Chief of Police, or the Town Manager if the Chief of Police is the subject of the determination, should immediately relieve the member or supervisor of duty pending further evaluation.

Employees relieved of duty shall comply with the administrative leave provisions of the Personnel Complaints Policy.

The Chief of Police, the Town Commissioners, and the Town Administrator shall be promptly notified in the event that any member is relieved of duty.

1013.5 FITNESS-FOR-DUTY EVALUATIONS

A fitness-for-duty evaluation may be ordered whenever circumstances reasonably indicate that a member or supervisor is unfit for duty or following an officer-involved shooting or death-in-custody incident.

1013.5.1 PROCESS

The Chief of Police, in cooperation with the Department of Human Resources, may order the member to undergo a fitness-for-duty evaluation.

The Town Administrator, in cooperation with the Town Commissioners, may order the Chief of Police to undergo a fitness-for-duty evaluation on an annual basis.

The examining practitioner will provide the Department or Town Administrator with a report indicating whether the member or supervisor is fit for duty. If the member is not fit for duty, the practitioner will include the existing restrictions or conditions in the report.

In order to facilitate the evaluation of any member or supervisor, the Department will provide all appropriate documents and available information.

All reports and evaluations submitted by the examining practitioner shall be part of the member or supervisor's confidential medical file.

Any member or supervisor ordered to undergo a fitness-for-duty evaluation shall comply with the terms of the order and cooperate fully with the examining practitioner. Any failure to comply with such an order and any failure to cooperate with the practitioner may be deemed insubordination and shall subject the member or supervisor to discipline, up to and including termination.

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Determinations regarding duty status of members and supervisors who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with the Department of Human Resources and Town Commissioners.

1013.5.2 EVALUATION REQUIRED

An officer involved in any incident where a person was seriously injured or killed as a result of a shooting or accident and any officer returning from combat deployment shall undergo a psychological consultation consistent with the standards developed by the Maryland Police Training and Standards Commission (MPTSC) (Md. Code PS § 3-207).

1013.6 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not be required to actively patrol more than: :

- 16 hours in a one-day (24 hour) period.
- 32 hours in any two-day (48 hours) period.

Officers assigned to work shifts beyond 16 hours per 24 hour period will be provided rest periods to allow the officer relief from actively patrolling for more than 16 hours. During rest periods, officers shall remain available to respond for calls for service should they occur.

1013.7 APPEALS

Employees disputing the application or interpretation of this policy may submit a grievance as provided in the Grievances Policy.

1013.8 MPTSC CERTIFICATION

Officers are required to submit to a physical agility assessment every year and a mental health assessment every two years in order to maintain their certification (Md. Code PS § 3-209).

Lactation Breaks

1014.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for the member's infant child.

1014.2 POLICY

It is the policy of the Oxford Police Department to provide, in compliance with the Fair Labor Standards Act (FLSA), reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for her infant nursing child up to one year after the child's birth (29 USC § 207).

1014.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Members desiring to take a lactation break shall notify the dispatcher or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1014.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

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Lactation Breaks

1014.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member's shift ends.

Payroll Records

1015.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

1015.2 POLICY

The Oxford Police Department maintains timely and accurate payroll records.

1015.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

1015.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records (weekly time sheets) shall be completed and submitted to Chief of Police as established by the Town payroll procedures. The Chief of Police shall approve and forward all payroll records to the Town Manager.

1015.5 RECORDS

The Town Manager shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

Overtime Compensation

1016.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedures regarding overtime for employees, in conformance with the Fair Labor Standards Act (FLSA) (29 USC § 201 et seq.).

1016.2 POLICY

The Oxford Police Department will compensate nonexempt employees who work authorized overtime either by payment of wages or by the accrual of compensatory time (29 CFR 553.22). Employees who are salary exempt from FLSA are not compensated for overtime worked.

Section 13(b)(20) of the FLSA provides an overtime exemption to law enforcement employees of a public agency that employs less than five (5) employees during the workweek in law enforcement activities.

1016.3 COMPENSATION

Payment of wages to nonexempt employees for overtime, or accrual of compensatory time in lieu of compensation for overtime worked, shall be at the rate of not less than one and one-half hours for each hour of employment for which overtime compensation is required (29 USC § 207(k)(2); 29 USC § 207(o)(1)).

Short periods of overtime worked at the end of the normal duty day (e.g., less than one hour in duration) may be handled informally by an agreement between the supervisor and the employee. In such cases, the supervisor shall document the overtime worked and schedule a subsequent shift adjustment within the same work period that the overtime was worked, rather than submit a request for overtime payment (29 USC § 207(k)).

Salary exempt employees may be eligible for administrative leave, which may be granted at the discretion of the exempt employee's immediate supervisor.

1016.4 REQUESTS FOR OVERTIME COMPENSATION

1016.4.1 EMPLOYEE RESPONSIBILITIES

Generally, no employee is authorized to work overtime without the prior approval of a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of the shift in which the overtime is worked.

Nonexempt employees shall:

- (a) Obtain supervisory approval, verbal or written.
- (b) Not work in excess of 16 hours, including regularly scheduled work time, overtime and extra-duty time, in any consecutive 24-hour time period without supervisory approval.
- (c) Record the actual time worked in an overtime status using the department-approved form or method. Informal notations on reports, logs or other forms not approved for overtime recording are not acceptable.

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- (d) Submit the request for overtime compensation to their supervisors by the end of shift or no later than the next calendar day.

1016.4.2 SUPERVISOR RESPONSIBILITIES

Supervisors shall:

- (a) Prior to authorizing an employee to work overtime, evaluate the need for the overtime.
 - 1. Supervisors should not authorize any request to work overtime if the overtime would not be an appropriate use of department resources.
- (b) Upon receipt of a request for overtime compensation, confirm that the overtime was authorized and then verify the actual time worked.
 - 1. Supervisors identifying any unauthorized overtime or discrepancy shall initiate an investigation consistent with the Personnel Complaints Policy.
- (c) After verifying and approving the overtime amount, promptly forward the request for compensation to the employee's Chief of Police for final approval.
 - 1. After the Chief of Police has authorized compensation, the request shall be submitted to Chief of Police as soon as practicable.

Supervisors may not authorize or approve their own overtime.

1016.5 ACCOUNTING FOR PORTIONS OF AN HOUR

Authorized overtime work shall be accounted in the increments as listed:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>	
Up to 15 minutes	.25 hour	
16 to 30 minutes	.50 hour	
31 to 45 minutes	.75 hour	
46 to 60 minutes	1 hour	

1016.5.1 VARIATION IN TIME REPORTED

When two or more employees are assigned to the same activity, case or court trial, and the amount of time for which overtime compensation is requested varies among the officers, the Chief of Police or other approving supervisor may require each employee to include the reason for the variation on the overtime compensation request.

1016.6 REQUESTING USE OF COMPENSATORY TIME

Employees who have accrued compensatory time shall be allowed to use that time for time off within a reasonable period after making a request, if the request does not unduly disrupt department operations. Requests to use compensatory time will be submitted to the employee's supervisor at least 24 hours in advance of its intended use. Supervisors may make exceptions in unusual or extraordinary circumstances.

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Compensatory time may not be used for time off for a date and time when the employee is required to appear in court on department-related matters. Supervisors shall not unreasonably deny employee requests to use compensatory time (29 CFR 553.25).

Outside Employment and Outside Overtime

1017.1 PURPOSE AND SCOPE

This policy provides guidelines for department members who seek to engage in authorized outside employment or outside overtime.

1017.1.1 DEFINITIONS

Definitions related to this policy include:

Outside employment - Duties or services performed by members of this department for another employer, organization or individual who is not affiliated directly with this department when wages, compensation or other consideration for such duties or services is received. Outside employment also includes duties or services performed by those members who are self-employed and receive compensation or other consideration for services, products or benefits rendered.

Outside overtime - Duties or services performed by members of this department for a private organization, entity or individual, that are requested and scheduled directly through the Department. Member compensation, benefits and costs for such outside services are reimbursed to the Department.

1017.2 POLICY

Members of the Oxford Police Department shall obtain written approval from the Chief of Police or the authorized designee prior to engaging in any outside employment or outside overtime. Approval of outside employment or overtime shall be at the discretion of the Chief of Police in accordance with the provisions of this policy. Failure to obtain prior written approval for outside employment or overtime, or engaging in outside employment or overtime that is prohibited by this policy, may lead to disciplinary action.

1017.3 OUTSIDE EMPLOYMENT

1017.3.1 REQUEST AND APPROVAL

Members must submit the designated outside employment request form to the Chief of Police for consideration.

If approved, the member will be provided with a copy of the approved request form. Unless otherwise indicated in writing on the request form, approval for outside employment will be valid through the end of the calendar year in which the request is approved. Members seeking to continue outside employment must submit a new request form at the start of each calendar year.

1017.3.2 DENIAL

Any member whose request for outside employment has been denied should be provided with a written notification of the reason at the time of the denial.

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1017.3.3 REVOCATION OR SUSPENSION

Any member whose approval for outside employment is revoked or suspended shall be provided with a written notification of the reason for revocation or suspension.

Approval for outside employment may be revoked or suspended:

- (a) When a supervisor determines the member's performance is failing to meet standards and the outside employment may be related to the deficient performance.
 - 1. Approval for the outside employment may be reestablished when the member's performance has reached a satisfactory level and with his/her supervisor's authorization.
- (b) When a member's conduct or outside employment conflicts with department policy or any law.
- (c) When the outside employment creates an actual or apparent conflict of interest with the Department or Town.

1017.3.4 APPEAL

If a member's request for outside employment is denied or if previous approval is revoked or suspended, the member may file a written notice of appeal with the Chief of Police within 10 days of receiving notice of the denial, revocation or suspension.

A revocation or suspension will only be implemented after the member has completed the appeal process.

If the member's appeal is denied, he/she may file a grievance as provided in the Grievances Policy.

1017.4 REQUIREMENTS

1017.4.1 PROHIBITED OUTSIDE EMPLOYMENT

The Department reserves the right to deny any request for outside employment that involves:

- (a) The use of department time, facilities, equipment or supplies.
- (b) The use of the Oxford Police Department badge, uniform or influence for private gain or advantage.
- (c) The member's receipt or acceptance of any money or other consideration for the performance of duties or services that he/she would be required or expected to render in the course or hours of his/her employment, appointment or as a part of his/her regular duties.
- (d) The performance of duties or services that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other member of this department.
- (e) Demands upon the member's time that would render the performance of his/her duties for this department deficient or substandard.
- (f) Activities that may conflict with any other policy or rule of the Department.
- (g) Any entity that is (COMAR 19A.04.02.04):

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1. Subject to the authority of that member of the Department.
 2. A contractor or subcontractor with this department or that is negotiating a contract with the Department.
- (h) Employment that would impair the impartiality and independent judgment of the member (COMAR 19A.04.02.04).
- (i) Employment prohibited by Town local law enacted pursuant to COMAR 19A.04.01.03.

1017.4.2 SECURITY AND LAW ENFORCEMENT OFFICER OUTSIDE EMPLOYMENT

No member of this department may engage in any outside employment as a law enforcement officer, private security, guard, private investigator, or other similar private security position except as allowed by state law (Md. Code PS § 3-110).

1017.4.3 DEPARTMENT RESOURCES

Members are prohibited from using any department equipment or resources in the course of, or for the benefit of, any outside employment. This shall include the prohibition against any member using his/her position with this department to gain access to official records or databases of this department or other agencies.

1017.4.4 REVIEW OF FINANCIAL RECORDS

Prior to approving outside employment, the Department may request that a member provide personal financial records for review if the Chief of Police determines that a conflict of interest may exist.

If, after approving a request for outside employment, the Department obtains information that a financial conflict of interest exists, the Department may request that the member provide personal financial records for review. Failure or refusal by the member to provide such records may result in revocation or suspension approval of the outside employment pursuant to this policy.

1017.4.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If a member terminates his/her outside employment, the member shall promptly submit written notification of such termination to the Chief of Police through the chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through the procedures set forth in this policy.

Members shall also promptly submit in writing to the Chief of Police any material changes in outside employment, including any change in the number of hours, type of duties or the demands of any approved outside employment. Members who are uncertain whether a change in outside employment is material are advised to report the change.

1017.4.6 LEAVE OR RESTRICTED DUTY STATUS

Members who are placed on leave or other restricted duty status shall inform their immediate supervisors in writing within five days as to whether they intend to continue their outside employment while on such leave or restricted status. The immediate supervisor shall review the

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duties of the outside employment, along with any related orders (e.g., administrative, medical), and make a recommendation to the Chief of Police regarding whether such employment should continue.

In the event that the Chief of Police determines that the outside employment should be discontinued, or if the member fails to promptly notify his/her supervisor of his/her intention regarding outside employment, a notice revoking approval of the outside employment will be forwarded to the member and a copy attached to the original outside employment request form.

Criteria for revoking approval due to leave or restricted duty status include but are not limited to:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the Town's medical professional advisers.
- (b) The outside employment requires performance of the same or similar physical ability, as would be required of an on-duty member.
- (c) The member's failure to make timely notice of his/her intention to the supervisor.

When the member returns to full duty with the Oxford Police Department, a written request may be submitted to the Chief of Police to approve the outside employment request.

1017.5 OUTSIDE OVERTIME

1017.5.1 REQUESTS FOR SPECIAL SERVICES

Any private organization, entity or individual seeking special services (e.g., security, traffic control) from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such services will be assigned, monitored, and compensated through the Department as outside overtime assignments.

- (a) A request for special services during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute will not be approved.
- (b) The requestor will be required to enter into an agreement that includes indemnification with the Department prior to approval.
- (c) The requestor will be required to reimburse the Department for the member's compensation, benefits, and costs (e.g. court time) associated with such outside services.
- (d) Should such a request be approved, any member working outside overtime shall be subject to the following conditions:
 - 1. The member shall wear the department uniform and carry department identification.
 - 2. The member shall be subject to the rules and regulations of this department.
 - 3. Compensation for such approved outside overtime shall be pursuant to normal overtime procedures (see the Overtime Compensation Policy).
 - 4. Outside overtime shall not be subject to the collective bargaining process.

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- (e) Outside overtime shall be assigned at the discretion of the Chief of Police or the authorized designee.

1017.5.2 ARREST AND REPORTING PROCEDURE

Any officer making an arrest or taking other official law enforcement action while working in an outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to the Report Preparation Policy. Time spent on the completion of such reports shall be considered part of the outside overtime assignment.

Work-Related Injury and Illness Reporting

1018.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding timely reporting of work-related injuries and occupational illnesses.

1018.1.1 DEFINITIONS

Definitions in this policy include:

Work-related injury or illness - Accidental personal injury or illness arising out of and in the course of employment (Md. Code LE § 9-101).

1018.2 POLICY

The Oxford Police Department will address work-related injuries and occupational illnesses appropriately, and will comply with applicable state workers' compensation requirements (Md. Code LE § 9-101 et seq.).

1018.3 RESPONSIBILITIES

1018.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any work-related injury or occupational illness shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate.

Injured Members shall:

- (a) Notify their supervisor as soon as practical.
- (b) Submit an Incident Report describing the injury and the circumstances.
- (c) Complete a First Report of Injury Form 1A-1
- (d) Notify the hospital, doctor and pharmacy that all expenses related to the on-the-job injury are to be billed to the Town insurance carrier for payment under Workman's Compensation.
- (e) Send or bring any doctor's notes or orders for Workman's Compensation Claims to the Town Office on the same day the employee sees the doctor or the day after at the latest (If injury results in any form of restrictive duties, confirm that those restrictions are listed on the discharge paperwork)
- (f) Shall send or deliver at the earliest time, any additional medical statements or information concerning when the employee will or may be available for regular duty or transitional duty to other duties for the period of recuperation.
- (g) Provide copies of all physician/hospital paperwork to the Chief of Police
- (h) Submit any time-off requests related to the injury/illness

In the event that the employee is incapacitated as a result of his injuries, the supervisor shall complete steps b & c.

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1018.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors Shall:

- (a) Ensure injured members receive whatever medical attention is necessary.
- (b) Arrange for the injured member to receive transportation to the appropriate facility.
- (c) Ensure the officer's duty weapon and other equipment are properly secured
- (d) Notify the Chief of Police if the injury appears serious.
- (e) Initiate the Accident Investigation.
 - 1. Secure any Body Camera footage or surveillance video footage that captured the incident. Injuries shall be photographed and uploaded into evidence.com.
 - 2. Investigate immediately to determine exactly what occurred
 - 3. Complete a Supervisor's Accident Investigation Report
 - 4. Obtain Accident Witness Statement(s)
 - 5. If the injury was the result of a motor vehicle accident, complete a State of Maryland ACRS Report.
- (f) Ensure that all reports are completed no later than twenty- four (24) hours after the injury was reported.
- (g) Determine whether the Major Incident Notification and the Workplace Safety and Health policies apply and take additional action as required.
- (h) Forward the completed Reports to the Chief of Police and Human Resources:
 - 1. Supervisor's Accident Investigation Report
 - 2. First Report of Report of Injury Form
 - 3. Accident Witness Statement Forms
 - 4. RMS Officer Injury Report

1018.3.3 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1018.4 OTHER INJURY OR ILLNESS

Injuries and illnesses caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Chief of Police through the chain of command and a copy sent to the Town Administrator.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

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1018.5 SETTLEMENT OFFERS

When a member sustains a work-related injury or occupational illness that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1018.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to a work-related injury or occupational illness, the member shall provide the Chief of Police and Town Administrator with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the Town to determine whether the offered settlement will affect any claim the Town may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the accident or injury, and to protect the Town's right of subrogation, while ensuring that the member's right to receive compensation for injuries is not affected.

Personal Appearance Standards

1019.1 PURPOSE AND SCOPE

This policy provides guidelines for the personal appearance of members of the Oxford Police Department.

Requirements for department uniforms and civilian attire are addressed in the Uniforms and Civilian Attire Policy.

1019.2 POLICY

Oxford Police Department members shall maintain their personal hygiene and appearance to project a professional image that is appropriate for this department and for their assignments. Department personal appearance standards are primarily based on safety requirements, appearance conformity, and the social norms of the community served, while considering matters important to members of the Department.

1019.3 GROOMING

Unless otherwise stated and because deviations from these standards may present officer safety issues, the following appearance standards shall apply to all members, except those whose current assignments would deem them not applicable, and where the Chief of Police has granted an exception.

1019.3.1 PERSONAL HYGIENE

All members must maintain proper personal hygiene. Examples of improper personal hygiene include, but are not limited to, dirty fingernails, bad breath, body odor and dirty or unkempt hair. Any member who has a condition due to a protected category (e.g., race, physical disability) that affects any aspect of personal hygiene covered by this policy may qualify for an accommodation and should report any need for an accommodation to the Chief of Police.

1019.3.2 HAIR

Hair shall be clean, neatly trimmed or arranged, and of a natural hair color. Hairstyles with shaved designs in the scalp are prohibited. Hair adornments shall be primarily for the purpose of securing the hair and must present a professional image.

Hairstyles for male department members must not extend below the top edge of a uniform or dress shirt collar while assuming a normal stance.

When working a field assignment, hairstyles for female department members must not extend below the bottom edge of a uniform or dress shirt collar while assuming a normal stance. Longer hair shall be worn up or in a tightly wrapped braid or ponytail that is secured to the head above the bottom edge of the shirt collar.

1019.3.3 FINGERNAILS

Fingernails shall be clean and neatly trimmed to a length that will not present a safety concern. The color of fingernail polish shall present a professional image.

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1019.4 APPEARANCE

1019.4.1 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

- (a) Necklaces shall not be visible above the shirt collar.
- (b) Earrings shall be small and worn only in or on the earlobe.
- (c) One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.
- (d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
- (e) Wristwatches shall be conservative and present a professional image.
- (f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1019.4.2 TATTOOS

At no time while the member is on-duty or representing the Department in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

1019.4.3 BODY PIERCING OR ALTERATION

Body piercing (other than earlobes) or alteration to any area of the body that is visible while on-duty or while representing the Oxford Police Department in any official capacity, that is a deviation from normal anatomical features, and that is not medically required, is prohibited. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement (i.e., foreign objects inserted under the skin to create a design or pattern).
- (c) Abnormal shaping of the ears, eyes, nose or teeth (i.e., enlarged or stretched out holes in the earlobes).
- (d) Branding, scarification or burning to create a design or pattern.

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1019.4.4 DENTAL ORNAMENTATION

Dental ornamentation that is for decorative purposes and that is not medically required is prohibited while on-duty or while representing the Oxford Police Department in any official capacity. Such ornamentation includes, but is not limited to:

- (a) Objects that are bonded to front teeth.
- (b) Gold, platinum or other veneers or caps used for decorative purposes.
- (c) Orthodontic appliances that are colored for decorative purposes.

1019.4.5 GLASSES AND CONTACT LENSES

Eyeglasses and sunglasses shall be conservative and present a professional image. Contact lenses with designs that change the normal appearance of the eye and that are not medically required are prohibited while on-duty or while representing the Oxford Police Department in any official capacity.

1019.4.6 COSMETICS AND FRAGRANCES

Cosmetics shall be conservative and present a professional image. Use of cologne, perfume, aftershave lotion and other items used for body fragrance shall be kept to a minimum.

1019.4.7 UNDERGARMENTS

Proper undergarments shall be worn as necessary for reasons of hygiene and general appearance standards and shall not be visible.

1019.5 RELIGIOUS ACCOMMODATION

The religious beliefs and needs of department members should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The Chief of Police should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings, or certain hairstyles or facial hair for religious reasons should generally be accommodated absent unusual circumstances.

1019.6 EXEMPTIONS

Members who seek cultural (e.g., traits associated with race such as hair texture, afro hairstyles, protective hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Md. Code SG § 20-101). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief of Police should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a security or safety risk.

Uniforms and Civilian Attire

1020.1 PURPOSE AND SCOPE

This policy provides guidelines for Oxford Police Department-authorized uniforms and civilian attire regulations. It is established to ensure that uniformed members will be readily identifiable to the public through the proper use and wearing of department uniforms, and that the appearance of members who wear civilian attire reflects favorably on the Department.

This policy addresses the wearing and maintenance of department uniforms, accessories, insignia, patches and badge; the requirements for members who wear civilian attire; and the authorized use of optional equipment and accessories by members of the Department.

Other related topics are addressed in the Badges, Patches and Identification, Department-Owned and Personal Property, and Personal Appearance Standards policies.

1020.2 POLICY

The Oxford Police Department will provide uniforms for all employees who are required to wear them in the manner, quantity and frequency that is determined by the Chief of Police.

All uniforms and equipment issued to department members shall be returned to the Department upon termination or resignation.

1020.3 UNIFORMS

The Chief of Police or the authorized designee shall maintain and update uniform and equipment specifications, which should be consulted by all members as needed. Uniforms shall be worn as described therein and as specified in this policy.

The following shall apply to those assigned to wear department-issued uniforms:

- (a) Uniforms and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed.
- (b) Uniforms shall be worn in compliance with any applicable department specifications.
- (c) Members shall wear only the uniforms specified for their ranks and assignments.
- (d) Civilian attire shall not be worn in combination with any distinguishable part of a uniform.
- (e) Uniforms are only to be worn while on-duty, for court, at official department functions or events, while in transit to or from work, or when authorized by the Chief of Police or the authorized designee.
- (f) Members are not to purchase or drink alcoholic beverages while wearing any part of department-issued uniforms, including the uniform pants.
- (g) All supervisors will perform periodic inspections of members under their command to ensure conformance to this policy.

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1020.3.1 INSIGNIA, PATCHES AND BADGE

Only the following elements may be affixed to department uniforms unless an exception is authorized by the Chief of Police:

- (a) Shoulder patch - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets.
- (b) Badge - The department-issued badge, or an authorized sewn-on cloth replica, must be worn and visible at all times while in uniform.
- (c) Nameplate with ID number - The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform.
 - 1. When a jacket is worn, the nameplate, or an authorized sewn-on cloth nameplate, shall be affixed to the jacket in the same manner as the uniform.
- (d) Rank insignia - The designated collar in insignia indicating the member's rank may be worn while in uniform.
- (e) American flag pin - An American flag pin may be worn, centered above the nameplate.

1020.3.2 MOURNING BAND

Uniformed members shall wear a black mourning band across the department badge whenever a law enforcement officer is killed in the line of duty or as directed by the Chief of Police. The following mourning periods will be observed:

- (a) Oxford Police Department officer - From the time of death until midnight on the 14th day after the death.
- (b) An officer from the State of Maryland - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out-of-region fallen officer.
- (d) National Peace Officers' Memorial Day (May 15) - From 0001 hours until 2359 hours.
- (e) As directed by the Chief of Police.

1020.4 UNIFORM CLASSES

The Chief of Police or the authorized designee shall determine the uniform to be worn by each department member or any deviations that may be authorized.

Uniforms are classified as follows:

- (a) Class A - Full dress uniform to be worn by designated department members on special occasions, such as funerals, graduations, ceremonies, or as directed by the Chief of Police or the authorized designee.
- (b) Class B - Formal uniform to be worn for court appearances, formal meetings, and other events as approved by the Chief of Police.
- (c) Class C - General utility uniform to be worn by daily by Department members on patrol.
- (d) Class D - Department Polo Shirt and uniform pants or appropriate civilian pants (for training or other approved informal events).

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1020.4.1 CLASS A UNIFORM

The Class A uniform consists of the following:

- (a) Dress blouse
- (b) Long-sleeve button up shirt
- (c) Tie tack or tie bar
- (d) Dress Trousers
- (e) Black belt
 - 1. Belts shall be equipped as needed for the member's assignment.
- (f) Dark blue or black socks
 - 1. Natural colored hose must be worn with the skirt.
- (g) Black polished dress shoes
 - 1. Boots with pointed toes are not permitted.
- (h) White gloves

1020.4.2 CLASS B UNIFORM

The Class B uniform consists of the following:

- (a) Long sleeve or short sleeve button up shirt.
 - 1. All shirt buttons must remain buttoned except for the top button at the neck on the short sleeve shirt..
 - 2. Long sleeves must be buttoned at the cuff.
 - 3. Tie with tie bar must be worn with the long sleeve shirt.
- (b) Department issued patrol pants.
- (c) Black belt
 - 1. Belts shall be equipped as needed for the member's assignment.
- (d) Dark blue or black socks
 - 1. Natural colored hose must be worn with the skirt.
- (e) Black polished dress shoes.

1020.4.3 CLASS C UNIFORM

The Class C uniform consists of the following:

- (a) Long or short sleeve pullover shirt (no tie).
 - 1. A crew neck t-shirt must be worn under the uniform shirt.
 - 2. All shirt buttons must remain buttoned except for the top button at the neck.
 - 3. Long sleeves must be buttoned at the cuff.
- (b) Department issued patrol pants.

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- (c) Black belt
 - 1. Belts shall be equipped as needed for the member's assignment.
- (d) Dark blue or black socks
 - 1. Natural colored hose must be worn with the skirt.
- (e) Black polished dress shoes or boots
 - 1. Approved black unpolished shoes may be worn.
 - 2. Boots with pointed toes are not permitted.
 - 3. Decorative stitching or adornment is not permitted.
- (f) Weather appropriate items
 - 1. Approved ball cap
 - 2. Dark blue or black mock turtleneck may be worn under the long-sleeve uniform shirt.
 - 3. Jacket
 - 4. Rain gear

1020.4.4 CLASS D UNIFORM

Department issued Polo Shirt and issued patrol pants or appropriate civilian pants (khakis, cargo, etc).

1020.5 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Oxford Police Department members may not wear any uniform item, accessory or attachment unless specifically authorized by the Chief of Police or the authorized designee.

Department members may not use or carry any safety item, tool or other piece of equipment unless specifically authorized by the Chief of Police or the authorized designee.

Conflict of Interest

1021.1 PURPOSE AND SCOPE

The purpose of this policy is to assist members in recognizing and avoiding potential conflicts of interest, thereby ensuring effective and ethical operating practices on the part of the Oxford Police Department.

1021.1.1 DEFINITIONS

Definitions related to this policy include:

Conflict of interest - Any actual, perceived or potential conflict, in which it reasonably appears that a member's action, inaction or decisions are or may be influenced by a personal or business relationship.

1021.2 POLICY

Members of the Oxford Police Department are expected to conduct themselves with the utmost professional integrity and objectivity. Members will guard against actual or perceived conflicts of interest in order to ensure the fair and equitable treatment of department members and the public, and thereby maintain the trust of the public and department members.

1021.3 PROHIBITIONS

The Department prohibits the following types of personal or business relationships among members:

- (a) Members are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other member who is a relative or with whom they are involved in a personal or business relationship.
 - 1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved member to an uninvolved supervisor.
 - 2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing members in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any member to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Members are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting a member who is a relative or with whom they are involved in a personal or business relationship.
- (c) Whenever possible, field training officers (FTOs) and other trainers will not be assigned to train relatives. Department FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any member they

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are assigned to train until such time as the training has been successfully completed and the person is off probation.

1021.3.1 ADDITIONAL PROHIBITIONS

The Department prohibits members from (COMAR 19A.04.02.04):

- (a) Participating in a Town matter that would have a direct economic impact, distinct from the impact on the public at large, on the member or that, to the knowledge of the member, would have a direct economic impact on any of the following:
 - 1. A spouse, parent, sibling or child of member.
 - 2. A business entity with which the member or member's spouse, parent, sibling or child is affiliated.
- (b) Having a financial interest in an entity that:
 - 1. Is subject to the authority of the member.
 - 2. Is negotiating or has entered a contract with or is a subcontractor on a contract with the Oxford Police Department.
- (c) Soliciting or receiving gifts.
- (d) Any other conflict of interest or financial interest identified by Town law enacted pursuant to COMAR 19A.04.01.03.

These prohibitions do not apply if the member is granted an exemption pursuant to the provisions of Town local law enacted pursuant to COMAR 19A.04.01.03.

1021.4 MEMBER RESPONSIBILITIES

Members shall avoid situations that create a conflict of interest. Members should take reasonable steps to address a perception of a conflict of interest when such a perception is reasonably foreseeable and avoidable (e.g., deferring a decision to an uninvolved member).

Whenever any member is placed in circumstances that would require him/her to take enforcement action or to provide official information or services to any relative or individual with whom the member is involved in a personal or business relationship, that member shall promptly notify his/her uninvolved, immediate supervisor.

In the event that no uninvolved supervisor is immediately available, the member shall promptly notify the dispatcher to have another uninvolved member either relieve the involved member or minimally remain present to witness the action.

1021.5 SUPERVISOR RESPONSIBILITIES

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly

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notify the Chief of Police or the authorized designee of such actual or potential violations through the chain of command.

Badges, Patches and Identification

1022.1 PURPOSE AND SCOPE

The Oxford Police Department (OPD) badge, patch and identification card, as well as the likeness of these items and the name of the Department, are property of the Department. Their use shall be restricted as set forth in this policy.

1022.2 POLICY

Members of the Department will use the OPD badge, patch and identification card, as well as the likeness of these items, appropriately and professionally.

1022.3 UNAUTHORIZED USE

The OPD badge, patch and identification card shall not be displayed or used by any member except when acting in an official or authorized capacity.

Department members shall not:

- (a) Display or use the OPD badge, patch or identification card for personal gain or benefit.
- (b) Loan the OPD badge, patch or identification card to others and shall not permit these items to be reproduced or duplicated.
- (c) Use images of the OPD badge, patch or identification card, or the likeness thereof, or the Oxford Police Department name, for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as email, blogs, or social networking or websites.

1022.3.1 LOST BADGE, PATCH OR IDENTIFICATION CARD

Department members shall promptly notify their supervisors whenever their OPD badges, patches, or identification cards are lost, damaged or are otherwise removed from their control.

1022.4 BADGES

The Chief of Police shall determine the form of badges authorized for use by department members. No other badges may be used, carried, worn or displayed.

Only badges issued by this department are authorized to be used, displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

Members, with the written approval of the Chief of Police, may purchase at their own expense an additional badge or flat badge that can be carried in a wallet.

1022.5 IDENTIFICATION CARDS

All members will be issued an official OPD identification card bearing the member's name, full-face photograph, member identification number, and the signature of the Chief of Police or the official seal of the Department. All members shall be in possession of their department-issued identification cards at all times while on-duty or in department facilities.

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- (a) Whenever on-duty or acting in an official capacity representing the Department, members shall display their department-issued identification cards in a courteous manner to any person upon request and as soon as practicable.

Temporary Modified-Duty Assignments

1023.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, Town rules or current collective bargaining agreements or memorandums of understanding. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1023.2 POLICY

Subject to operational considerations, the Oxford Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1023.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Maryland Accessibility Code shall be treated equally, without regard to any preference for a work-related injury.

No position in the Oxford Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1023.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should submit a written request to their Chief of Polices or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

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- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Chief of Police will make a recommendation regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Department of Human Resources or the Town Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Chief of Police, with notice to the Chief of Police.

1023.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Chief of Police.

1023.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include but not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Chief of Police that contains a status update and anticipated date of return to full duty when a temporary modified-duty assignment extends beyond 60 days.

1023.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified-duty.

The responsibilities of supervisors shall include but not be limited to:

- (a) Periodically apprising the Chief of Police of the status and performance of employees assigned to temporary modified duty.

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- (b) Notifying the Chief of Police and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

1023.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1023.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

1023.7.1 REASONABLE ACCOMMODATION

An employee who is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition may request a reasonable accommodation including (Md. Code SG § 20-609):

- Changing job duties.
- Changing work hours.
- Being provided leave.
- Being provided with mechanical or electrical aids.
- Being transferred to less strenuous or less hazardous positions.
- Relocation.

The Department will explore all possible means of providing the reasonable accommodation and may require certification from the employee's health care provider regarding the medical advisability of a reasonable accommodation. This certification will be to the same extent certification that is required for other temporary disabilities. The certification shall include:

- The date a reasonable accommodation is medically advisable.
- The probable duration of the reasonable accommodation.
- An explanation as to the medical advisability of the reasonable accommodation.

1023.7.2 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or

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limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the Town's personnel rules and regulations regarding family and medical care leave.

1023.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified-duty.

1023.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified-duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified-duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

Performance History Audits

1024.1 PURPOSE AND SCOPE

This policy provides guidance for the use of performance history audits. Performance history audits can help identify commendable performance as well as provide early recognition of training needs and other potential issues. This policy addresses the responsibilities, performance indicators, and components of the audit, and handling of collected data (Md. Code PS § 3-516).

1024.2 POLICY

The Oxford Police Department collects data to assist supervisors with evaluating the performance of their employees. While it is understood that the statistical compilation of data may be helpful to supervisors, the Department recognizes that it cannot account for, and must carefully balance such data with the many variables in law enforcement, such as:

- Ability to detect crime
- Work ethic
- Assignment and shift
- Physical abilities (ability to perform the job-related physical tasks)
- Randomness of events

1024.3 RESPONSIBILITIES

The Chief of Police is responsible for collecting and reviewing performance indicators and other relevant data. The data will be compiled to generate annual performance history audit reports.

1024.4 COMPONENTS OF PERFORMANCE HISTORY AUDITS

Performance history audits should include the following components:

- Performance indicators
- Data analysis
- Employee review
- Follow-up monitoring

1024.4.1 PERFORMANCE INDICATORS

Performance indicators represent the categories of employee performance activity that the Chief of Police has determined may be relevant data for the generation and analysis of performance history audits. These indicators may include but are not limited to the frequency and/or number of:

- (a) Use of force incidents.
- (b) Involvement and conduct during vehicle pursuits.
- (c) Personnel complaints, including the findings.
- (d) Commendations, compliments, and awards from the Department and the public.

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- (e) Claims and civil suits related to the employee's actions or alleged actions.
- (f) Canine bite incidents.
- (g) Personnel investigations.
- (h) State's Attorney case rejections and the reasons.
- (i) Intentional or accidental firearm discharges (regardless of injury).
- (j) Vehicle collisions.
- (k) Missed court appearances.
- (l) Documented counseling.

1024.5 CONFIDENTIALITY OF DATA

Information, data, and copies of material compiled to develop performance history audit reports shall be considered confidential as part of the employee's personnel file and will not be subject to discovery or release except as provided by law. Access to performance history audit reports will be governed under the same process as access to an officer's personnel file, as outlined in the Personnel Records Policy (Md. Code PS § 3-516).

Access to the underlying data will be governed by the process for access to the original records (such as police reports).

1024.5.1 EARLY INTERVENTION REVIEW

The Chief of Police or the authorized designee should review the performance history audit system on a regular basis to ensure that it is effective as a confidential and nonpunitive early intervention system that identifies both (Md. Code PS § 3-516):

- (a) Officers who may be at risk of engaging in the use of excessive force.
- (b) Training, corrective actions, reassignments, or other appropriate responses to reduce the risk of excessive force occurring.

1024.6 RETENTION

Performance history audit reports and associated records shall be retained in accordance with the established records retention schedule.

Employee Speech, Expression and Social Networking

1025.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the Oxford Police Department.

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit a member from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

1025.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Oxford Police Department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Department will carefully balance the individual member's rights against the needs and interests of the Department when exercising a reasonable degree of control over its members' speech and expression.

1025.3 SAFETY

Members should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Oxford Police Department members, such as posting personal information in a public forum or posting a photograph taken with a GPS-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover

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- Disclosing the address of a fellow department member
- Otherwise disclosing where another officer can be located off-duty

1025.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the safety, performance, and public-trust needs of the Oxford Police Department, the following are prohibited unless the speech is otherwise protected (for example, a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the Department or its members.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Department and tends to compromise or damage the mission, function, reputation, or professionalism of the Department or its members. Examples may include:
 1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
 2. Expression that demonstrates support for criminal activity.
 3. Participation in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the members of the Department (e.g., a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape).
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Department.
- (f) Use or disclosure, through whatever means of any information, photograph, video, or other recording obtained or accessible as a result of employment or appointment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.
- (g) Posting, transmitting, or disseminating any photographs, video or audio recordings, likenesses, or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the Oxford Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

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Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1025.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the Oxford Police Department or identify themselves in any way that could be reasonably perceived as representing the Department in order to do any of the following, unless specifically authorized by the Chief of Police (Md. Code LG § 1-303; Md. Code LG § 1-304; Md. Code PS § 3-110; Md. Code SP § 2-304):

- (a) Endorse, support, oppose, or contradict any political campaign, political candidate, or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose any product, service, company, or other commercial entity.
- (d) Appear in any commercial, social, or nonprofit publication or any motion picture, film, video, public broadcast, or any website.

Additionally, when it can reasonably be construed that a member, acting in the member's individual capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this department, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Oxford Police Department.

Members retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of a recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

1025.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

However, the Department may not request or require that a member disclose any user name, password, or other means for accessing a personal account or service through an electronic communications device (Md. Code LE § 3-712).

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1025.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or the authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of the member's duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1025.7 TRAINING

Subject to available resources, the Department should provide training regarding the limitations on speech, expression and use of social networking to all members of the Department.

Workplace Safety and Health

1026.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of injury and illness for members of the Oxford Police Department, in accordance with the requirements of Md. Code LE § 5-101 et seq., Md. Code LE § 5-206, and COMAR 09.12.20.01 et seq.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces injury and illness, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Town-wide safety efforts.

1026.2 POLICY

The Oxford Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will establish and maintain an Illness and Injury Prevention program and will provide tools, training and safeguards designed to reduce the potential for accidents, injuries and illness. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

1026.2.1 WORKPLACE SAFETY AND HEALTH PROGRAM

The Chief of Police is responsible for developing an illness and injury prevention plan that shall include (Md. Code LE § 5-104; Md. Code LE § 5-206):

- (a) Workplace safety and health training programs.
- (b) Regularly scheduled safety meetings.
- (c) Posted or distributed safety information.
- (d) A system for members to anonymously inform management about workplace hazards.
- (e) Establishment of a safety and health committee that will:
 - 1. Meet regularly.
 - 2. Prepare a written record of safety and health committee meetings.
 - 3. Review the results of periodic scheduled inspections.
 - 4. Review investigations of accidents and exposures.
 - 5. Make suggestions to command staff for the prevention of future incidents.
 - 6. Review investigations of alleged hazardous conditions.
 - 7. Conduct on-going self-inspections.
 - 8. Submit recommendations to assist in the evaluation of member safety suggestions.

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9. Assess the effectiveness of efforts made by the Department to meet applicable standards.
- (f) Establishing a process to ensure illnesses and injuries are reported as required under the Maryland Occupational Safety and Health (MOSH) Act (Md. Code LE § 5-702).

1026.3 CHIEF OF POLICE CHIEF OF POLICE RESPONSIBILITIES

The responsibilities of the Chief of Police Chief of Police include, but are not limited to (Md. Code LE § 5-104; Md. Code LE § 5-206; Md. Code LE § 5-702; Md. Code LE § 5-703):

- (a) Managing and implementing a plan to reduce the incidence of member injury and illness.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
 1. New member orientation that includes a discussion of safety and health policies and procedures.
 2. Regular member review of the injury and illness prevention plan.
- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members
- (d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes, but is not limited to:
 1. Informing members of the illness and injury prevention guidelines.
 2. Recognizing members who perform safe work practices.
 3. Ensuring that the member evaluation process includes member safety performance.
 4. Ensuring department compliance to meet standards regarding the following:
 - (a) Communicable diseases
 - (b) Bloodborne pathogen precautions (29 CFR 1910.1030; Md. Code LE § 5-308.1)
 - (c) Personal Protective Equipment (PPE) (see the Personal Protective Equipment Policy)
 - (d) Emergency Action Plan (29 CFR 1910.38(a); Md. Code PS § 14-110)
 - (e) Reasonable accommodations for disability, including pregnancy (Md. Code SG § 20-601; Md. Code SG § 20-609)
- (e) Making available a form to document inspections, unsafe conditions or unsafe work practices and actions taken to correct unsafe conditions and work practices.

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- (f) Making available a form to document individual incidents or accidents.
- (g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training and training providers.
- (h) Conducting and documenting a regular review of the illness and injury prevention plan.

1026.4 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include but are not limited to:

- (a) Ensuring member compliance with injury and illness prevention guidelines and answering questions from members about this policy.
- (b) Training, counseling, instructing, or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.
- (c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to injury and illness prevention; such forms and reports shall be submitted to the Chief of Police.
- (e) Notifying the Chief of Police when:
 - 1. New substances, processes, procedures, or equipment that present potential new hazards are introduced into the work environment.
 - 2. New, previously unidentified hazards are recognized.
 - 3. Occupational injuries and illnesses occur.
 - 4. New and/or permanent or intermittent members are hired or reassigned to processes, operations, or tasks for which a hazard evaluation has not been previously conducted.
 - 5. Workplace conditions warrant an inspection.

1026.5 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices, or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors) (Md. Code LE § 5-104(b)(2)).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

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All significant actions taken and dates they are completed shall be documented on a MOSH-approved reporting form available on the Maryland Department of Labor website. This form should be forwarded to the Chief of Police Chief of Police via the chain of command.

The Chief of Police Chief of Police will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

1026.6 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment (Md. Code LE § 5-206).

The Chief of Police Chief of Police shall ensure that the appropriate documentation is completed for each inspection.

1026.6.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their PPE prior to working in the field. Members shall complete a MOSH-approved reporting form available on the Maryland Department of Labor website if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

1026.7 INVESTIGATIONS

Any member sustaining any work-related injury or illness, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors (Md. Code LE § 5-206).

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured member and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.
- (g) Completion of an investigation/corrective action report.
- (h) Completion of a hazards and correction record form.

Additionally the supervisor should proceed with the steps to report an on-duty injury, as required under the Work-Related Injury and Illness Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

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1026.8 TRAINING

The Chief of Police should work with the Chief of Police to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided (Md. Code LE § 5-206):

- (a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.
- (b) To all members with respect to hazards specific to each member's job assignment.
- (c) To all members given new job assignments for which training has not previously been provided.
- (d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the Department is made aware of a new or previously unrecognized hazard.

1026.9 RECORDS

Records and training documentation relating to injury and illness prevention will be maintained in accordance with the established records retention schedule.

Employee Wellness

1027.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for department members.

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness.

Additional information on member wellness is provided in the:

- Chaplains Policy.
- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.

1027.1.1 DEFINITIONS

Definitions related to this policy include:

Critical incident – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

Critical Incident Stress Debriefing (CISD) – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

Peer support – Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

1027.2 POLICY

It is the policy of the Oxford Police Department to prioritize member wellness to foster fitness for duty and support a healthy quality of life for department members. The Department will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

1027.3 WELLNESS COORDINATOR

The Chief of Police and Town Manager shall verify a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This also includes:

- (a) Meeting the requirements of Md. Code PS § 3-523 for no cost mental health assistance for officers to address their personal and work-related concerns, including stress, financial issues, legal issues, family problems, office conflicts, and alcohol and substance abuse disorders.
- (b) Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.

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- (c) Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.
- (d) Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.
- (e) Providing for the methods to obtain program services.
- (f) Obtaining a written description of the program services.

1027.4 DEPARTMENT PEER SUPPORT

1027.4.1 PEER SUPPORT MEMBER SELECTION CRITERIA

The selection of a department peer support member will be at the discretion of the Chief of Police. Selection should be based on the member's:

- Desire to be a peer support member.
- Experience or tenure.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support members.

1027.4.2 PEER SUPPORT MEMBER RESPONSIBILITIES

The responsibilities of the department peer support members include:

- (a) Providing pre- and post-critical incident support.
- (b) Presenting department members with periodic training on wellness topics, including but not limited to:
 - 1. Stress management.
 - 2. Suicide prevention.
 - 3. How to access support resources.
- (c) Providing referrals to licensed psychotherapists and other resources, where appropriate.
 - 1. Referrals should be made to department-designated resources in situations that are beyond the scope of the peer support member's training.

1027.4.3 PEER SUPPORT MEMBER TRAINING

A department peer support member should complete department-approved training prior to being assigned.

1027.5 CRITICAL INCIDENT STRESS DEBRIEFINGS

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded

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statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

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

Attendance at the debriefing should only include peer support members and those directly involved in the incident.

1027.6 PEER SUPPORT COMMUNICATIONS

Although the Department will honor the sensitivity of communications with peer support members, there is no legal privilege to such communications except as provided in Md. Code PS § 3-523.

1027.7 EAP REQUIRED ASSISTANCE

Before returning to full duty, the following should be offered or provided to an officer as part of the EAP (Md. Code PS § 3-523):

- (a) A voluntary mental health consultation and voluntary counseling services if the officer was involved in an incident that contained an accident resulting in a fatality.
- (b) A mandatory mental health consultation and voluntary counseling services for an officer seriously injured, involved in a shooting, or involved in a use of force that resulted in a death or a serious injury.

Commission Approved Disciplinary Matrix

1028.1 MATRIX

See attachment: [Commission Approved Uniform Disciplinary Matrix.pdf](#)

Complaint Mediation Program

1029.1 BACKGROUND

Mediation is one of several alternate dispute resolution techniques that are used to settle disagreements or conflicts. It is based on the voluntary participation of the disputing parties who agree to discuss their differences in the presence of a third party, an independent, trained mediator. Mediation calls for a "good faith" conversation between the disputing parties in a safe environment where they can meet and air their views about the events or issues that created the dispute. The mediation process is intended to develop mutual understanding between the conflicting parties with the goal of resolving the dispute.

The use of mediation to resolve complaints against sworn personnel differs from the OXFORD POLICE DEPARTMENT standard, formal procedures that have traditionally been used to investigate and resolve complaints filed by members of the community. The traditional complaint resolution process focuses on fact-finding, pinpointing responsibility, determining guilt or innocence, and punishing those found guilty of violating agency policies and procedures, rules and regulations or other directives.

During mediation, a trained, neutral/independent third party, referred to as a mediator, will facilitate the mediation process. The mediator shall not influence, pressure, or otherwise impose on either party an agreement or settlement in order to resolve the dispute in any particular way. The disputing parties will own the process, i.e., they will set the ground rules for how the mediation session will go and what results they hope to achieve during mediation. Hopefully, they will see mediation as their opportunity to resolve their differences in a way that is satisfactory to both parties. In essence, mediation gives both participants control over the final resolution of the complaint.

The OXFORD POLICE DEPARTMENT has contacted the MID SHORE COMMUNITY MEDIATION CENTER and has requested that it provide mediation services in this effort. Together with the MID SHORE COMMUNITY MEDIATION CENTER, various members of the agency, including members of the command staff, rank and file and labor organization, and members of the community, the OXFORD POLICE DEPARTMENT has developed the Police Complaint Mediation Program presented in this policy and procedure, pursuant to COMAR 12.04.11.

1029.2 POLICY

The OXFORD POLICE DEPARTMENT understands that not everyone who has a complaint against a police officer wants to see the officer punished. Some complainants simply want to understand why an officer took a particular action, or want an opportunity to explain their own actions to the officer. Some complainants want to retain some control over how their complaint is handled rather than turning the complaint entirely over to the law enforcement agency or civilian administrative committees for decisions and resolution. When it comes to how to resolve complaints against law enforcement officers, one size does not fit all, and that is why the OXFORD POLICE DEPARTMENT offers its Police Complaint Mediation Program as an alternative to

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Complaint Mediation Program

its traditional standard complaint resolution process using the Police Accountability Board and Administrative Charging Committee.

It is the policy of the OXFORD POLICE DEPARTMENT to offer voluntarily mediation both to a community member who has filed a complaint involving certain types of conduct against a member of the agency and to the member about whose behavior the complaint has been filed. The mediation session will be conducted by a trained, neutral mediator affiliated with a recognized Independent Mediation Provider [IMP], at a neutral location at a time convenient to both parties.

The OXFORD POLICE DEPARTMENT will identify certain behaviors/conduct in this policy and procedure as being normally "mediation eligible."

The OXFORD POLICE DEPARTMENT will, whenever possible at the time of the initial complaint, explain the mediation process to the complainant and provide the complainant a summary of the voluntary complaint mediation program as well as an explanation of the traditional investigative complaint process used by the OXFORD POLICE DEPARTMENT.

The OXFORD POLICE DEPARTMENT will also publish and maintain a copy of this policy and procedure on its website.

The OXFORD POLICE DEPARTMENT will treat all mediation sessions as confidential as defined in CP § 1804 of the Code of Maryland. As such, the OXFORD POLICE DEPARTMENT will require the mediators affiliated with the Independent Mediation PROVIDER to obtain a signed Agreement/ Consent to Mediate Letter from each of the involved parties and any other attendees at the session. The Agreement /Consent to Mediate Letter will be witnessed by the mediator, prior to the mediation session taking place.

It is the policy of the OXFORD POLICE DEPARTMENT not to consider an officer's acceptance of or declination of mediation in any subsequent disciplinary matters. However, the OXFORD POLICE DEPARTMENT will limit the number of times any officer can participate in mediation during a one year period to no more than 3.

Because mediation is a confidential process, statements made by any of the parties may not be subsequently used in a formal legal proceeding including administrative hearings. Thus, each side can freely discuss the issue at hand.

1029.3 DEFINITIONS

For purposes of this policy and procedure, the following terms have the following meanings:

COMPLAINT: an allegation made by a community member that a sworn officer of this agency was engaged in police misconduct or behavior that was perceived by the complainant as inappropriate under the circumstances. Police misconduct is defined by Public Safety Article, §3-101, Annotated Code of Maryland as a pattern, a practice, or conduct by a police officer or law enforcement agency that includes

1. depriving persons of rights protected by the constitution or laws of the State or the United States;

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2. a violation of a criminal statute; and
3. a violation of law enforcement agency standards and policies.

NOTE: a disagreement over the validity of any citation, e.g., a traffic/vehicle code citation, parking violation, criminal citation, etc., is not grounds for the initiation of a complaint; that is a matter for adjudication by the court of jurisdiction; however, a complaint can be filed about the conduct of the officer issuing the citation.

CONFIDENTIAL MATERIAL: refers to any communication occurring during a mediation session that could be/has the potential to be used in a judicial, administrative, or other proceeding involving a party to the mediation, as set forth in CP § 3 – 1803.

IMPASSE: an outcome of a mediation session in which neither party is willing to compromise any further on an issue.

INDEPENDENT MEDIATION PROVIDER [IMP]/LOCAL MEDIATION PROVIDER: an organization, separate and apart from a law enforcement agency that can provide mediators to conduct mediation sessions between complainants and law enforcement personnel. The Maryland Police Training and Standards Commission (MPTSC) in collaboration with community-based mediation resources shall establish and maintain a listing of qualified mediation providers located within the State.

LETTER CONSENT TO MEDIATE: means a document signed by the parties in mediation indicating each party's voluntary participation in mediation and witnessed by the mediator.

LETTER OF CONCLUSION: means a document signed by staff of the independent mediation provider that is delivered to a law enforcement agency indicating that a mediation session was held between a complainant and police officer.

MEDIATION: means 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 nonviolent dispute or conflict.

MEDIATION- ELIGIBLE COMPLAINT:

- (a) A nonviolent complaint of a minor nature is eligible for mediation if it falls into one of the following categories:
 - (a) Violation category A, as stated in COMAR 12.0410.04 D (2); or
 - (b) Violation category B, as stated in COMAR 12.04.10.04 D (3).
- (a) A law enforcement agency shall review the nature of the complaint and determine if mediation is appropriate, based on the following factors:
 - (a) Type and severity of the alleged violation;
 - (b) Circumstances of the alleged police misconduct; and
 - (c) Work history and past disciplinary record of the involved police officer.

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- (b) Even if a complaint is eligible for mediation, the agency head or designee has the authority to decide, for any reason, that a case may not be assigned for mediation.

MEDIATION-INELIGIBLE COMPLAINT:

- (a) A complaint of police misconduct that involves any level of force is not eligible for mediation.
- (b) A complaint is not eligible for mediation if it falls into one of the following categories:
 - (a) Violation category C, as stated in COMAR 12.04.10.04D(4);
 - (b) Violation category D, as stated in COMAR 12.04.10.04D(5);
 - (c) Violation category E, as stated in COMAR 12.04.10.04E(6); or
 - (d) Violation category F, as stated in COMAR 12.04.10

MEDIATION SESSION: the discussion between a complainant and officer that takes place in the presence of a mediator in a private, neutral setting.

MEDIATOR: is a trained, impartial third party, affiliated with an independent mediation provider, who will facilitate a mediation session between parties to assist them in reach a voluntary resolution to their dispute.

POLICE MISCONDUCT: is defined by Public Safety Article, §3-101, Annotated Code of Maryland as a pattern, a practice, or conduct by a police officer or law enforcement agency that includes:

- (a) depriving persons of rights protected by the constitution or laws of the State or the United States;
- (b) a violation of a criminal statute; and
- (c) a violation of law enforcement agency standards and policies.

1029.4 LEGAL REFERENCES

Public Safety Article § 3 – 207 (D) (1-3):

1. The Commission SHALL:
 - (a) establish a Police Complaint Mediation Program to which a law enforcement agency MAY refer, subject to the agreement of the complainant, a NONVIOLENT complaint made against a police officer out of the standard complaint process;
 - (b) refer a complaint referred to the program to VOLUNTARY mediation conducted by an INDEPENDENT mediation service; and
 - (c) adopt regulations to implement the program, including criteria concerning eligibility for referral of complaints.

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COMAR (Code of Maryland Annotated Regulations) 12.04.11 Police Complaint Mediation Program Authority: Public Safety Article, §§3-207 and 3-208, Annotated Code of Maryland

- (a) Purpose.
 - (a) This chapter establishes a police complaint mediation program that provides an alternative method to address minor, nonviolent police misconduct complaints outside of the standard complaint process.
 - (b) A law enforcement agency may refer a nonviolent complaint made against a police officer, subject to the agreement of the complainant and the involved police officer, to an independent mediation provider.
- (b) General Provisions.
 - (a) Mediation is a process for settling minor police misconduct disputes based on the voluntary participation of the disputing parties.
 - (b) If eligible, voluntary mediation between community members and police officers may be used in place of the traditional administrative complaint process and administrative charging committees (ACC).
 - (c) The mediation process can bridge the communication gap and create a greater understanding and appreciation between community members, police officers, and employing law enforcement agencies.

Courts and Judicial Proceedings Article § 3-1803 et al.:

§ 3-1803. Duties of mediator and participants:

- (a) Mediator and participants requested by mediator. -- Except as provided in § 3-1804 of this subtitle, a mediator or any person present or otherwise participating in a mediation at the request of a mediator:
 - (a) Shall maintain the confidentiality of all mediation communications; and
 - (b) May not disclose or be compelled to disclose mediation communications in any judicial, administrative or other proceeding
- (c) Parties or participants requested by parties. -- Except as provided in § 3-1804 of this subtitle:
 - i. A party to a mediation and any person present or otherwise participating in the mediation at the request of a party may not disclose or be compelled to disclose mediation communications in any judicial, administrative, or other proceeding; and
 - ii. The parties may enter into a written agreement to maintain the confidentiality of all mediation communications and may require any person present or otherwise participating in the mediation at the request of a party to maintain the confidentiality of all mediation communications.

§ 3-1804. Requirements and exceptions

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- (a) Written agreement of confidentiality required. -- A document signed by the parties that records points of agreement expressed by the parties or that constitutes an agreement reached by the parties as a result of mediation is not confidential unless the parties agree otherwise in writing.
- (b) Disclosures allowed. -- In addition to any other disclosure required by law, a mediator, a party, or a person who was present or who otherwise participated in a mediation at the request of the mediator may disclose mediation communications:
 - (a) To a potential victim or to the appropriate law enforcement authority to the extent that the mediator, party, or person reasonably believes the disclosure is necessary to prevent bodily harm or death to the potential victim;
 - (b) To the extent necessary to assert or defend against allegations of mediator misconduct or negligence;
 - (c) To the extent necessary to assert or defend against allegations of professional misconduct or malpractice by a party or any person who was present or who otherwise participated in the mediation at the request of a party, except that a mediator may not be compelled to participate in a proceeding arising out of the disclosure; or
 - (d) To the extent necessary to assert or defend against a claim or defense that, because of fraud, duress, or misrepresentation, a contract arising out of a mediation should be rescinded or damages should be awarded.
- (c) Disclosure by court order; limitations. -- A court may order mediation communications to be disclosed only to the extent that the court determines that the disclosure is necessary to prevent an injustice or harm to the public interest that is of sufficient magnitude in the particular case to outweigh the integrity of mediation proceedings.

§ 3-1805. When communications subject to discovery:

- 1. Mediation communications that are confidential under this subtitle are not subject to discovery, but information that is otherwise admissible or subject to discovery does not become inadmissible or protected from disclosure solely by reason of its use in mediation.

Maryland Rule 17-104, Basic Mediation Training Programs:

To qualify under Rule 17-205 (above) or 17-304, a basic mediation-training program shall include the following:

- (a) conflict resolution and mediation theory, including causes of conflict, interest-based versus positional bargaining and models of conflict resolution;
- (b) mediation skills and techniques, including information gathering skills; communication skills; problem-solving skills; interaction skills; conflict management skills; negotiation techniques; caucusing; cultural, ethnic and gender issues; and strategies to:
 - (a) identify and respond to power imbalances, intimidation, and the presence and effects of domestic violence, and
 - (b) safely terminate a mediation when such action is warranted;

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- (c) mediator conduct, including conflicts of interest, confidentiality, neutrality, ethics and standards of practice; and
- (d) simulations and role-playing monitored and critiqued by experienced mediator trainers.

1029.5 POLICE COMPLAINT AND MEDIATION PROGRAM

The OXFORD POLICE DEPARTMENT Police Complaint Mediation Program conforms to the standards and regulations established and provided by the Maryland Police Training and Standards Commission and the recommendations of the MID SHORE COMMUNITY MEDIATION CENTER.

1029.6 COMPLAINT MEDIATION PROGRAM ADMINISTRATION

The OXFORD POLICE DEPARTMENT Chief of Police is designated as the administrator for the agency's Police Complaint Mediation Program and has the authority and responsibility to:

- provide administrative oversight for the agency's Police Complaint Mediation Program as required;
- develop and implement any internal procedures for record keeping and other administrative duties, etc., as relates to the mediation of complaints;
- act as agency liaison with the MID SHORE COMMUNITY MEDIATION CENTER regarding Police Complaint Mediation Program;
- review and evaluate community member complaints and select those that are mediation-eligible as described in this policy and procedure;
- contact the officer involved in the mediation-eligible complaint to determine if he/she wishes to mediate the complaint;
- ensure that mediation – eligible complaints and complainant contact information are forwarded to the MID SHORE COMMUNITY MEDIATION CENTER as soon as practical after an officer has agreed to mediation so the MID SHORE COMMUNITY MEDIATION CENTER can contact the complainant with an offer to mediate his/her complaint;
- maintain Closure Letters of all mediation sessions conducted by mediators affiliated with MID SHORE COMMUNITY MEDIATION CENTER;
- with the assistance of the MID SHORE COMMUNITY MEDIATION CENTER compile an annual report of /about the use of and citizen-agency personnel satisfaction with the agency's complaint mediation program for the agency head;
- periodically review and update as necessary this policy and procedure;
- post a current copy of this policy and procedure as well as the OXFORD POLICE DEPARTMENT Complaint Resolution Brochure on its website.

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1029.7 SELECTION OF COMPLAINT FOR MEDIATION

Pursuant to COMAR 12.04.11.06, the Mediation Program Administrator will carefully review and evaluate each complaint and the circumstances reported in that complaint prior to determining if mediation should/should not be offered to the parties involved in the incident.

In addition, prior to making a decision as to whether a particular complaint is eligible/not eligible for mediation, the Mediation Program Administrator shall also weigh the potential benefits of an offer of mediation as they apply to the complainant, the community at large and the agency against the potential exposure to harm, i.e. potential civil liability and potential damage to the ability of the agency to protect the community.

To provide guidance to all agency personnel, the OXFORD POLICE DEPARTMENT has determined that, in general, depending on the particular circumstances surrounding the complaint, mediation may be offered to resolve a complaint that appears to be based on:

- (a) a lack of communication or miscommunication between a community member and officer involved in an incident;
- (b) a misunderstanding about an officer's authority to act;
- (c) a misunderstanding about an officer's application of an agency standard operation procedure or other professionally accepted practice.

When deciding whether to consider any complaint for mediation as an alternative to a traditional investigation, the Mediation Program Administrator will consider, at a minimum, the following:

- (a) the type and severity of the alleged violation and the particular circumstances involved in the complaint;
- (b) the work history and disciplinary record of the officer involved including previous mediation history;
- (c) whether mediation will potentially:
 - (a) result in greater complainant satisfaction;
 - (b) improve citizen understanding of police procedures and actions;
 - (c) result in improved officer conduct; and
 - (d) contribute to improved citizen-police relations.

While the OXFORD POLICE DEPARTMENT recognizes that there are several potential benefits for the community member, officer, agency and community at large that can accrue through a successful mediation, the OXFORD POLICE DEPARTMENT understands that there is no right to mediation, either expressed or implied in this policy, for any party involved in a complaint. The OXFORD POLICE DEPARTMENT reserves the right to decline to offer mediation for any complaint filed by a community member.

Additionally, circumstances may prompt the OXFORD POLICE DEPARTMENT to withdraw/rescind the mediation option from either the community member or the officer before a mediation session takes place.

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MEDIATION ELIGIBLE COMPLAINTS:

As part of its established complaint resolution process, the OXFORD POLICE DEPARTMENT has determined that community member complaints that fall within the following categories are "ELIGIBLE" to be considered for mediation. As described above, the circumstances outlined in the initial complaint will be reviewed by the Mediation Program Administrator and the several objective eligibility factors listed in this policy and procedure will be factored into the decision as to whether to offer mediation:

- (a) Conduct that has or may have a minimal negative impact on the operations or professional image of the agency (COMAR 12.04.10.04 (D)(2) – Category A:
 - (a) Plainclothes Officer – Failure to Identify Self as Officer;
 - (b) Failure to Provide Name and Badge Number on request;
 - (c) Traffic Violation by Officer/Emergency Vehicle Operation complaint;
 - (d) Discourtesy/Rudeness.
- (b) Conduct that has or may have a negative impact on the operations or professional image of a law enforcement agency; or that negatively impacts relationships with other officers, agencies, or the public (COMAR 12.04.10.04 (D)(3) – Category B:
 - (a) Responsibilities to Serve Public;
 - (b) Displaying an Impartial Attitude;
 - (c) Discourtesy – Language or Behavior;
 - (d) Department Vehicle Operation;
 - (e) Failure to Make, File or Complete Official Report.

OTHER ELIGIBILITY FACTORS TO BE CONSIDERED:

The OXFORD POLICE DEPARTMENT recognizes that all complaints that appear, at first glance, to be potentially eligible for mediation by type of behavior may not be, in reality, good candidates for mediation. In addition to the severity of or the minimal nature of the consequences caused by the behavior alleged in the complaint, the agency will also use the following additional objective factors to determine if a complaint should be offered to the officer and complainant for mediation. Those objective factors include an officer's:

- 1. Complimentary history:
 - (a) awards/commendations/positive public recognition or acknowledgment;
- 2. Prior work history:
 - (a) positive performance evaluations and/or voluntary, advanced, job-related training; or
 - (b) recommendation of supervisor(s)/command officers within chain of command;
- 3. Disciplinary history:

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- (a) minimal or lack of prior disciplinary history relative to the officer's years of service;
- (b) nature and seriousness of any prior sustained violation(s);
- (c) number of prior sustained violation(s);
- (d) length of time between prior sustained violation(s) and current case;
- (e) number of prior complaints TBD by agency] of any type in past 12 months;
- (f) prior complaint mediation experience:
 - i. participation in [# TBD by agency] mediation sessions during past [timeframe TBD by agency];
 - ii. participation in a mediation session for the same type of complaint in past [timeframe TBD by agency];
- (g) relationship between any prior violation(s) and the present alleged misconduct;
- (h) whether the officer's prior history demonstrates a continuation or pattern of the same or similar misconduct; and
- (i) whether the prior history demonstrates continuous misconduct evidencing a failure to conform to rules or to correct inappropriate behavior.

Whenever a question arises as to the mediation–eligibility of a complaint, the Mediation Program Administrator will consult with senior command staff within the chain of command before making a determination as whether or not to offer mediation. The local Police Accountability Board should also be consulted.

INELIGIBLE COMPLAINTS:

While the OXFORD POLICE DEPARTMENT has concluded that there is significant benefit in mediating certain complaints against its personnel, it also realizes that complaints alleging certain types of misconduct normally require a thorough administrative investigation in order to resolve a complaint from a community member. Such administrative investigations are intended to protect the interests of the public as well as the agency. Administrative investigations occur when complaints involve actions or behavior that, if true, would have a significant adverse effect on either a community member, the public at large and/or the ability of the OXFORD POLICE DEPARTMENT to provide lawful, fair/equitable and professional law enforcement services to the community.

Conduct that falls into one of the following violation categories shall not be considered for mediation:

1. COMAR 12.04.10.04(D)(4)- Category C. Conduct that involves a risk to safety or that has or may have a pronounced negative impact on the operations or professional image on the law enforcement agency or a member, or on relationships with other officers, agencies, or the public.

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2. COMAR 12.04.10.04(D)(5)- Category D. 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.
3. COMAR 12.04.10.04(D)(6)- Category E. 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.
4. COMAR 12.04.10.04(D)(7)- Category F. 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
5. 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 and 18 U.S.C. §922(g) (Lautenberg) violations. (These cases will result in termination).

NOTE:

Whenever a question arises as to the mediation–eligibility/ineligibility of a complaint, the Mediation Program Administrator will consult with senior command staff within the chain of command before making a determination as whether or not the complaint is mediation eligible. If a clear determination cannot be made at this point, then the complaint will be forwarded to the agency head or his/her designee for a final decision as to whether to offer mediation or not to the complainant and officer involved.

1029.8 NOTIFICATION OF PARTIES - OPTION TO MEDIATE

Pursuant to COMAR 12.04.11.07 (A), once a complaint has been initially reviewed by the agency to determine its mediation eligibility, the parties involved in the complaint will be notified of the option to mediate in the order and manner described below:

OFFICER:

- The officer against whom the complaint has been lodged will be contacted by Chief of Police to determine if he/she chooses to voluntarily participate in mediation with the complainant. The officer will have 3 days to make a decision and to notify the Chief of Police.
- If the officer agrees to mediation, the Chief of Police will contact the complainant and notify them of the mediation option (see complainant instructions below).
- If both parties agree to mediation, the officer will be instructed to contact MID SHORE MEDIATION intake within 3 business days.
- The Chief of Police will provide MID SHORE MEDIATION with the officer's contact information.

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- If the police officer does not contact MID SHORE MEDIATION intake within 3 business days, MID SHORE MEDIATION will contact the officer to conduct a private intake to determine if he/she chooses to voluntarily participate in the mediation process with the complainant.
- Failure of the officer to engage with the mediation provider within 3 business days of notification to mediate will be viewed as a withdrawal from the mediation process and the complaint will be investigated and resolved pursuant to existing policy and procedure.
- If the officer declines to participate in mediation, the complaint will be investigated and resolved pursuant to COMAR 12.04.09 and 12.04.10.
- The OXFORD POLICE DEPARTMENT will not consider an officer's decision to mediate or not mediate a complaint during any later disciplinary proceedings.

COMPLAINANT:

- If the officer voluntarily agrees to mediation of the complaint, the Chief of Police will contact the complainant to determine if the complainant will *voluntarily* participate in the mediation process.
- The OXFORD POLICE DEPARTMENT will request permission to share the complainant's contact information with MID SHORE MEDIATION'S intake staff
- The complainant will be provided the contact information for MID SHORE MEDIATION intake and request the complainant make contact within 3 business days.
- If the complainant does not contact MID SHORE MEDIATION within 3 business days, MID SHORE MEDIATION will contact the complainant (when possible) to conduct a private intake to determine if he/she chooses to voluntarily participate in the mediation process with the officer
- If the complainant declines to participate in mediation, the matter shall be referred back to the administrative complaint process set forth in COMAR 12.04.09.

1029.9 SCHEDULING MEDIATION SESSION

Meditation sessions should be scheduled within 30 days of the referral to the independent mediation provider.

The mediation session shall be scheduled when the officer is on-duty.

1029.10 APPEARANCE AT THE MEDIATION SESSION

Once the MID SHORE COMMUNITY MEDIATION CENTER has scheduled a mediation session and contacted the officer, the officer is required to appear at the mediation session as scheduled. The MID SHORE COMMUNITY MEDIATION CENTER will contact the Mediation Program Administrator as soon as practical if an officer fails to appear at a scheduled mediation session.

An officer's failure to appear for a scheduled mediation session without a justifiable reason and/or without contacting the MID SHORE COMMUNITY MEDIATION CENTER prior to the session, will constitute the officer's declination to participate and nullify the agreement to mediate and result in

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the complaint being investigated and resolved as per established procedures set forth in COMAR **12.04.09 and 12.04.10.**

1029.11 VOLUNTARY PARTICIPATION IN MEDIATION

While the decision to allow mediation is made after careful consideration of the circumstances and characteristics of each case, the OXFORD POLICE DEPARTMENT makes the option of mediation available in order to allow the involved parties to decide for themselves whether mediation is an appropriate or desirable way to resolve their concerns and/or differences.

Participation in the agency's Police Mediation Program by the complainant and the officer is VOLUNTARY.

Each party to the mediation will be required to agree to and sign a "Consent to Mediate Agreement Letter" provided by the MID SHORE COMMUNITY MEDIATION CENTER prior to the commencement of the mediation session

There is no right to mediation. Even if a complaint is eligible for mediation, any stakeholder/party to the process [the complainant, the officer and/or the agency] may decline to agree that a complaint should be resolved through the mediation process.

No stakeholder/party to the process shall be required to state the reason for declining to participate in mediation or for agreeing to assign a case for mediation.

If a complainant or officer declines to mediate the complaint or withdraws from the mediation process prior to the beginning of the mediation session the complaint will be investigated according to COMAR **12.04.09.**

1029.12 CONFIDENTIALITY OF MEDIATION SESSION

The OXFORD POLICE DEPARTMENT recognizes that CONFIDENTIALITY is an essential element of mediation both for the complainant and for the officer involved. For mediation to succeed, both parties must feel free to speak candidly/openly. The OXFORD POLICE DEPARTMENT understands that the confidentiality of the proceedings has special relevance for its personnel because they must be assured that any apology or acknowledgment of wrongdoing will not be used against them, either by this agency or by a private attorney in a legal proceeding including a criminal, civil or administrative hearing.

Therefore, the OXFORD POLICE DEPARTMENT, along with the MID SHORE COMMUNITY MEDIATION CENTER will adhere to confidentiality requirements set forth in the Courts and Judicial Proceedings Article § 3-1803, et al.:

§ 3-1803. Duties of mediator and participants:

- (a) Mediator and participants requested by mediator. -- Except as provided in § 3-1804 of this subtitle, a mediator, any person present, or otherwise participating in a mediation at the request of a mediator:
 - (a) Shall maintain the confidentiality of all mediation communications; and

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- (b) May not disclose or be compelled to disclose mediation communications in any judicial, administrative, or other proceeding.
- (a) Parties or participants requested by parties. -- Except as provided in § 3-1804 of this subtitle:
 - (a) A party to a mediation and any person present or otherwise participating in the mediation at the request of a party may not disclose or be compelled to disclose mediation communications in any judicial, administrative, or other proceeding; and
 - (b) The parties may enter into a written agreement to maintain the confidentiality of all mediation communications and may require any person present or otherwise participating in the mediation at the request of a party to maintain the confidentiality of all mediation communications.

§ 3-1804. Requirements and exceptions.

- (a) Written agreement of confidentiality required. -- A document signed by the parties that records points of agreement expressed by the parties or that constitutes an agreement reached by the parties as a result of mediation is not confidential unless the parties agree otherwise in writing.
- (b) Disclosures allowed. -- In addition to any other disclosure required by law, a mediator, a party, or a person who was present or who otherwise participated in a mediation at the request of the mediator or a party may disclose mediation communications:
 - (a) To a potential victim or to the appropriate law enforcement authority to the extent that the mediator, party, or person reasonably believes the disclosure is necessary to prevent bodily harm or death to the potential victim;
 - (b) To the extent necessary to assert or defend against allegations of mediator misconduct or negligence;
 - (c) To the extent necessary to assert or defend against allegations of professional misconduct or malpractice by a party or any person who was present or who otherwise participated in the mediation at the request of a party, except that a mediator may not be compelled to participate in a proceeding arising out of the disclosure; or
 - (d) To the extent necessary to assert or defend against a claim or defense that, because of fraud, duress, or misrepresentation, a contract arising out of a mediation should be rescinded or damages should be awarded.
- (e) As otherwise required by law (example - child abuse or vulnerable adult abuse)
- (a) Disclosure by court order; limitations. -- A court may order mediation communications to be disclosed only to the extent that the court determines that the disclosure is necessary to prevent an injustice or harm to the public interest that is of sufficient magnitude in the particular case to outweigh the integrity of mediation proceedings.

§ 3-1805. When communications are subject to discovery:

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1. Mediation communications that are confidential under this subtitle are not subject to discovery, but information that is otherwise admissible or subject to discovery does not become inadmissible or protected from disclosure solely by reason of its use in mediation.
2. Mediation confidentiality includes ALL mediation communications, which include speech, writing, or conduct made as part of a mediation session.
3. The parties to a mediation session may mutually agree to document in writing an agreement signed by the parties because of mediation. This document is not confidential unless the parties agree in writing otherwise.
4. Confidentiality should not be construed to prohibit the effective monitoring, research, or evaluation of a mediation program by responsible persons approved by the OXFORD POLICE DEPARTMENT and MID SHORE COMMUNITY MEDIATION CENTER. Under appropriate circumstances, researchers and mediation evaluators may be permitted to obtain access to statistical data and, with the permission of the parties, to individual case files, mediation sessions, observations, and interviews with participants.

1029.13 THE MEDIATION PROCESS

To ensure neutrality, mediation will be provided by the MID SHORE COMMUNITY MEDIATION CENTER staff.

The mediation process will be one that focuses on dialogue, relationships, and building understanding. There are a number of examples of mediation approaches that fit this criterion including inclusive mediation, transformative mediation, narrative mediation, and some types of facilitative mediation. The MID SHORE COMMUNITY MEDIATION CENTER will determine the type of mediation protocol to use for each mediation session.

At the discretion of the MID SHORE COMMUNITY MEDIATION CENTER one (1) or two (2) affiliated mediators will be referred to each scheduled mediation session.

The mediation session will take place in a neutral location, with all participants in a room together. A private session will only occur when there is a concern for safety or fear of retaliation and the mediators need to explore whether to end the session.

The MID SHORE COMMUNITY MEDIATION CENTER relying on its experience in facilitating community member-police complaint resolution sessions, has informed the agency that it normally uses either the Inclusive Mediation Framework or the Transformative Mediation Framework to conduct police complaint mediation sessions. Both of these two mediation frameworks are described below:

1029.14 SELECTION OF THE MEDIATOR

The MID SHORE COMMUNITY MEDIATION CENTER is responsible for selecting and referring all mediators who will participate in the OXFORD POLICE DEPARTMENT Police Complaint Mediation Program. Mediators are affiliated with the MID SHORE COMMUNITY MEDIATION CENTER and are individuals who are:

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- Impartial [no conflict of interest];
- Trained in the Art of Mediation;
- Experienced and Competent;
- Able to Maintain Procedural Fairness during Mediation Sessions;
- Able to Maintain Confidentiality;
- Culturally Neutral.

Qualifications:

They will meet the basic qualifications for a court appointed mediator as outlined in Maryland Rule § 17-205 [Chapter 2], Qualifications of Court-Designated Mediators:

- (a) be at least 21 years old, unless waived by both parties;
- (b) have completed at least 40 hours of basic mediation training in a program meeting the requirements of Rule 17-104 (outlined below), or for individuals trained prior to January 1, 2013, former rule 17-106;
- (c) be familiar with the rules, statutes and practices governing mediation in circuit courts;
- (d) have mediated or co-mediated at least two civil cases;
- (e) complete in each calendar year four (4) hours of continuing mediation-related education in one or more of the topics set forth in Rule 17-104; and
- (f) abide by the mediation standards adopted by the Court of Appeals.

Training:

In addition to the basic qualifications outlined above, each mediator must successfully complete a basic mediation training program as outlined in Maryland Rule § 17-104 [Chapter 1], Basic Mediation Training Programs that includes:

- (a) conflict resolution and mediation theory, including causes of conflict, interest-based versus positional bargaining and models of conflict resolution;
- (b) mediation skills and techniques, including information gathering skills; communication skills; problem- solving skills; interaction skills; conflict management skills; negotiation techniques; caucusing; cultural, ethnic and gender issues; and strategies to:
 - (a) identify and respond to power imbalances, intimidation, and the presence and effects of domestic violence, and
 - (b) safely terminate a mediation when such action is warranted;
- (c) mediator conduct, including conflicts of interest, confidentiality, neutrality, ethics and standards of practice; and
- (d) simulations and role-playing monitored and critiqued by experienced mediator trainers.

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NOTE: In addition to the above listed qualifications, mediators affiliated with the MID SHORE COMMUNITY MEDIATION CENTER have also participated in an advanced twenty-four (24) hour police complaint mediation skills training program.

1029.15 ROLE OF THE MEDIATOR

Mediators affiliated with the MID SHORE COMMUNITY MEDIATION CENTER

- typically use either INCLUSIVE mediation or TRANSFORMATIVE mediation;
- do not set ground rules for the mediation session;
- focus on listening for values, feelings, and topics and reflect these back to the participants, checking to make sure that the participants feel the reflection is accurate:
 - while not providing information, making suggestions, or persuading strategies;
- attempt to understand each participant, thus making it more possible for them to understand each other;
- follow a defined process that includes:
 - time for participants to share the situation;
 - build clarity as to what is important;
 - identify topics participants want to resolve;
 - identify the goals each participant has for each topic;
 - brainstorm options;
 - consider each of the generated options in terms of which would meet all participants' goals; and
 - determine areas of agreement, if any;
- rarely use caucuses:
 - usually in situations where mediators need to check if mediation is a good fit for the conflict;
- if agreement is reached, write down the agreement based on the direction of the participants:
 - review and confirm the agreement with the participants;

1029.16 RESOLUTION

- (a) When the mediation process has concluded, the outcome shall be determined by the independent mediation provider to be:
 - (a) A successful resolution if all parties agree with the resolution; or
 - (b) An impasse if one or more parties to the complaint cannot agree to a satisfactory resolution.

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- (b) An impasse shall be referred back to the law enforcement agency of the involved police officer for investigation and handled through the administrative complaint process set forth in COMAR 12.04.09.
- (c) A successful resolution shall be documented by the independent mediation provider in a written statement, signed by both parties and the mediator.
- (d) The mediator shall send a letter of conclusion to the referring law enforcement agency indicating the results of mediation.
- (e) Results of the mediation shall be tracked by the law enforcement agency and forwarded to the local police accountability board.
- (f) Complaint mediation statistics shall be included in the law enforcement agency's annual reporting of complaints involving the public, and the statistics shall include the:
 - (a) Total number of complaints handled through mediation;
 - (b) Number of successful resolutions; and
 - (c) Number of mediation impasses.
- (g) If the police officer fails to comply with the actions and deadlines identified in the mediation agreement, a new complaint shall be initiated and the actions of the original complaint of misconduct shall be considered as a potential aggravating factor.

1029.17 ATTENDANCE OF OTHERS AT MEDIATION SESSION

While confidentiality seems to suggest that individuals other than the two parties and the independent mediator should be excluded from a mediation session, the OXFORD POLICE DEPARTMENT and MID SHORE COMMUNITY MEDIATION CENTER have agreed that occasionally a third party may need to be included in a mediation session, such as when the complainant is a juvenile or an individual with intellectual/mental health special needs. Those individuals may need to be accompanied in the mediation session by a parent/guardian.

In other instances, one or both parties to mediation may request that another individual accompany them as "support" during the mediation session.

In case a party requests to have another individual accompany them in the mediation session, the OXFORD POLICE DEPARTMENT and MID SHORE COMMUNITY MEDIATION CENTER have agreed that:

- (a) a request for the presence of an individual to accompany one of the parties to a mediation should be communicated to the MID SHORE COMMUNITY MEDIATION CENTER at the time that mediation is offered to the party; in any case, the request for a "third" party appearance must be communicated to the MID SHORE COMMUNITY MEDIATION CENTER prior to the beginning of the scheduled mediation session;
- (b) the non-requesting party shall have the opportunity to withdraw from the mediation, without prejudice, when informed of the presence of a "third" party; the complaint will then be referred back to the agency for investigation; and

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- (c) the "third" party shall agree to and sign a Consent to Mediate Letter that includes the confidentiality requirements for attending a mediation session prior to the beginning of the mediation session.

1029.18 PRESENCE OF INTERPRETERS

If needed, the MID SHORE COMMUNITY MEDIATION CENTER will supply/arrange for a professional sign language or language interpreter for a mediation session for the complainant. If necessary, the OXFORD POLICE DEPARTMENT will defray the costs associated with providing a professional interpreter as per its working agreement with the MID SHORE COMMUNITY MEDIATION CENTER. The interpreter shall agree to and sign a "Consent to Mediate Letter" that includes the Confidentiality requirements for attending a mediation session [Appendix A] prior to the beginning of the mediation session.

1029.19 LETTER OF CONCLUSION

The MID SHORE COMMUNITY MEDIATION CENTER will notify, in writing, the Chief of Police when a mediation session has been completed.

In keeping with the confidential nature of mediation, the Letter of Conclusion will contain only the names of the parties involved in the session, the mediator, the agency control/identification number for the complaint, the date and the time of the mediation session, results of the mediation session as either successful or impasse; and the Letter of Conclusion will be accompanied by copies of the signed Consent to Mediate Letter.

1029.20 WEARING THE UNIFORM

The OXFORD POLICE DEPARTMENT and MID SHORE COMMUNITY MEDIATION CENTER have agreed that agency personnel shall normally wear the uniform of the day when participating in a mediation session. Appearance in uniform is intended to ensure that the interaction between the two parties to the mediation is an authentic one, based on the reality of how the officer and citizen experienced each other in the past and may experience each other in the future.

An exception is extended to those agency personnel who are in plain clothes/undercover assignments and who's personal appearance is such that wearing the uniform of the day would not be professionally acceptable, i.e. full beard, long hair, body piercings, etc. or who are injured and cannot appear in uniform. Individuals who intend to appear at a mediation session out-of-uniform shall first consult with their immediate supervisor to determine if an appearance in uniform is appropriate or not prior to attending the mediation session.

Attendance at a mediation session by those excluded from wearing the uniform of the day shall be in appropriate court appearance business attire.

1029.21 USE OF VIDEO RECORDINGS DURING MEDIATION

Video recordings of community member-law enforcement officer interactions are increasingly more available for review either because an event has been recorded by a complainant, a witness, an officer, a nearby security camera or other means. The OXFORD POLICE DEPARTMENT recognizes that the recording may enable a community member and an officer to have a more

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enlightened discussion about an event if the recording is played during a mediation session. Therefore, based on the input of the MID SHORE COMMUNITY MEDIATION CENTER it is an acceptable practice to play video recordings of the interaction in question during a mediation session with the concurrence of the mediator. Mediators will ensure that both parties understand that the use of a video recording is not intended to assign blame to any party but to facilitate discussion between the parties.

Any video/audio recording from an agency body-worn camera or in-car video system shall be obtained as per established policy and redacted as appropriate prior to use during a mediation session. Because each camera video/audio recording is the property of the OXFORD POLICE DEPARTMENT it is to be returned to the administrator of the agency's BWC or in-car video program as soon as practical after the mediation session is concluded by the officer who requested the recording.

1029.22 SESSION LENGTH

Given the fact that a mediation session is dialogue-driven, it is typically scheduled to last for two (2) hours by the MID SHORE COMMUNITY MEDIATION CENTER although a session can be concluded before the end of the 2 hours. Likewise, if additional time is needed as determined by the independent mediator, it can continue upon agreement of the parties or another mediation session can be scheduled.

1029.23 COMPLAINT CLOSURE

Complaints will be closed pursuant to COMAR 12.04.11.08:

- (a) When the mediation process has concluded, the outcome shall be determined by the independent mediation provider to be:
 - (a) A successful resolution if all parties agree with the resolution; or
 - (b) An impasse if one or more parties to the complaint cannot agree to a satisfactory resolution.
- (b) An impasse shall be referred back to the law enforcement agency of the involved police officer for investigation and handled through the administrative complaint process set forth in COMAR 12.04.09.
- (c) A successful resolution shall be documented by the independent mediation provider in a written statement, signed by both parties and the mediator.
- (d) The mediator shall send a letter of conclusion to the referring law enforcement agency indicating the results of mediation.
- (e) Results of the mediation shall be tracked by the law enforcement agency and forwarded to the local police accountability board.
- (f) Complaint mediation statistics shall be included in the law enforcement agency's annual reporting of complaints involving the public, and the statistics shall include the:
 - (a) Total number of complaints handled through mediation;
 - (b) Number of successful resolutions; and

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- (c) Number of mediation impasses.
- (g) If the police officer fails to comply with the actions and deadlines identified in the mediation agreement, a new complaint shall be initiated and the actions of the original complaint of misconduct shall be considered as a potential aggravating factor.

1029.24 TRAINING

The Mediation Program Administrator, with the input and assistance of the MID SHORE COMMUNITY MEDIATION CENTER will develop agency orientation/training into the mediation process for all agency personnel prior to implementation of the Police Complaint Mediation Program.

Additionally, the Mediation Program Administrator will provide training on the program to new agency personnel as warranted and follow-up training as needed.

The MID SHORE COMMUNITY MEDIATION CENTER will produce an information brochure on the Police Complaint Mediation Program available for distribution to the public. A copy of the brochure will be posted on each entity's website.

1029.25 EVALUATION - MEDIATION SESSION

Before the mediation session begins the mediator may ask the complainant and law enforcement officer to complete the Pre-mediation Survey that appears in Appendix B. This survey is intended to determine:

- (a) the attitude of the complainant towards the agency and law enforcement officers
- (b) the attitude of the law enforcement towards the complainant and community:
 - prior to the mediation session beginning
- (c) if either party experiences a change in attitude after the mediation session is completed.

The survey is for the use of the MID SHORE COMMUNITY MEDIATION CENTER to gauge the effectiveness of the mediation process. The statistical results developed from these surveys will be shared with the agency as part of the MID SHORE COMMUNITY MEDIATION CENTER annual report.

At the conclusion of a mediation session, the mediator, on behalf of the MID SHORE COMMUNITY MEDIATION CENTER will request that each party, including the mediator, complete a brief evaluation of the mediation process. Those evaluations will be collected by the mediator and returned to the MID SHORE COMMUNITY MEDIATION CENTER for review. The results will be shared with the Mediation Program Administrator with the intent of improving the complaint mediation program as part of its annual report.

The MID SHORE COMMUNITY MEDIATION CENTER will not share the results of any individual surveys or evaluations with the

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OXFORD POLICE DEPARTMENT but will report their findings in an aggregate manner in its annual report about the program.

The MID SHORE COMMUNITY MEDIATION CENTER will also conduct an evaluation survey using a modified version of the same form one month after the mediation session has concluded and share those results with the Mediation Program Administrator as part of its annual report.

The Mediation Program Administrator with the assistance of the MID SHORE COMMUNITY MEDIATION CENTER will compile an annual report of mediated complaints with a summary of the type of complaint mediated. This report will be made part of the agency's annual report and distributed as appropriate and will be published on the agency's website.

1029.26 POLICY AND PROCEDURE REVIEW

The Mediation Program Administrator, in concert with the MID SHORE COMMUNITY MEDIATION CENTER will periodically review and have the Police Complaint Mediation Program policy and procedure revised, as necessary. Review and revision will take place according to the established timetable for policy review used by the OXFORD POLICE DEPARTMENT.

The revised policy will be posted on the agency's website and provided to the MID SHORE COMMUNITY MEDIATION CENTER

Complaint mediation statistics shall be included in the Oxford Police Department annual reporting of complaints involving the public, and the statistics shall include the:

1. Total number of complaints handled through mediation;
2. Number of successful resolutions; and
3. Number of mediation impasses.

Attachments

**Commission Approved
Uniform Disciplinary Matrix.pdf**



STATEWIDE POLICE DISCIPLINARY MATRIX

Matrix Sub Committee

June 9, 2022

Approved on 6/9/22

Final Document – PTSC APPROVED



STATEWIDE POLICE DISCIPLINARY MATRIX

MARYLAND POLICE TRAINING AND STANDARDS COMMISSION

PURPOSE

Contained in this document is the Maryland Statewide Model Disciplinary Matrix 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.

GENERAL PROVISIONS

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.

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.

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.

DEFINITIONS



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:

- The officer's prior disciplinary history
- The officer's prior negative work history, including non-disciplinary corrective action
- The officer's rank
- The violation was committed willfully or for personal gain
- The officer's efforts to conceal the violation, or to be untruthful or dishonest
- The officer's failure to cooperate with the investigation into the alleged misconduct
- The violation was retaliatory in nature
- 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).
- The officer's expressed unwillingness to comply with policy, tactics, or performance standards
- The impact of the violation on the community or the department's ability to carry out its mission
- The degree to which the violation caused or could have caused the loss of life or injury, and
- The degree to which the violation caused loss or damage to public or private property.

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).*

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).

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.

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.

Loss of Leave (LOL) – Removal of leave from officer's accrued leave total (vacation, personal). Loss of leave shall be determined in hours.

Loss of Pay (LOP) – Suspension from duty without pay.

Level (One) – Penalty level for first offense violation.

Level (Two) – Penalty level for second offense of similar conduct.

Level (Three) – Penalty level for third offense or more of similar conduct.



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.

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:

- The officer's actions are attributable to selfless concern for the well-being of others
- The officer's lack of disciplinary history
- The officer's complimentary work history
- The officer's prior positive work history
- The violation was the inadvertent result of reasonable, otherwise compliant performance
- The officer's prompt acceptance of responsibility for the conduct and willingness to be held accountable
- The officer's commission of the violation at the direction of a superior (who might also be subject to separate discipline)
- Unusually serious workplace tensions / stressors, and
- 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.

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.

Police Misconduct – Refer to Public Safety Article, §3-101, Annotated Code of Maryland.

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.

PROCEDURES

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.

Special Circumstance Categories – Special circumstance categories are specific violations with their own disciplinary ranges.

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.

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.

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.

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).

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.

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.*



STATEWIDE POLICE DISCIPLINARY MATRIX

MARYLAND POLICE TRAINING AND STANDARDS COMMISSION

Note: An agency policy violation must first be identified prior to selecting a Violation Category. If the specific policy/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
Category A: Conduct that has or may have a minimal negative impact on operations or professional image of the law enforcement agency.	ONE: 1st Violation	Formal Written Counseling →	Letter of Reprimand
	TWO: 2nd Violation in 24 Months	Formal Written Counseling →	Up to 1 Day Loss of Leave or Loss of Pay
	THREE: 3rd 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	
Category 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.	ONE: 1st Violation	Letter of Reprimand →	Up to 2 Days Loss of Leave or Loss of Pay
	TWO: 2nd Violation in 36 Months	1 Day Loss of Leave or Loss of Pay →	Up to 3 Days Loss of Leave or Loss of Pay
	THREE: 3rd 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
Category C: 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.	ONE: 1st Violation	2 Days Loss of Leave or Loss of Pay	→ Up to 4 Days Loss of Pay
	TWO: 2nd Violation in 48 Months	3 Days Loss of Pay or 3 Days Loss of Leave	→ Up to 5 Days Loss of pay
	THREE: 3rd Violation in 48 Months	GO TO CATEGORY D LEVEL 1	

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 off 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	
Category D: 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.	ONE: 1st Violation	5 Days Loss of Pay or 5 Days Loss of Leave	→ Up to 15 Days Loss of Pay
	TWO: 2nd Violation in 60 Months	10 Days Loss of Pay	→ Up to 20 Days Loss of Pay
	THREE: 3rd Violation in 60 Months	GO TO CATEGORY E LEVEL 1	

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	
<i>Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.</i>	
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	
Category E: 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.	ONE: 1st Violation	15 Days Loss of Pay	→ 25 Days Loss of Pay up to TERMINATION
	TWO: 2nd Violation in 60 Months	15 Days Loss of Pay	→ 30 Days Loss of Pay up to TERMINATION
	THREE: 3rd 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	
Affiliation with any person or organization known to be involved in criminal activity	

VIOLATION CATEGORY – F

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors
Category F: 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.	ONE: ANY VIOLATION	TERMINATION

Violation Examples for Category F 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	
DRIVING UNDER THE INFLUENCE Category 1: Any <u>off-duty</u> driving under the influence of alcohol and/or drugs which would constitute a violation of law.	ONE: 1 st Violation	15 Days Loss of Pay →	TERMINATION*
	TWO: 2 nd Violation	30 Days Loss of Pay →	TERMINATION*
	THREE: 3 rd Violation	TERMINATION*	
Category 1a: 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.	ONE: 1 st Violation	TERMINATION*	

**Unless prohibited by Executive Order or Government Policy*

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors → Aggravating Factors	
FAILURE TO APPEAR FOR COURT/MVA HEARINGS Category 2: 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.	ONE: 2 violations in 1 year	Formal Written Counseling →	Formal Written Counseling
	TWO: 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
DEPARTMENTAL COLLISIONS Category 1: Minor Damage¹ to Police Vehicle and/or Other Property or Vehicle ¹ Law Enforcement Agencies may establish a dollar amount as a guideline for determining the level of severity (minor vs major). ² Driver Re-training can be imposed at any level but is mandatory for three or more at-fault departmental collisions.	ONE: 1 st Violation up to 12 months	Formal Written Counseling	→ Letter of Reprimand
	TWO: 2 nd Violation within 0-24 months	Formal Written Counseling	→ Up to 2 Days Loss of Leave or Loss of Pay
	THREE²: 3 rd or more Violation within 0-36 months	Letter of Reprimand	→ Up to 5 Days Loss of Leave or Loss of Pay
Category 2: Major Damage to Police Vehicle and/or Other Property or Vehicle ¹ Law Enforcement Agencies may establish a dollar amount as a guideline for determining the level of severity (minor vs major). ² Driver Re-training can be imposed at any level but is mandatory for three or more at-fault departmental collisions.	ONE: 1 st Violation up to 12 months	Formal Written Counseling	→ Up to 1 Day Loss of Leave or Loss of Pay
	TWO: 2 nd Violation within 0-24 months	Letter of Reprimand	→ Up to 3 Days Loss of Leave or Loss of Pay
	THREE²: 3 rd or more Violation within 0-36 months	Letter of Reprimand	→ Up to 10 Days Loss of Leave or Loss of Pay
Category 3: 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.	ONE: 1 st Violation up to 12 months	Formal Written Counseling	→ Up to 2 Days Loss of Leave or Loss of Pay
	TWO: 2 nd Violation within 0-24 months	Letter of Reprimand	→ Up to 5 Days Loss of Leave or Loss of Pay
	THREE²: 3 rd 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.

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