

Bel Air Police Department

Bel Air Police Department Policy Manual

CHIEF'S PREFACE

I am pleased to present to you the Bel Air Police Department Manual. Our Department contracted with Lexipol, the leader in law enforcement Risk Management and Policy Development. With the adoption of the Lexipol manual, you can be assured that our policy manual is current with applicable state and federal laws and best practices in law enforcement. This manual is not, however, a substitute for critical thinking and good judgment. No written document can anticipate the entire range of human behaviors that police employees might encounter, nor can every contingency be predicted. Regardless of the situation, however, we are all expected to and must follow policy. Occasionally, given the complex and nuanced nature of police work, clarification may be needed as to how to interpret the manual in a specific situation. I ask that you consult with a supervisor for that clarification. We are always expected to use our best professional judgment and basic human decency to guide our actions.

In addition, each of us has an obligation to become familiar with the manual, to abide by its policies, and to ensure that our actions reflect the Department's Core Values, Mission Statement, and the Law Enforcement Code of Ethics, all of which are incorporated into this Policy Manual. Although abiding by these policies is required, officers should not feel that they are so constrained by them as to eliminate creativity in problem solving. These policies are the framework to guide us when making decisions so that the outcome is aligned with our Department expectations and are in the best interest of the community we serve.

This manual is a living document; as such, additions, changes, and deletions will inevitably be required, almost from the date of its publication. All employees are required to ensure they are familiar with the most current version of all policies and seek clarification if necessary.

Charles A. Moore

Chief of Police

Bel Air Police Department

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LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

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

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

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BEL AIR POLICE DEPARTMENT MISSION STATEMENT

SERVICE WITH PRIDE AND PROFESSIONALISM

MISSION STATEMENT

WE, the members of the Bel Air Police Department, are committed to providing ethical, quality, and responsive service to the community with pride and professionalism.

WE are committed to improving the quality of life for those we serve by delivering the highest standard of police services.

VISION STATEMENT

WE envision a future where law-abiding citizens feel safe and take pride and comfort in the quality of life in our community.

WE envision a future where disorder and criminal activity continues to be vigorously and intelligently pursued.

WE envision our Department a superior service-oriented organization that incorporates innovative strategies, contemporary technologies, proven community policing philosophies, positive leadership, and efficient, effective use of resources into all organizational decisions.

OUR ORGANIZATIONAL VALUES

Commitment to Service

WE believe our primary duty is to safeguard lives and property while respecting the human and constitutional rights of all.

Commitment to Community Involvement

WE believe community partnerships are critical elements of our organization. Collaboration, cooperation, and communication with our citizens and businesses are the framework for successful community-oriented policing.

Commitment to our Employees

WE believe that our employees are the greatest and most valuable assets of our organization and that through regular training, education, career development, exemplary leadership, and organizational support, our employees will reach the highest standards of performance and professional satisfaction while fulfilling the needs of our community.

Commitment to Responsibility and Accountability

WE believe that the prudent and effective management of our resources is critical to the future of our organization.

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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 Bel Air Police Department to perform their functions based on established legal authority.

100.2 POLICY

It is the policy of the Bel Air 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 BEL AIR 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 BEL AIR POLICE DEPARTMENT

Officers may make arrests within the jurisdiction of the Bel Air 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 BEL AIR 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 Bel Air 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 Bel Air Police Department.
 2. Has committed a misdemeanor in the presence of the officer within the jurisdiction of the Bel Air 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).

100.3.3 TRAFFIC OFFENSES OBSERVED IN HARFORD COUNTY

When a police officer, while on official duty or off duty operating a fully equipped emergency vehicle, observes any significant traffic offense in progress in any jurisdiction in Harford County, the officer is authorized to take appropriate action as a police officer pursuant to the Regional Law Enforcement Compact. Significant traffic offenses considered by the Bel Air Police Department are:

- (a) DWI and related traffic offenses, i.e. swerving, poor lane control.
- (b) Leaving the scene of an accident, resulting in property damage or injury.
- (c) Reckless driving or negligent driving, i.e. spinning wheels, wheelies on motorcycles, etc.
- (d) Acts of aggressive driving that fulfill the definition outlined within the Transportation Article.
- (e) Any violation which did or could have resulted in an accident, observed or investigated, e.g. running red light, running stop sign, unsafe passing, etc.

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- (f) Passing of a stopped school bus, while engaged in the loading or unloading of passengers.
- (g) Driver consuming alcohol in a motor vehicle while on the highway.
- (h) Following too closely.
- (i) Any subsequent violation discovered as a result of a permissible stop for one of the above-listed violations.

100.3.4 WRITTEN AGREEMENTS FOR MUTUAL AID

The Town of Bel Air, the City of Aberdeen, the City of Havre de Grace, and the Harford County Sheriff's Office have entered into a Police Mutual Aid Agreement, which provides that:

- (a) When an emergency occurs in any of the before mentioned jurisdictions, the police authority in that jurisdiction may request personnel and equipment to assist the affected agency.
- (b) While any police officer from a Harford County agency who is on official duty and traversing any highway, road, street, or alley that intertwines or abuts any part of the area of the two jurisdictions and observes any crime in progress in either jurisdiction, the police officer is authorized to act as an officer.
- (c) Mutual Aid may be requested when an incident occurs requiring additional police assistance.

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).
 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).

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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 Bel Air 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 Bel Air 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.

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 Bel Air 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).

Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the Bel Air 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.

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 Bel Air 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 Bel Air Police Department reserves the right to revise any policy content, in whole or in part.

103.4 AUTHORITY

The Chief of Police 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 is authorized to issue Special Orders, which shall modify those provisions of the manual to which they pertain. Special Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

103.5 DEFINITIONS

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

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

APS - Adult Protective Services.

Town - The Town of Bel Air.

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

CJIS - Maryland Criminal Justice Information System.

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

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

Department/BAPD - The Bel Air 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 Bel Air 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
- **FL** - Family Law
- **GP** - General Provisions
- **HG** - Health – General
- **HS** - Human Services
- **IL** - Insurance Law
- **LE** - Labor and Employment
- **LG** - Local Government
- **NR** - Natural Resources
- **PS** - Public Safety
- **SG** - State Government

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

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

MDOT - Maryland Department of Transportation.

Member - Any person employed or appointed by the Bel Air 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 Bel Air Police Department.

On-duty - A member's status during their established working hours, when placed on-duty by Bel Air Police Department Communications, or when taking any official police action.

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

Peace Officer - Those employees, regardless of rank, who are sworn members of the Bel Air 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 hiring, transfer, suspension, promotion, discharge, 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.

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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 or the authorized designee.

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

103.7 PERIODIC REVIEW OF THE POLICY MANUAL

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

103.8 REVISIONS TO POLICIES

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

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

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 the Deputy Chief, who will consider the recommendations and forward them to the command staff 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 Bel Air 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. The Chief of Police has and retains the final authority to assign officers to any shift or assignment and allocated days off in order to ensure effective coverage, accountability, and achieve organizational goals and objectives. Unusual circumstances or hardships may be considered by the Chief of Police and/ or Deputy Chief.

See attachment: [BAPD Organization Chart.pdf](#)

200.3 DIVISIONS

The Chief of Police is responsible for administering and managing the Bel Air Police Department. There are three divisions in the police department:

- Administration Division
- Patrol Division
- Criminal Investigation Division

200.3.1 ADMINISTRATION DIVISION

The Administration Division is commanded by a Sergeant, whose primary responsibility is to provide general management, direction and control for the Administration Division. The Administration Division consists of technical and administrative services, the Traffic Safety Unit, Records, Training Division, Community Relations, School Resource Officers, Parking Enforcement, and Dispatch.

200.3.2 PATROL DIVISION

The Patrol Division is commanded by the Deputy Chief, whose responsibility is to provide general management, direction and control for the Patrol Division. The Patrol Division consists of uniformed patrol and canine. The Patrol Division consists of three Patrol squads. Each squad consists of one Sergeant, two Corporals and five Officers.

200.3.3 CRIMINAL INVESTIGATION DIVISION

The Criminal Investigation Division is commanded by a Sergeant, whose primary responsibility is to provide general management, direction and control for the Criminal Investigation Division. The Criminal Investigation Division is responsible for investigations, and evidence and property management.

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Organizational Structure and Responsibility

200.4 COMMAND PROTOCOL

200.4.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all members of the Bel Air Police Department. During planned absences, the Chief of Police will designate the Deputy Chief to 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) Deputy Chief
- (b) Criminal Investigation Sergeant
- (c) Administrative Sergeant
- (d) Most senior Sergeant

200.4.2 UNITY OF COMMAND

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

200.5 AUTHORITY AND RESPONSIBILITY

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

Special Orders

201.1 PURPOSE AND SCOPE

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

201.2 POLICY

Special Orders will be used to modify policies of the Bel Air 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 Special Order is issued.

201.3 PROTOCOL

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

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

201.4 RESPONSIBILITIES

201.4.1 COMMAND STAFF

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

201.4.2 CHIEF OF POLICE

Only the Chief of Police or the authorized designee may approve and issue Special Orders.

201.5 ACCEPTANCE OF DIRECTIVES

All members shall be provided access to the Special Orders. Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Special Orders. 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 Bel Air 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 Bel Air 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 Bel Air Police Department, the Chief of Police or the highest ranking on-duty supervisor may activate the local Emergency Operations Plan in response to a major emergency.

The declaration of a local state of emergency may only be made by the 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).

Operations of the Department will be conducted as outlined in the Town of Bel Air Emergency Management Plan.

If an emergency goes beyond the capabilities of the Town of Bel Air, assistance will be provided by the County, upon request. In such events, the Chief of Police or authorized designee shall respond to and act as liaison to the Harford County Emergency Operations Center (EOC) when activated. The Chief of Police or authorized designee will act as a liaison for the purpose of coordinating Town assets. The Deputy Chief of Police is responsible for functional area of Police operations.

202.3.1 RECALL OF PERSONNEL

In the event that the Emergency Operations Plan is activated, all employees of the Bel Air 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.

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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 and the Town of Bel Air Continuity of Operations Plan are available in the Town Administration Department, the office of the Chief of Police, on the Town of Bel Air's "Z" Drive, and in Dispatch. All supervisors should familiarize themselves with the Emergency Operations Plan and the roles members will play when the plan is implemented. The Deputy Chief 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 Training Officer 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 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 Training Officer 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 prior to the start of training and shall make arrangements through his/her supervisor or the Training Officer 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 Bel Air 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 or authorized designee.

Members assigned to participate in DTBs shall only use the login credentials assigned to them by the Training Officer. 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 Training Officer is responsible for the creation, filing and storage of all training records. Training records shall be retained in accordance with the established records retention schedule.

203.8 TRAINING OFFICER

The Chief of Police shall designate a Training Officer who is responsible for developing, reviewing, updating, and maintaining the department training plan so that required training is completed. The Training Officer should review the training plan annually.

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

Bel Air Police Department members shall use email in a professional manner in accordance with this policy, the Town of Bel Air 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.). Members shall check their email at least once during every assigned shift or duty day.

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 should be related 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 Custodian of Records 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 Bel Air Police Department will appropriately communicate significant events within the organization to its members. Both electronic and non-electronic administrative communications will be professional in appearance and comply with the established letterhead, signature and disclaimer guidelines, as applicable.

205.3 PERSONNEL ORDERS

Personnel Orders 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. Department letterhead may not be used for personal purposes.

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

205.5 OTHER COMMUNICATIONS

Special Orders 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 Special Orders Policy).

Supervision Staffing Levels

206.1 PURPOSE AND SCOPE

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

206.2 POLICY

The Bel Air Police Department will ensure that proper supervision is available to meet the needs of its members and to achieve the goals of the Department. The needs of its members should be balanced with the needs of the Department for flexibility and discretion in assigning members to meet supervisory needs. While balance is desirable, the paramount concern is to meet the needs of the Department.

206.3 MINIMUM SUPERVISION STAFFING LEVELS

Minimum staffing levels should be established by the Deputy Chief for each Division and work group. The supervision staffing levels should support proper supervision, span of control, and activity levels to meet the needs of members and the goals of the Department.

At a minimum, each Patrol Squad will have one Sergeant and two Corporals assigned.

206.3.1 TEMPORARY SUPERVISORS

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

Retiree Concealed Firearms

207.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Bel Air Police Department identification cards under the Law Enforcement Officers' Safety Act (LEOSA) (18 USC § 926C).

207.2 POLICY

It is the policy of the Bel Air Police Department to provide identification cards to qualified former or retired officers as provided in this policy.

207.3 LEOSA

The Chief of Police may issue an identification card for LEOSA purposes to any qualified former officer of this department who (18 USC § 926C(c)):

- (a) Separated from service in good standing from this department as an officer.
- (b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.
- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.

207.3.1 LEOSA IDENTIFICATION CARD FORMAT

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

If the Bel Air Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active duty standards for qualification to carry a firearm.

207.3.2 AUTHORIZATION

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

- (a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
 1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

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2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
 - (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
 - (c) Not prohibited by federal law from receiving a firearm.
 - (d) Not in a location prohibited by Maryland law or by a private person or entity on his/her property if such prohibition is permitted by Maryland law.

207.4 MARYLAND RETIRED LAW ENFORCEMENT OFFICER IDENTIFICATION CARD

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

- (a) Retired in good standing for reasons other than mental instability.
- (b) Before retirement, was certified by the Maryland Police Training and Standards Commission (MPTSC), had statutory powers of arrest in Maryland and completed an applicable probationary period.

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

207.4.1 MARYLAND RETIRED LAW ENFORCEMENT OFFICER IDENTIFICATION CARD FORMAT

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

207.5 FORMER OFFICER RESPONSIBILITIES

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

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

207.5.1 RESPONSIBILITIES UNDER LEOSA

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

- (a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department. [See attachment: LEOSA waiver.pdf](#)

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- (b) Remain subject to all applicable Department policies and federal, state and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
- (d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

207.6 DENIAL, SUSPENSION OR REVOCATION

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

207.7 FIREARM QUALIFICATIONS

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

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.

Use of Force - The application of physical techniques or tactics, chemical agents, or weapons to another person; any physical technique or tactic used that is greater than what is required during routine handcuffing to take a person into custody or while a person is in custody. 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.

Show of Force - The intentional pointing of a firearm at a person.

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.

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The Bel Air 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.

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 officer shall immediately reduce the level of force as the threat or resistance diminishes.

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.

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300.3.1 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).

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).

300.3.2 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).

De-escalation can be taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include but is not limited to the following:

- (a) Command presence
- (b) Advisement
- (c) Warnings
- (d) Verbal persuasion
- (e) Tactical repositioning

300.3.3 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.
- (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.

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- (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) The totality of circumstances consisting of all facts and circumstances known at the time.
- (s) Any other exigent circumstances.

300.3.4 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 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.

300.3.5 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:

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- (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.

300.3.6 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.

300.3.7 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.

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.

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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.

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.

If multiple members of this Department use the same type of force on an individual in a singular incident, only the primary officer initiating the use of force is required to document the use of force in BlueTeam. The additionally involved members shall be included in the BlueTeam report. (example: Multiple members use hand strikes to subdue a violent suspect).

If multiple members of this Department use different types of force on an individual in a singular incident, each member who used a different force application shall complete a separate use of force report in BlueTeam. (example: Member 1 deploys OC spray and Member 2 uses hand strikes on an individual.)

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). Initial Use of Force reports shall be submitted in BlueTeam prior to the involved member's end of

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tour-of-duty unless the member is injured. Deviation from this reporting requirement shall only be approved by the Deputy Chief or Chief of Police.

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 REPORTING THE SHOW OF FORCE

Any show 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 show of force was reasonable under the circumstances.

If more than one member of this Department is involved in a show of force on an individual during a singular incident, only the primary officer is required to submit a show of force report. The reporting member shall document the other involved members in the report.

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. Generally, If there are no factors requiring the completion of an incident report or other required report as outlined in the Report Preparation Policy, completion of a Show of Force report in BlueTeam is the only reporting requirement for a show of force.

300.6.1 REPORTING DEADLINE

Any show of force by a member of this department shall be documented and submitted in BlueTeam prior to the involved member's end of tour-of-duty unless the member is injured. Deviation from this reporting requirement shall only be approved by the Deputy Chief or Chief of Police..

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300.7 MEDICAL CONSIDERATIONS

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

Based upon the 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 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.

300.8 SUPERVISOR RESPONSIBILITIES

A supervisor shall 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.

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2. The fact that a recorded interview was conducted should be documented.
 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Gather and review all known video recordings of a use of force.
- (g) Review and approve all related reports.
- (h) 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.

If a supervisor is involved in a Use of Force incident, that supervisor shall be precluded from involvement in the initial review process. The initial review process should be completed by another supervisor when available.

300.8.1 DEPUTY CHIEF RESPONSIBILITY

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

The Deputy Chief 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).

300.9 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.

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Use of force training shall be delivered to officers using a combination of methodology and mediums that may include but are not limited to written and demonstrative task testing as well as Situational Based Training (SBT) scenarios.

300.10 USE OF FORCE ANALYSIS

At least annually, the Deputy Chief 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.

300.11 POLICY ACKNOWLEDGEMENT STATEMENT

At least annually, or more frequently upon any updates, members shall certify either in writing or electronically, that they have received, read, and understand this policy, and that they will continue to abide by its provisions.

Use of Force Review Boards

301.1 PURPOSE AND SCOPE

This policy establishes a process for the Bel Air Police Department to review the use of force by its members.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or the evaluation of the use of force.

301.2 POLICY

The Bel Air Police Department will objectively evaluate the use of force by its members to ensure that their authority is used appropriately and consistent with training and policy.

301.3 ADMINISTRATIVE ASSIGNMENT

Generally, whenever a member's actions or use of force in an official capacity, or while using department equipment, results in death or very serious injury to another, that member will be placed in a temporary administrative assignment by the Chief of Police. The Chief of Police may exercise discretion and choose not to place a member in an administrative assignment.

301.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in very serious injury or death to another.

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the member was on- or off-duty, excluding permitted discharges as described in the Firearms policy.

The Chief of Police may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Deputy Chief will convene the Use of Force Review Board as necessary. It will be the responsibility of the Duty Officer to notify the Deputy Chief of any incidents requiring board review. The Deputy Chief will also ensure that all relevant reports, documents, and materials are available for consideration and review by the board. If the Deputy Chief is involved in an incident requiring review, the Chief of Police should serve in any capacity generally occupied by the Deputy Chief.

301.4.1 COMPOSITION OF THE BOARD

The Deputy Chief should staff the Use of Force Review Board with at least three individuals from the following, as appropriate:

- Agency Firearms Instructor
- Detective Sergeant or their designee
- Training Officer

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- Patrol supervisor not involved in the Use of Force and not a supervisor of the member(s) involved.
- A member of the same rank, who was not involved in the incident and does not work on the same Squad as the involved member(s).
- A law enforcement officer from an outside law enforcement agency, as deemed appropriate by the Chief of Police.
- Agency Defense Tactics Instructor

The Deputy Chief will serve as chairperson.

301.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information.

The board does not have the authority to recommend discipline.

The board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the involved member at the time shall neither justify nor call into question a member's decision regarding the use of force.

The board shall make one of the following recommended findings:

- (a) The member's actions were within department policy and procedure.
- (b) The member's actions were in violation of department policy and procedure.

The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief of Police.

The Chief of Police shall review the recommendation, make a final determination as to whether the member's actions were within policy and procedure, and will determine whether any additional actions, investigations or reviews are appropriate. Those findings will be forwarded to Deputy Chief for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief of Police.

Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

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

302.2 POLICY

The Bel Air 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.

302.3 USE OF RESTRAINTS

Only members who have successfully completed 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

302.3.1 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.

302.3.2 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.

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.

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302.3.3 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.

302.3.4 TRANSPORTATION OF ARRESTEES

Absent exigent or unusual circumstances, all arrested persons being transported to a holding facility, will be handcuffed during transport. During transport following arrest for extraditions, prisoners are to be restrained by Bel Air officers and the following procedures will normally be followed:

- (a) A single prisoner should normally be handcuffed with both hands behind their back.
- (b) Leg restraints and waist belt restraints may also be utilized as needed in order to minimize the risk of injury and/or escape and/or damage to the transport vehicle.
- (c) On long trips hands may be cuffed in front, and the prisoner's belt reversed and used to hold handcuffs secure in front, or a body belt utilized.

Under no circumstances will a prisoner be handcuffed to any part of the transport vehicle itself.

302.3.5 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.

302.4 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.

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302.4.1 RESTRAINTS DURING EMS TRANSPORTS

During transport to a medical facility, the transporting officer shall ensure that the prisoner is restrained by one or more restraining devices including handcuffs, handcuffs, and belly chain, leg irons, or "flex cuffs". "Flex cuffs" shall only be used when other devices are unavailable or when requested by medical personnel on a hospital transport by ambulance. Restraining devices shall not be used as a compliance device, but to secure a prisoner. The officer shall determine the type(s) of restraining devices utilized with input from EMS personnel. Consideration of the situation and the extent of injuries or sickness will be made prior to applying the restraining devices on the prisoner.

302.5 APPLICATION OF SPIT HOODS

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

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

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Officers should avoid comingling those wearing spit hoods with other detainees.

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

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

302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

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302.7 APPLICATION OF LEG RESTRAINT DEVICES

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

302.7.1 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).

302.8 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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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.

302.9 TRAINING

Subject to available resources, the Training Officer 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

303.1 PURPOSE AND SCOPE

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

303.2 POLICY

In order to control individual subjects who are violent or who demonstrate the intent to be violent, the Bel Air 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.

303.3 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.

All sworn personnel with the rank of Sergeant or below may carry more than, but shall carry at least one, control device consisting of OC Spray, expandable or straight baton (espantoon), or an E.C.W. in an approved or issued holster/pouch. These items will be placed on the duty belt wherever they are the most convenient, accessible and comfortable for the individual. 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.

303.4 RESPONSIBILITIES

303.4.1 TRAINING OFFICER RESPONSIBILITIES

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

The Training Officer 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 Training Officer or the designated instructor for a particular control device. The inspection shall be documented.

303.4.2 USER RESPONSIBILITIES

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

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

303.5 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.

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

303.5.1 WEAPON OF OPPORTUNITY

A weapon of opportunity is considered any item at hand or in close proximity that can be used immediately without delay (e.g., flashlight, clipboard, etc.). A weapon of opportunity used as a control device is considered equivalent to using a baton.

303.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Duty Officer, Incident Commander or Special Response Team Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

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

303.7 OLEORESIN CAPSICUM (OC) GUIDELINES

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

303.7.1 OC SPRAY

Uniformed members carrying OC spray shall carry the device in its holster. 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. OC spray carried by members will be either agency issued or agency approved (OC spray not provided by the Department shall be no more than 10% concentration).

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303.7.2 PEPPER PROJECTILE SYSTEMS

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

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

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

303.7.3 TREATMENT FOR OC EXPOSURE

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

303.8 POST-APPLICATION NOTICE

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

303.9 KINETIC ENERGY PROJECTILE GUIDELINES

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

303.9.1 DEPLOYMENT AND USE

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

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely.

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The safety of hostages, innocent persons and officers takes priority over the safety of individuals engaged in criminal or suicidal behavior.

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

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at officers, other department members and/or other people.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

303.9.2 DEPLOYMENT CONSIDERATIONS

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

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

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

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

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

303.9.3 SAFETY PROCEDURES

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

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

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

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

303.10 TRAINING FOR CONTROL DEVICES

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

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

303.11 REPORTING USE OF CONTROL DEVICES

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

Conducted Energy Device

304.1 PURPOSE AND SCOPE

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

304.2 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.

304.3 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 Rangemaster 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) For single-shot devices, whenever practicable, officers should carry an additional cartridge on their person when carrying the CED.
- (c) Officers should not hold a firearm and the CED at the same time.

304.3.1 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 Rangemaster for disposition. Officers may be required to 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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304.4 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.

304.5 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.

304.5.1 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.

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

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

304.5.3 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.

304.5.4 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.

304.5.5 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. If the Duty Officer determines they are needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

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304.5.6 DANGEROUS ANIMALS

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

304.5.7 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.

304.6 DOCUMENTATION

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

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

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304.6.2 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

304.7 MEDICAL TREATMENT

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

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

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The CED probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another 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 transporting 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).

304.8 SUPERVISOR RESPONSIBILITIES

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

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A supervisor should review each incident where a person has been exposed to an activation of the Conducted Energy Weapon. The device's onboard memory should be downloaded through the data port by the Training Officer and retained according to the Records Retention and Release policy. Photographs of probe sites should be taken and witnesses interviewed.

304.9 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.

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 Training Officer. 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 Training Officer 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 Training Officer should include the following training:

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

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

304.9.1 TRAINING CERTIFICATION

The Training Officer 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

305.1 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.

305.2 POLICY

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

305.3 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.
- (d) A civil investigation to determine potential liability.

305.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

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

305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, Bel Air Police Department would control the investigation if the suspect's crime occurred in the Town of Bel Air.

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.

305.4.2 CRIMINAL INVESTIGATIONS OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is

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involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

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

305.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

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

305.5 INVESTIGATION PROCESS

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

305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved BAPD 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.

305.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved BAPD 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 BAPD 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.

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- (c) Provide all available information to the Duty Officer and Dispatch. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional BAPD members until properly relieved by another supervisor, or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 - (a) Each involved BAPD officer should be given an administrative order not to discuss the incident with other involved officers or BAPD members pending further direction from a supervisor.
 - (b) 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.
- (f) Ensure the supervisor responsibilities listed in the Use of Force policy are completed as applicable.

305.5.3 DUTY OFFICER RESPONSIBILITIES

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

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

305.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Criminal Investigation Sergeant
- Maryland Office of the Attorney General Independent Investigative Division (IID)
- Outside agency investigators (if appropriate)
- Department legal counsel
- Psychological/peer support personnel
- Chaplain
- Medical Examiner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer
- Town Administrator

305.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

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- (a) Any request for legal or union representation will be accommodated.
 - 1. Involved BAPD 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-BAPD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives will be privileged only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist shall be provided by the Department to each involved BAPD officer. A licensed psychotherapist may also be provided to any other affected BAPD 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 BAPD 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 Duty Officer to make schedule adjustments to accommodate such leave.

305.6 CRIMINAL INVESTIGATION

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

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

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

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- (a) BAPD supervisors and Detective Sergeant personnel should not participate directly in any voluntary interview of BAPD 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, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

305.6.1 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.

305.6.2 REPORTS BY INVOLVED BAPD OFFICERS

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

While the involved BAPD 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 BAPD 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.

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305.6.3 WITNESS IDENTIFICATION AND INTERVIEWS

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

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

305.6.4 INVESTIGATIVE PERSONNEL

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

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

305.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of involved BAPD officers to

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determine conformance with department policy. This investigation will be conducted under the supervision of the Detective Sergeant and will be considered a confidential officer personnel file.

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.
 - 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 Detective Sergeant 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.

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305.8 CIVIL LIABILITY RESPONSE

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

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

305.9 AUDIO AND VIDEO RECORDINGS

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

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

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

305.10 DEBRIEFING

Following an officer-involved shooting or death, the Bel Air 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.

305.10.1 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.

305.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Duty Officer, the Deputy Chief, and the Public Information Officer in the event of inquiries from the media.

Any subsequent media releases may be deferred to IID.

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

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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.

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Vehicle Pursuits

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Officer Response to Calls

309.1 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.

309.2 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.

309.3 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.

309.3.1 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):

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Canines

310.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services in the community, including but not limited to locating individuals and contraband and apprehending criminal offenders.

310.2 POLICY

It is the policy of the Bel Air Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

310.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Patrol Division to function primarily in assist or cover assignments. However, they may be assigned by the Duty Officer to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of the Duty Officer.

310.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and is directly responsible to the Deputy Chief or the authorized designee. The Deputy Chief may also serve as the canine coordinator.

The responsibilities of the coordinator include but are not limited to:

- (a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
- (b) Maintaining a liaison with the vendor kennel.
- (c) Maintaining a liaison with command staff and functional supervisors.
- (d) Maintaining a liaison with other agency canine coordinators.
- (e) Maintaining accurate records to document canine activities.
- (f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
- (g) Scheduling all canine-related activities.
- (h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

310.5 REQUESTS FOR CANINE TEAMS

Patrol Division members are encouraged to request the use of a canine. Requests for a canine team from department units shall be reviewed by the Duty Officer.

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310.5.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Duty Officer and are subject to the following:

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
- (c) Calling out off-duty canine teams is discouraged.
- (d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

310.5.2 PUBLIC DEMONSTRATION

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

310.6 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

- (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer or the handler.
- (b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Duty Officer. Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such canine use should

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be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

310.6.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include but is not limited to:

- (a) The nature and seriousness of the suspected offense.
- (b) Whether violence or weapons were used or are anticipated.
- (c) The degree of resistance or threatened resistance, if any, the suspect has shown.
- (d) The suspect's known or perceived age.
- (e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.
- (f) Any potential danger to the public and/or other officers at the scene if the canine is released.
- (g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

310.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

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310.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, the Duty Officer should be promptly notified and the injuries documented in the canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report and a Use of Force report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the Duty Officer. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, the Duty Officer shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

The canine coordinator shall complete the Maryland Animal-Bite Report and Rabies Quarantine Agreement Form and make it available to the local health officer within 24 hours (COMAR 10.06.02.05).

310.7 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

- (a) Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.
- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

310.7.1 ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

310.7.2 CONTROLLED DANGEROUS SUBSTANCE DETECTION

A canine trained in the detection of controlled dangerous substances (CDS) may be used in accordance with current law and under certain circumstances, including:

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- (a) The search of vehicles, buildings, bags and other articles.
- (b) Assisting in the search for CDS during a search warrant service.
- (c) Obtaining a search warrant by using the CDS-detection trained canine in support of probable cause.

A CDS-detection trained canine will not be used to search a person for CDS unless the canine is trained to passively indicate the presence of CDS.

310.7.3 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

- (a) Assisting in the search of a building, structure, area, vehicle, or article where an actual or suspected explosive device has been reported or located.
- (b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).
- (c) Preventive searches at special events, VIP visits, official buildings, and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

310.7.4 CROWD CONTROL

Whenever a canine is used to control or move crowds, uniform personnel shall be present to take charge of any persons who may be arrested. The canine must be on a leash during a crowd control situation.

310.8 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

- (a) An officer who has three years of uniform patrol experience with the Bel Air Police Department and who has displayed satisfactory work performance and maintained acceptable disciplinary and medical leave records.
- (b) An officer requesting transfer to the K-9 unit will be considered as a vacancy occurs and must take and pass an oral interview as directed by the Chief of Police
- (c) Satisfactorily completed a physical condition certification.
- (d) Residing in an adequately fenced single-family residence. The fence must be a minimum 5-foot-high fence with locking gates. If the selected Officer's yard is not adequately fenced at the time of selection, a fence conforming with this policy must be

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constructed within six months from the date of selection. The Bel Air Police Department will contribute up to a maximum of \$3,500.00 towards the construction of the fence.

- (e) Living within 30 minutes travel time from the Bel Air Town limits.
- (f) Agreeing to be assigned to the position for the working life of the canine.

310.9 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions.

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- (c) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- (d) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.
- (e) The handler's home and property shall be posted with warning signs.
- (f) When off-duty, the canine shall be in a kennel provided by the Town at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- (g) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (h) At the discretion of the handler, the canine will be properly and safely isolated whenever friends, guests, relatives, etc. are visiting handler's home.
- (i) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Duty Officer.
- (j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Duty Officer or exigent circumstances exist.
- (k) In the absence of the handler, care for the canine will be limited to mature and responsible members of their household, or the handlers' designee who have demonstrated the ability to control the canine.
- (l) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall

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give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

310.9.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

- (a) A canine shall not be left unattended in any area to which the public may have access.
- (b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

310.10 HANDLER COMPENSATION

The canine handler shall be available for call-out under conditions specified by the canine coordinator.

The canine handler shall be compensated for time spent in the care, feeding, grooming, and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the collective bargaining agreement or memorandum of understanding between the handler and the Town (29 USC § 207).

310.11 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Duty Officer as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

310.12 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of CDS and/or explosives also shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills.

The canine coordinator shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or Duty Officer.

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310.12.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to a current nationally recognized standard or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

- (a) Canine teams should receive training as defined in the current contract with the Bel Air Police Department canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.
- (c) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by the Department.

310.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

310.12.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training file.

310.12.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using, or transporting controlled dangerous substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the Bel Air Police Department may work with outside trainers with the applicable licenses or permits.

310.12.5 CONTROLLED DANGEROUS SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled dangerous substances for the purpose of CDS-detection canine training in compliance with state and federal laws and in compliance with applicable state requirements (21 USC § 823(f)).

The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled dangerous substances seized by the Bel Air Police Department to be possessed by the member or a CDS-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled dangerous substances are no longer needed as criminal evidence.

As an alternative, the Chief of Police or the authorized designee may request CDS-detection training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled dangerous substances.

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The canine handler will maintain a quantity of CDS for demonstration purposes, secured by way of the Detective Sergeant. The CDS will be maintained on the Department's evidence log through an evidence sheet that will serve as a log for the CDS demonstration uses.

310.12.6 CONTROLLED DANGEROUS SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled dangerous substances and the ever-present danger of the canine's accidental ingestion of these controlled dangerous substances, the following procedures shall be strictly followed:

- (a) All controlled dangerous substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
- (b) The weight and test results shall be recorded and maintained by this department.
- (c) Any person possessing controlled dangerous substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled dangerous substances and shall keep records regarding any loss of, or damage to, those controlled dangerous substances.
- (d) All controlled dangerous substance training samples will be inspected, weighed and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
- (e) All controlled dangerous substance training samples will be stored in locked, airtight and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (f) The canine coordinator shall periodically inspect every controlled dangerous substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled dangerous substance training samples shall be returned to the Criminal Investigation Division or to the dispensing agency.
- (h) All controlled dangerous substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

310.12.7 EXPLOSIVE TRAINING AIDS

Officers may possess, transport, store, or use explosives or destructive devices in compliance with state and federal laws (18 USC § 842; 27 CFR 555.41).

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.

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- (b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.
- (c) The canine coordinator shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.
- (d) Only members of the canine team shall have access to the explosive training aids storage facility.
- (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.
- (f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

310.13 LICENSING

Canines and their handlers shall be licensed with the Maryland State Police prior to being used for law enforcement operations. The handler ID card should be carried by the handler whenever the canine is performing any law enforcement-related function. The canine ID tag shall be attached to the canine's collar and kept on the licensed canine at all times, except when the canine is confined in a kennel or is under the personal charge of the licensed handler. Any change in a canine's handler requires notification to the Maryland State Police (Md. Code PS § 2-313).

Missing ID cards and ID tags shall be replaced as soon as practicable.

Domestic Violence

311.1 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 Bel Air 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).

311.1.1 DEFINITIONS

Definitions related to this policy include:

Another person - can be any type of relationship: parents and children, in-laws, boyfriends and girlfriends, siblings, same-sex relationships, even persons who are merely friends or who are residing in the same location out of convenience, such as roommates.

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)).

Evidence of physical injury - signs such as a black eye, a cut, swelling, redness, or any other visible injury. It can also mean a non-visible injury. The victim may have sustained internal injuries or strangulation. Evidence of an injury may also be established in one or a combination of ways: a victim's account of an injury, credible statements of the victim, the victim's physical reactions that corroborate the claimed injury, the victim's stated intention to seek medical treatment or a medical report of injury. Pushing and shoving, absent visible marks, will not normally qualify as evidence of physical injury.

Marital property - means property, however titled, acquired by one or both parties during the marriage. Marital property does not include property that was: acquired before the marriage, acquired by inheritance or gift from a third party, excluded by valid agreement, or directly traceable to any of these sources.

Resides - A permanent living relationship that must be articulated. An officer might articulate the fact that the assailant has clothes at the location, or he/she receives their mail at that location, or their driver's license reflects that location, or both parties state they live together. Marital property does not include property that was acquired before the marriage, acquired by inheritance or a gift from a third party, excluded by valid agreement, or directly traceable to any of these sources.

311.2 POLICY

The Bel Air 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

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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.

311.3 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.

311.4 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 children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) 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 Bel Air Police Department in the event that the injuries later become visible.
- (e) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (f) 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.
- (g) 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). [See attachment: Firearms Transfer Report.pdf](#)
- (h) 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

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reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

- (i) 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.
 - 11. The social status, community status, or professional position of the victim or suspect.
- (j) Members using body worn cameras 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.

311.4.1 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) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

311.4.2 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.

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311.5 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.
- (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 Domestic Violence Report and a Lethality Assessment Form and advise victim accordingly. [See attachment: Domestic Violence and Lethality Screening.pdf](#)
- (j) The completed Domestic Violence Report and Lethality Screening shall be sent to SARC before the reporting member's duty tour ends. The report shall be sent to SARC at: lap@sarc-maryland.org.
- (k) If the Lethality Screening determines the need for a Protocol Referral, then the officer, when safe to do so, will initiate the call and encourage the victim to speak with the hotline representative.

311.5.1 SUBSECTION TITLE

311.6 DISPATCH ASSISTANCE

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

Police Communications Operators are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that police communications operators check whether any of the involved persons are subject to the terms of a court order.

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311.7 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)).

311.8 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.

311.8.1 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.

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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.

311.9 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)):
 - 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.

311.9.1 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)).

311.10 REPORTS AND RECORDS

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

Search and Seizure

312.1 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 Bel Air Police Department personnel to consider when dealing with search and seizure issues.

312.2 POLICY

It is the policy of the Bel Air 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

312.3 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

Child Abuse

313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Bel Air Police Department members are required to notify the Department of Social Services (DSS) of suspected child abuse.

313.1.1 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.

313.2 POLICY

The Bel Air Police Department will investigate all reported incidents of alleged criminal child abuse and ensure DSS is notified as required by law.

313.3 MANDATORY NOTIFICATION

Members of the Bel Air Police Department shall notify DSS 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).

313.3.1 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 DSS by telephone or direct communication.
 2. Make a written report by the end of their tour of duty after having reason to believe that a child has been subjected to abuse, and forward a copy to DSS and the State's Attorney.
 3. Email a copy of the report to the Child Advocacy Center, child maltreatment email group at: 2childprotectiveservices@harfordsheriff.org.

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- (b) The notification, insofar as is reasonably possible, shall include:
 - 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.

313.4 QUALIFIED INVESTIGATORS

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

- (a) Conduct interviews in child-appropriate interview facilities. Unless compelling reasons exist to the contrary, children should always be interviewed at a Child Advocacy Center (CAC). Interviews at the police department, DSS, or the child's school are strongly discouraged unless alternative interview locations are not possible.
- (b) Have successfully completed 40 hours of specialized training in forensic interviews of children, utilizing a nationally-recognized model.
- (c) Be familiar with forensic interview techniques specific to child abuse investigations.
- (d) Present all cases of alleged child abuse to the prosecutor for review.
- (e) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

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- (f) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (g) 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)).

313.5 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.

Responding officers should take information from the adult complainant (e.g., teacher, parent, neighbor, etc.). Unless an emergency exists (e.g., sudden stranger assault), the uniformed officer should not interview the child beyond a brief validation interview. Officers shall refer the case to a detective for investigation.

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.

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2. Attempting to have an on-site interview with the child's caretaker.
 3. Deciding on the safety of the child, wherever the child is, and of other children in the household.
 4. Deciding on the safety of other children in the care or custody of the alleged abuser.
- (l) Seeking assistance from the local State's Attorney as needed (Md. Code FL § 5-706(d)).
- (m) Completing an investigation as soon as practicable, but not later than the time frames specified by state law (COMAR 07.02.07.09; Md. Code FL § 5-706(h); Md. Code FL § 5-706.2(d)).

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).

Child abuse investigations involving in-home offenders or suspects related to victims should be investigated jointly by law enforcement and DSS.

[See attachment: HWC Quick Reference for LEOs FINAL 2021 09.pdf](#)

[See attachment: Child Maltreatment Policy Quick Reference rev 09_2018.pdf](#)

313.6 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.

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

313.6.1 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).

313.7 INTERVIEWS

313.7.1 PRELIMINARY INTERVIEWS

Uniformed officers should avoid conducting interviews with child victims, beyond a brief validation interview, except in emergencies. When those circumstances do exist, uniformed officers shall record the interview of the child victim by means of audio, video, or a combination of both.

Only interviewers who are specially trained in conducting forensic interviews with children should interview child victims or witnesses. CAC staff are available to conduct or to assist with child interviews should the investigator(s) be untrained.

313.7.2 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.

313.8 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

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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)).

313.9 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.

313.9.1 CRIMINAL INVESTIGATION DIVISION RESPONSIBILITIES

The Criminal Investigation Division should:

- (a) Work with professionals from the appropriate agencies, including DSS, other law enforcement agencies, medical service providers and the State's Attorney's Office 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 Investigation Division 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.

313.9.2 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 Investigation Division supervisor so an interagency response can begin.

See attachment: [BAPD Drug Endangered Victim Checklist.pdf](#)

313.10 STATE MANDATES AND OTHER RELEVANT LAWS

Maryland requires or permits the following:

313.10.1 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.

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- (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.

313.10.2 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).

313.10.3 CHILD FATALITY REVIEW

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

313.10.4 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)).

313.10.5 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).

313.11 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

314.1 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 Bel Air Police Department members as required by law.

314.1.1 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.

314.2 POLICY

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

314.3 MANDATORY NOTIFICATION

Members of the Bel Air Police Department shall notify Harford County 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)).

314.3.1 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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314.4 QUALIFIED INVESTIGATORS

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

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

314.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation. Even if the allegations appear unfounded or unsubstantiated, a report should be written if deemed appropriate given the specific facts and circumstances in each incident.

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.

314.6 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 the Duty Officer of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should notify the Duty Officer 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.

314.7 INTERVIEWS

314.7.1 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.

314.7.2 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.

314.8 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.

314.9 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.

314.9.1 SUPERVISOR RESPONSIBILITIES

The Criminal Investigation Division should:

- (a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers and the State's Attorney's Office 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 Investigation Division 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.

314.9.2 OFFICER RESPONSIBILITIES

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

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

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[See attachment: BAPD Drug Endangered Victim Checklist.pdf](#)

314.10 STATE MANDATES AND OTHER RELEVANT LAWS

Maryland requires or permits the following:

314.10.1 RECORDS DIVISION RESPONSIBILITIES

The Records Division is responsible for:

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

314.10.2 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)).

314.10.3 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).

314.11 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

315.1 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.

315.2 POLICY

The Bel Air 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.

315.3 DEFINITIONS

Definitions related to this policy include:

315.3.1 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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315.3.2 RETALIATION

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

315.3.3 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.

315.3.4 ADDITIONAL CONSIDERATIONS

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

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

315.4 RESPONSIBILITIES

This policy applies to all department members, who shall follow the intent of these guidelines in a manner that reflects department policy, professional 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 the member's 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, the Director of Administration, or the Town Administrator, in accordance with Town policy.

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

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

Supervisors 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.

315.4.1 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, the Director of Administration, or the Town Administrator for further information, direction, or clarification.

315.4.2 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 Director of Administration in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

315.4.3 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

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

Nothing in this section shall be construed to prevent supervisors 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.

315.5 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

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complaints of discrimination, retaliation, or harassment shall be fully documented and promptly and thoroughly investigated.

315.5.1 SUPERVISOR RESOLUTION

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

315.5.2 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, the Director of Administration, or the Town Administrator.

315.5.3 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.

315.6 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:

- (a) Approved by the Chief of Police, the Town Administrator, or the Director of Administration, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the established records retention schedule.

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315.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

315.7 TRAINING

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

316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

316.1.1 DEFINITIONS

Definitions related to this policy include:

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

- (a) The person has not been the subject of a prior missing persons report.
- (b) The person 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 person may have been abducted.
- (e) A child that 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 14 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).

316.2 POLICY

The Bel Air 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.

316.3 REQUIRED FORMS AND DNA COLLECTION KITS

The Deputy Chief 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
- Maryland State Police DNA collection kits

316.4 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 State of Maryland Missing Persons Report form (Md. Code PS § 3-602).

316.5 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) Request that the reporting party contact the investigating officer or the Bel Air Police Department if any additional information becomes available or if they receive any information that may be relevant to the investigation (e.g. phone calls, texts, social media posts, sightings).
- (j) 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.
- (k) If the person qualifies for a Silver Alert, contact the Maryland State Police as soon as practicable.
- (l) Notify the on-call Criminal Investigation Division (CID) Detective.

316.5.1 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.

316.6 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.

316.6.1 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 Records Division.
- (b) Ensuring resources are deployed as appropriate.

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- (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.
- (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.

316.6.2 RECORDS DIVISION RESPONSIBILITIES

The responsibilities of the Records Division receiving member shall include, but not be limited to:

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

316.7 CRIMINAL INVESTIGATION DIVISION FOLLOW-UP

In addition to completing or continuing any actions listed above, the Detective 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.

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- (d) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (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).

316.8 WHEN A MISSING PERSON IS FOUND

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

The Records Manager 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.

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When any person reported missing is found, contact shall be made in person by an officer and document the following information: location the missing person was located, the reason for disappearance, locations traveled, and associates during the disappearance unless otherwise authorized by a supervisor. The officer shall also notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

316.8.1 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:

- (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.

316.9 CASE CLOSURE

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

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of the Town of Bel Air 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.

316.10 TRAINING

Subject to available resources, the Training Officer 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

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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.
 - (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

317.1 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.

317.2 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.

317.3 RESPONSIBILITIES

317.3.1 MEMBER RESPONSIBILITIES

Members of the Bel Air Police Department should notify the Duty Officer 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.

317.3.2 DUTY OFFICER RESPONSIBILITIES

The Duty Officer apprised of the need for a public alert is responsible for making the appropriate notifications based upon the circumstances of each situation. The Duty Officer shall promptly notify the Chief of Police and the Deputy Chief when any public alert is generated.

The Duty Officer is responsible for the following:

- (a) Updating alerts.
- (b) Canceling alerts.
- (c) Ensuring all appropriate reports are completed.

317.4 AMBER ALERT

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

317.4.1 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).

317.4.2 PROCEDURE

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

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

317.5 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).

317.5.1 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.

317.5.2 PROCEDURE

The following are the procedures for a Blue Alert:

- (a) Upon confirmation of the Blue Alert criteria, the Duty Officer 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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317.6 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).

317.6.1 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.

317.6.2 PROCEDURE

The following are the procedures for a Silver Alert:

- (a) Upon confirmation of the Silver Alert criteria, the Duty Officer 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.

317.7 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).

317.7.1 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.

317.7.2 PROCEDURE

The following are the procedures for a Yellow Alert:

- (a) Upon confirmation of the Yellow Alert criteria, the Duty Officers shall contact the MSP headquarters duty officer and request a Yellow Alert.

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- (b) Once the Department confirms that the vehicle or suspect has been located, the supervisor in charge of the investigation shall notify the MSP.

317.8 LOCAL MEDIA ALERT

317.8.1 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.

317.8.2 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 PIO 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 PIO 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 PIO is responsible for providing relevant updates to the Chief of Police, the Deputy Chief, and the Duty Officer.

Victim and Witness Assistance

318.1 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.

318.2 POLICY

The Bel Air Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Bel Air 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.

318.3 CRIME VICTIM LIAISON

The Chief of Police should appoint a member of the Department to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Bel Air Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

318.3.1 DNA PROFILE INFORMATION

The crime victim liaison shall ensure that a system is in place to provide victims of violent crime who have made a written request for notice of DNA profile information with the following (Md. Code CP § 11-104):

- (a) Whether an evidentiary DNA profile is obtained from evidence in the case
- (b) When a DNA profile developed in the case is entered into the statewide DNA database system
- (c) When a confirmed match or hit on the DNA profile is received

318.3.2 DUTIES RELATED TO OFFICER MISCONDUCT

The crime victim liaison should provide support to complainants alleging officer misconduct as provided in the Personnel Complaints Policy (Md. Code PS § 3-108).

318.4 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

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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.

318.4.1 SPECIFIC REQUIREMENTS REGARDING VICTIMS

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

- (a) Relieve the 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).

318.5 VICTIM AND WITNESS INFORMATION

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

- (a) Shelters and other community resources for victims including domestic violence and sexual assault victims.
- (b) Crisis intervention help, including medical treatment, creditor intervention services, counseling, or other social services.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Md. Code CP § 11-925).
- (d) Contact information for the Maryland Sex Offender Alert Line.
- (e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (f) A clear explanation of relevant court orders and how they can be obtained.
- (g) Available compensation for qualifying victims of crime (Md. Code CP § 11-916).
- (h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (i) Notice regarding U visa and T visa application processes.

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- (j) Resources available for victims of identity theft.
- (k) The victim's right, upon written request, to the following:
 1. To be kept reasonably informed of the arrest of a suspect and closing of the case.
 2. Which office to contact for information about the case.
 3. For victims of a violent crime, to be notified and updated on matters related to a suspect's DNA profile pursuant to Md. Code CP § 11-104.
- (l) The right to have stolen or other property promptly returned and, upon written request, should have the property promptly returned when evidentiary requirements for prosecution can be satisfied by other means, unless there is a compelling law enforcement reason for keeping it.
- (m) A place for the 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).

318.5.1 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

319.1 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.

319.1.1 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).

319.2 POLICY

The Bel Air 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.

319.3 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.

319.4 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 Duty Officer 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 Duty Officer may request assistance from investigators or other resources.
- (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.

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- (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 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.

319.4.1 CRIMINAL INVESTIGATION DIVISION RESPONSIBILITIES

If a hate crime case is assigned to the Criminal Investigation Division, the assigned investigator will be responsible for:

- (a) Coordinating further investigation with other appropriate law enforcement agencies.
- (b) Maintaining contact with the victim and other involved individuals, as needed.
- (c) Maintaining statistical data and tracking of suspected hate crimes, as indicated or required by state law.

319.5 TRAINING

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

Standards of Conduct

320.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Bel Air 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.

320.2 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.

320.3 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.

320.3.1 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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320.3.2 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.

320.4 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.

320.5 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:

320.5.1 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.
- (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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320.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Bel Air 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.

320.5.3 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.

320.5.4 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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320.5.5 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.

320.5.6 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.

320.5.7 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 48 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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320.5.8 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 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 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.

320.5.9 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

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- 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) Failure to conform to the rules of military courtesy and military discipline as prescribed by the Chief of Police.
 - (e) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
 - (f) Engaging in horseplay that reasonably could result in injury or property damage.
 - (g) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the Town.
 - (h) Use of obscene, indecent, profane or derogatory language while on--duty or in uniform.
 - (i) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
 - (j) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
 - (k) 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.
 - (l) 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.
 - (m) 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.
 - (n) Engaging in any strike or job action. Strike or job action includes, but is not limited to, a failure to report for duty, willful absence from duty, unauthorized holidays, sickness unsubstantiated by physician's statement, stoppage of work, or the abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment for the purpose of inducing, influencing, or coercing a change in conditions, compensation, rights, privileges, or obligations of employment.
 - (o) 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.

320.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.

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- (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.
- (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.

320.5.11 INTOXICANTS

- (a) Reporting for work or being at work while having any level of alcohol in his/her system 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) Purchasing any alcoholic beverages while wearing any part of the Department-issued uniform or driving a Department vehicle (either on-duty or off-duty).
- (d) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

320.6 DISCIPLINARY CATEGORIES AND MATRIX

The Bel Air Police Department shall follow the Maryland Police Training and Standards Commission Statewide Model Disciplinary Matrix.

All matters that may result in discipline shall be imposed pursuant to the Disciplinary Matrix as responsive measures to an member's sustained violation of agency 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. 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

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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.

Aggravating Factors are considered 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:

- (a) The member's prior disciplinary history
- (b) The member's prior negative work history, including non-disciplinary corrective action
- (c) The member's rank
- (d) The violation was committed willfully or for personal gain
- (e) The member's efforts to conceal the violation, or to be untruthful or dishonest
- (f) The member's failure to cooperate with the investigation into the alleged misconduct
- (g) The violation was retaliatory in nature
- (h) The violation or behavior was motivated by bias against a member or group of a protected class under the State's hate crimes law
- (i) The member's expressed unwillingness to comply with policy, tactics, or performance standards
- (j) 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
- (k) The degree to which the violation caused loss or damage to public or private property

Category A: Conduct that has or may have a minimal negative impact on operations or professional image of the agency.

Category B: Conduct that has or may have a negative impact on the operations or professional image of the agency; or that negatively impacts relationships with other officers, agencies, or the public.

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 agency or a member, or on relationships with other officers, agencies, or the public.

Category D: Conduct substantially contrary to the values of the 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 agency policy.

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 agency or a violation of any misdemeanor.

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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 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 member'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.

Additional reference and guidance may be found on the MPTSC's website: [MPTSC Standards](#)

Information Technology Use

321.1 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.

321.1.1 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 Bel Air 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, 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.

321.2 POLICY

It is the policy of the Bel Air 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.

321.3 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)).

321.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors.

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.

321.4.1 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.

321.4.2 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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321.4.3 INTERNET USE

While there are specific unauthorized uses of the internet, the Department allows limited personal use of the internet. Accordingly, occasional personal use is permissible if it is consistent with BAPD policies and procedures and is approved by supervision/command staff.

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.

There is no expectation of privacy in the use of department internet services on department-owned computers. All use of department computers, whether official or personal, is subject to public disclosure laws and can be discoverable in a lawsuit.

321.5 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.

321.6 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 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

322.1 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.

322.2 POLICY

It is the policy of the Bel Air 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.

322.3 EXPEDITIOUS REPORTING

An incomplete report, unorganized reports or reports that are delayed without supervisory approval are not acceptable. Reports shall be processed according to priorities or to a special priority made necessary under exceptional circumstances.

322.4 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 the Duty Officer (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.

322.4.1 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.

Members who generate reports on computers are subject to all requirements of this policy.

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322.5 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 the Duty Officer.

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.

322.5.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

- (a) All arrests.
- (b) All felony crimes.
- (c) Non-felony incidents involving threats or stalking behavior.
- (d) Situations covered by separate policy. These include:
 - 1. Use of Force Policy.
 - 2. Domestic Violence Policy.
 - 3. Child Abuse Policy.
 - 4. Adult Abuse Policy.
 - 5. Hate Crimes Policy.
 - 6. Suspicious Activity Reporting Policy.
- (e) All misdemeanor crimes where the victim desires a report.

Misdemeanor crimes where the victim does not desire a report shall be documented in the Computer-Aided Dispatch (CAD) system.

322.5.2 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 reportable firearm discharge (see the Firearms Policy).
- (h) Any time a member points a firearm at any person.
 - 1. Exception: In situations where multiple officers point their firearm for the sole purpose of compelling compliance, such as high-risk/ felony traffic stops, tactical building entries, etc., only the primary officer is required to report the event through one initial incident report and use of force report listing all officers who used the described compliance technique.
- (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.

322.5.3 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.

322.5.4 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 the Duty Officer 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

322.5.5 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.

322.6 REVIEW AND CORRECTIONS

Supervisors shall review reports for content and accuracy.

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The original report 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. It shall be the responsibility of the Duty Officer to ensure that an adequate and complete preliminary investigation has been made and to review, screen, and approve the officer's report. Screenings should include: review of facts stated to ensure all essential information indicating a criminal act are included, legibility, clarity, and completeness.

322.6.1 CHANGES AND ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Division for filing and distribution shall not be modified or altered except by way of a supplemental report, unless directed otherwise by the Records Division.

Reviewed reports that have not yet been submitted to the Records Division may be corrected or modified by the authoring member only with the knowledge and authorization of the reviewing supervisor.

322.7 STATE REPORTING REQUIREMENTS

322.7.1 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 Records Division and include:

- (a) The name of the person searched.
- (b) The circumstances surrounding and reasons for the search or seizure.

[See attachment: MSP Form 97-Firearms Report.pdf](#)

Completion of a Field Interview Report in the DeltaPlus ETIX program is acceptable documentation for investigative stops. A search report must be completed for any search of a person, vehicle or personal property.

[See attachment: Vehicle Search Report.pdf](#)

Media Relations

323.1 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.

323.2 POLICY

It is the policy of the Bel Air 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.

323.3 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. In situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, supervisors and designated Public Information Officers (PIOs) may prepare and release information to the media in accordance with this policy and applicable laws regarding confidentiality.

323.4 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.

323.5 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the PIO, or if unavailable, to the first available supervisor. 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 or the PIO.
- (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.
- (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

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without prior approval of the Chief of Police. Under these circumstances the member should direct the media to the agency handling the incident.

323.6 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 PIO or other designated spokesperson.
- (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.

323.6.1 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 a supervisor or the PIO.

323.6.2 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 Duty Officer. 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).

323.7 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel

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Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

323.8 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.

Subpoenas and Court Appearances

324.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Bel Air Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

324.2 POLICY

Bel Air Police Department members will respond appropriately to all subpoenas and any other court ordered appearances.

324.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of the department or any of its members may do so.

324.3.1 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 State's 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 Bel Air Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Bel Air Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

324.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacity on civil matters arising out of their official duties.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

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324.3.3 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.

324.4 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.

324.5 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.

324.5.1 TESTIMONY

Before the date of testifying, the subpoenaed member should request a copy of relevant reports and become familiar with the content in order to be prepared for court.

324.6 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with town policy.

Outside Agency Assistance

325.1 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.

325.2 POLICY

It is the policy of the Bel Air 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.

325.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Duty Officer 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 Duty Officer 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.

325.3.1 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 Bel Air Police Department shall notify the Duty Officer and Dispatch as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

325.4 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.

Dispatch should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

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325.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report should be documented as directed by the Duty Officer.

325.6 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 Deputy Chief 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 Dispatch and the Duty Officer to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Officer should maintain documentation that the appropriate members have received the required training.

Registered Offender Information

326.1 PURPOSE AND SCOPE

This policy outlines how the Bel Air Police Department will address issues associated with certain offenders who are residing in the jurisdiction, and how the Department will disseminate information and respond to public inquiries for information about registered offenders.

326.2 POLICY

It is the policy of the Bel Air Police Department to support the Harford County Sheriff's Office in its efforts to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

326.3 MONITORING OF REGISTERED OFFENDERS

The monitoring of registered sex offenders is a function performed by the Harford County Sheriff's Office. Questions concerning the status of registered sex offenders should be referred to the Harford County Sheriff's Office Megan's Law Unit at 410-638-3168 or [Maryland's Sex Offender Registry Website](#).

326.4 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Harford County Sheriff's Office Megan's Law Unit if warranted.

326.5 INTERNAL DISSEMINATION OF INFORMATION

As soon as possible but not later than 3 working days after receiving notice of registration or change in registration information from another local law enforcement unit, the Department shall send a copy of the notice to the commander of each precinct or district in which the offender resides, habitually lives, works or attends school (Md. Code CP § 11-709).

Major Incident Notification

327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Bel Air Police Department in determining when, how and to whom notification of major incidents should be made.

327.2 POLICY

The Bel Air Police Department recognizes that certain incidents should be brought to the attention of 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.

327.3 CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police, the Deputy Chief 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 Bel Air 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 Bel Air 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

327.4 DUTY OFFICER RESPONSIBILITIES

The Duty Officer is responsible for making the appropriate notifications. The Duty Officer shall make reasonable attempts to obtain as much information on the incident as possible before notification, and shall attempt to make the notifications as soon as practicable.

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Major Incident Notification

327.4.1 COMMAND STAFF NOTIFICATION

In the event an incident occurs as identified in the Criteria for Notification section above, the Chief of Police shall be notified along with the Deputy Chief.

327.4.2 INVESTIGATOR NOTIFICATION

If the incident requires that an investigator respond from home, the on-call Detective shall be contacted.

327.4.3 TRAFFIC SAFETY UNIT NOTIFICATION

In the event of a major injury or traffic fatality, the Traffic Safety Unit shall be notified.

327.4.4 PUBLIC INFORMATION OFFICER

After members of the command staff have been notified, the Public Information Officer should be called if it appears the media may have a significant interest in the incident. This will be determined by the Chief of Police.

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Death Investigation

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Death Investigation

Identity Theft

329.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of identity theft.

329.2 POLICY

It is the policy of the Bel Air Police Department to effectively investigate cases of identity theft.

329.3 ACCEPTANCE OF REPORTS

A report should be taken any time a person residing within Harford County reports that they have 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 Bel Air to facilitate the crime).

329.4 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.

329.5 IDENTITY THEFT PASSPORT

Upon request by a person who is the victim of identity theft, Records Division staff shall submit an application for an identity theft passport and a copy of the person's identity theft report to the Attorney General (Md. Code CR § 8-305(c)).

An application for an identity theft passport and any supporting documents are not public records and may not be released except to another law enforcement agency.

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Identity Theft

329.5.1 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 (Citizen's) Arrest

330.1 PURPOSE AND SCOPE

This policy provides guidance for the handling and acceptance of a private person's arrest.

330.2 POLICY

It is the policy of the Bel Air Police Department to accept a private person's arrest only when legal and appropriate.

330.3 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.

330.4 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.

330.5 PRIVATE PERSON'S ARREST STATEMENT

The arresting person should be asked to complete and sign a written statement form. 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

331.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

331.1.1 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 Bel Air 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).

331.2 POLICY

It is the policy of the Bel Air 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.

331.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to the Deputy Chief as the LEP coordinator. The Deputy Chief may appoint a member to serve as an alternate LEP coordinator. The coordinator shall be directly responsible to the Deputy Chief.

The responsibilities of the coordinator should include, but are not limited to:

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- (a) Coordinating and implementing all aspects of the Bel Air Police Department's LEP services to LEP individuals.
- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (d) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (e) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (f) Identifying standards and assessments to be used by this department to qualify individuals as qualified bilingual members or authorized interpreters.
- (g) Periodically reviewing efforts of this department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures, or recommending modifications to this policy.
- (h) Receiving and responding to complaints regarding department LEP services.
- (i) 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.

331.4 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:

- (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.

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331.5 TYPES OF LEP ASSISTANCE AVAILABLE

Bel Air 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. See [attachment: ISpeakCards2004.pdf](#)

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.

331.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

331.7 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.

331.8 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.

When a qualified bilingual member from this department is not available, personnel from other Town departments or other sources of assistance, who have been identified by the Department as having the requisite skills and competence, may be requested.

331.9 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

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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.

331.9.1 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.

331.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the 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.

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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.

331.10 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.

331.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Bel Air 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.

331.11.1 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 Dispatch, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

331.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary.

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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.

331.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, 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.

331.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

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.

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331.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

331.16 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.

331.17 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.

331.18 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.

The Training Officer 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 Training Officer 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.

331.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency 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

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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 Training Officer 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

332.1 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.

332.1.1 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.

332.2 POLICY

It is the policy of the Bel Air 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.

332.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to the Deputy Chief to serve as an ADA coordinator (28 CFR 35.107). The Deputy Chief may appoint a member to serve as an alternate ADA coordinator who shall be directly responsible to the Deputy Chief.

The responsibilities of the coordinator include, but are not limited to:

- (a) Working with the Town ADA coordinator regarding the Bel Air Police Department's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.
- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.

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- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Duty Officer 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.

332.4 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.

332.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

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In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Bel Air 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.

332.6 TYPES OF ASSISTANCE AVAILABLE

Bel Air 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.

332.7 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.

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332.8 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).

332.9 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.

332.10 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

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must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

332.11 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.

332.12 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.

332.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The 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

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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.

332.13.1 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.

332.14 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.

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.

332.15 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

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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.

332.16 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.

332.17 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.

332.18 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.
- (c) Working with in-person and telephone interpreters and related equipment.

The Training Officer 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 Training Officer 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.

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332.18.1 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 Dispatch 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.

Biological Samples

333.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from an individual in conjunction with a criminal investigation, including voluntary samples. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

333.2 POLICY

The Bel Air Police Department will assist in the expeditious collection of required biological samples from arrestees during booking in accordance with the laws of this state and with as little reliance on force as practicable (COMAR 29.05.01.04(B)).

333.3 ARRESTEES AND OFFENDERS SUBJECT TO BIOLOGICAL SAMPLE COLLECTION

A biological sample shall be collected from an individual who is charged with a crime of violence or an attempt to commit a crime of violence, or burglary or an attempt to commit burglary (Md. Code PS § 2-504(a)(3)).

An individual convicted of a felony or a violation of Md. Code CR § 6-205 or Md. Code CR § 6-206 shall have a biological sample collected at the time of sentence, or on intake to a correctional facility, or as a condition of probation (Md. Code PS § 2-504(a)(1)). These samples are generally collected by correctional staff.

333.4 PROCEDURE

At the time of collection of the biological sample, the Department must notify the individual that the biological record may be expunged and the biological sample destroyed in accordance with Md. Code PS § 2-511 (Md. Code PS § 2-504(a)(3)(ii)).

When an arrestee or offender is required to provide a biological sample, a designated and trained member shall obtain the sample in accordance with this policy (Md. Code PS § 2-504(c)).

A second biological sample shall be taken if needed to obtain sufficient biological data for the statewide DNA data base system or if ordered by a court (Md. Code PS § 2-504(e)).

333.4.1 COLLECTION

The following steps should be taken to collect a sample:

- (a) Verify the identity of the arrestee or offender and that the individual is required to provide a sample pursuant to state law (COMAR 29.05.01.04(K)).
- (b) Verify that a biological sample has not been previously collected from the arrestee or offender by querying the statewide DNA database. There is no need to obtain a biological sample if one has been previously obtained (COMAR 29.05.01.04(B)(4)).

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- (c) Use the designated collection kit to perform the collection, following directions and taking steps to avoid cross contamination (COMAR 29.05.01.04(J)).

333.5 USE OF FORCE TO OBTAIN SAMPLES

If an arrestee or offender refuses to cooperate with the sample collection process, members should attempt to identify the reason for refusal and seek voluntary compliance. Reasonable force may be used in the collection of samples as authorized by court order or approval of legal counsel and only with the approval of a supervisor (COMAR 29.05.01.04(C)).

Methods to consider when seeking voluntary compliance include contacting:

- (a) The individual's parole or probation officer, when applicable.
- (b) The prosecuting attorney to seek additional charges against the individual for failure to comply or to otherwise bring the refusal before a judge.
- (c) The judge at the individual's next court appearance.
- (d) The individual's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources, where the individual can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use reasonable force and be present to document the process.

333.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all persons participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the established records retention schedule.

333.6 LEGAL MANDATES AND RELEVANT LAWS

Immediately after a biological sample is obtained it shall be placed in the kit provided, sealed, and within 24 hours, transported or mailed to the Forensic Sciences Division of the Department of State Police Crime Laboratory (COMAR 29.05.01.04(M)).

Possession of, or access to, individually identifiable biological information contained in the statewide DNA data base system or statewide DNA repository is confidential and may not be willfully disclosed in any manner to a person or agency not entitled to receive the information.

A member may not, without authorization, willfully obtain individually identifiable biological information from the statewide DNA data base system or statewide DNA repository (Md. Code PS § 2-512).

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333.7 REPORTING

The Records Division shall make the following reports:

- (a) To the Department of State Police on or before January 31, the information for the preceding calendar year necessary to compile statistical information as required by Md. Code PS § 2-513.
- (b) To the Governor's Office of Crime Prevention, Youth, and Victim Services on or before April 1 of every even numbered year, the status of crime scene DNA collection and analysis for the preceding year pursuant to Md. Code PS § 2-514.

Chaplains

334.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Bel Air Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

334.2 POLICY

The Bel Air Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

334.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.
- (b) Managing their households, families and personal affairs well.
- (c) Having a good reputation in the community.
- (d) Successful completion of an appropriate level background investigation.
- (e) A minimum of five years of successful counseling experience.
- (f) Possession of a valid driver's license.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

334.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Bel Air Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the pre-employment procedures as set forth by the Chief of Police.

334.4.1 RECRUITMENT

Chaplains should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity and non-discriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Department in serving the public. Chaplain candidates are encouraged to participate in ride-alongs with department members before and during the selection process.

334.4.2 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

- (a) Submit the appropriate written application.

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- (b) Include a recommendation from their employer or volunteer program.
- (c) Interview with the Chief of Police.
- (d) Successfully complete an appropriate-level background investigation.
- (e) Complete an appropriate probationary period as designated by the Chief of Police.

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

334.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties.

Chaplains will be issued Bel Air Police Department identification cards which must be carried at all times while on-duty. The identification cards will be the standard Bel Air Police Department identification cards with the exception that "Chaplain" will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

334.6 DUTIES AND RESPONSIBILITIES

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as a chaplain with this department unless the receiving person has solicited spiritual guidance or teaching. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service, or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Bel Air Police Department.

334.6.1 COMPLIANCE

Chaplains are volunteer members of the Department, and except as otherwise specified within this policy, are required to comply with applicable policies.

334.6.2 OPERATIONAL GUIDELINES

- (a) Chaplains may be permitted to ride with officers during any shift and observe Bel Air Police Department operations, provided the Duty Officer has been notified and has approved the activity.
- (b) Chaplains shall not be evaluators of members of the Department.
- (c) In responding to incidents, a chaplain shall never function as an officer.

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- (d) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
- (e) Each chaplain should have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

334.6.3 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

- (a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
- (b) Visiting sick or injured members in the hospital or at home.
- (c) Attending and participating, when requested, in funerals of active or retired members.
- (d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.
- (e) Providing counseling and support for members and their families.
- (f) Being alert to the needs of members and their families.

334.6.4 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to the Department should include, but are not limited to:

- (a) Assisting members in the diffusion of a conflict or incident, when requested.
- (b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Duty Officer or supervisor aids in accomplishing the mission of the Department.
- (c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.
- (d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.
- (e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (f) Participating in in-service training classes.
- (g) Willingness to train others to enhance the effectiveness of the Department.

334.6.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community should include, but are not limited to:

- (a) Familiarity with the role of law enforcement in the community.

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- (b) Providing an additional link between the community, other chaplain coordinators and the Department.
- (c) Providing liaison with various civic, business and religious organizations.
- (d) Promptly facilitating requests for representatives or leaders of various denominations.
- (e) Assisting the community in any other function as needed or requested.
- (f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

334.7 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Bel Air Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to the privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Bel Air Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

Public Safety Video Surveillance System

335.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of department public safety video surveillance, as well as the storage and release of the captured images.

This policy only applies to overt, marked public safety video surveillance systems operated by the Department. It does not apply to mobile audio video systems, covert audio video systems or any other image capturing devices used by the Department.

335.2 POLICY

The Bel Air Police Department operates a public safety video surveillance system to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the Town to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist Town officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

335.3 OPERATIONAL GUIDELINES

Only department-approved video surveillance equipment shall be utilized. Members authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Chief of Police or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

335.3.1 PLACEMENT AND MONITORING

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Chief of Police should confer with other affected Town divisions and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation or other obstructions should also be evaluated when determining placement.

Cameras shall only record video images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high value or high threat areas. The public safety video surveillance system may be useful for the following purposes:

- (a) To prevent, deter and identify criminal activity.
- (b) To target identified areas of gang and narcotics complaints or activity.
- (c) To respond to critical incidents.
- (d) To assist in identifying, apprehending and prosecuting offenders.

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- (e) To document officer and offender conduct during interactions to safeguard the rights of the public and officers.
- (f) To augment resources in a cost effective manner.
- (g) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. Images should be transmitted to monitors installed in Dispatch or other approved location. When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding officers in a timely manner.

The Chief of Police may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by other than police personnel, such as allied government agencies, road or traffic crews, fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination or retention is prohibited.

335.3.2 INTEGRATION WITH OTHER TECHNOLOGY

The Department may elect to integrate its public safety video surveillance system with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, facial recognition and other video-based analytical systems may be considered based upon availability and the nature of department strategy.

The Department should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and shall evaluate whether the use of certain camera systems, such as pan-tilt-zoom systems, and video enhancement or other analytical technology, requires additional safeguards.

335.4 VIDEO SUPERVISION

Supervisors should monitor video surveillance access and usage to ensure members are within department policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

335.4.1 VIDEO LOG

A log should be maintained at all locations where video surveillance equipment is located. The log should be used to document all persons not assigned to the monitoring locations who have been given access to view or monitor images provided by the video surveillance cameras. The logs should, at a minimum, record the:

- (a) Date and time access was given.
- (b) Name and agency of the person being given access to the images.
- (c) Name of person authorizing access.
- (d) Identifiable portion of images viewed.

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335.4.2 PROHIBITED ACTIVITY

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

Video surveillance equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

335.5 STORAGE AND RETENTION OF MEDIA

All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with the established records retention schedule (Md. Code SG § 10-610; COMAR 14.18.02.04).

335.5.1 EVIDENTIARY INTEGRITY

All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

335.6 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the Bel Air Police Department.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records.

Requests for recorded images from other law enforcement agencies shall be referred to the Deputy Chief for release in accordance with a specific and legitimate law enforcement purpose.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

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335.7 VIDEO SURVEILLANCE AUDIT

The Chief of Police or the authorized designee should conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit and effectiveness of the system, including any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline or policy.

The results of each review shall be appropriately documented and maintained by the Chief of Police or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

335.8 TRAINING

All department members authorized to operate or access public video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

Child and Dependent Adult Safety

336.1 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.

336.2 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 Bel Air 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.

336.3 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.

336.3.1 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 Department of Social Services, if appropriate.
- (e) Notify the Duty Officer 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.

336.3.2 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.

336.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member should document the following information:
 - 1. Name

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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 should 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

336.3.4 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.

336.4 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.

336.5 TRAINING

The Training Officer 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

337.1 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).

337.1.1 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)).

337.2 POLICY

It is the policy of the Bel Air 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.

337.3 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.

337.4 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 Bel Air Police Department affords to all members of the public (28 CFR 35.136).

337.4.1 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.

337.4.2 CONTACT

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

337.4.3 REMOVAL

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, 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.

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337.4.4 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).

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).

Auxiliary Members

338.1 PURPOSE

This policy establishes the guidelines for Bel Air Police Department auxiliary members to supplement and assist agency personnel in their duties.

338.2 POLICY

The Bel Air Police Department shall recruit and utilize the skilled services of citizens who are willing to volunteer their time and skills in an effort to improve the overall efficiency and productivity of the Department while promoting community involvement. The Bel Air Police Department shall ensure that auxiliary members are properly appointed, trained, and supervised and that they maintain the appropriate certifications and readiness to carry out their assigned duties.

The Auxiliary Police Unit shall not be armed, shall have no arrest powers, shall not be commissioned as law enforcement officers, and shall not be assigned duties requiring a sworn officer.

The purpose of the Auxiliary Police Unit shall be to perform duties as assigned by the Chief of Police or authorized designee, including, but not limited to:

- (a) Staffing security details.
- (b) Crowd and traffic control at public events.
- (c) Patrolling on foot and bicycle.
- (d) Issuing parking citations.
- (e) Assisting sworn officers during natural disasters, fires, inclement weather, and searches for missing persons.
- (f) Accompanying and assisting sworn officers on patrol and during special enforcement initiatives.
- (g) Patrolling parks, schools, and shopping centers after hours.

338.3 APPOINTMENT AND QUALIFICATIONS

The Chief of Police shall have the authority to select and appoint persons as members of the Bel Air Police Department Auxiliary Police Unit. Members must possess good communication skills, be able to write and speak effectively, and understand and carry out instructions of the Department. Members must be alert and able to recognize potential problems, analyze situations, and articulate observations to sworn police personnel.

Citizens interested in participating in the Auxiliary program shall be required to complete an application, a personal history questionnaire, Waiver of Liability Form, Release of Information Form, and Applicant Confidentiality Agreement Form. Applicants must be at least 18 years of age, a resident of Maryland; possess a valid Maryland driver's license; be a U.S. citizen; possess a high school diploma or G.E.D.; and possess the ability to perform duties required.

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All applicants will be screened by use of a background investigation prior to acceptance into the program. The screening shall include a criminal records check, fingerprinting, Motor Vehicle Administration records check, two personal reference checks, and additional reference checks and records verification as necessary to determine suitability. Applicants for the Auxiliary Police Program are required to submit to a drug test prior to acceptance and obtain a physical exam from a physician, both of which are at the applicant's expense. Applicants are required to complete a physical agility test which should generally meet the requirements of the MPTSC. The process shall also include an interview between the Applicant, the Coordinator and a member of the Command Staff.

After a background investigation, medical screening, drug screening, physical agility test and an oral interview are completed, the Coordinator will forward a recommendation to the Deputy Chief for approval or disapproval of any applicant. Newly-approved applicants will not be permitted to work any Auxiliary assignments without supervision from either another senior Auxiliary member or a regular officer until they have successfully completed the recruit training requirements. Newly-approved applicants may attend monthly meetings and in-service training while awaiting their recruit training.

Auxiliary members must retain and present proof of medical insurance coverage at their own expense.

338.3.1 PROBATION

Members shall be on probation for their first year in the Auxiliary Police Unit. Final acceptance in the Auxiliary shall be dependent upon their conduct and efficiency in the performance of their duties. If at any time during their first year they perform unsatisfactorily, they may be dismissed from the Auxiliary with no right of appeal. During the one year probationary period the probationary member shall complete at least (10) ten ride-a-longs and/or special details in order to be eligible to be released from probationary status.

Upon request of the Captain, the probationary period may be extended by the Coordinator for an additional three months, not to exceed twelve months for all extensions.

338.3.2 REINSTATEMENT

Members who have been inactive for a period of less than one year may qualify for reinstatement following approval of the Chief of Police. All qualified returning members will be reinstated with the rank of Officer, unless approved otherwise by the Staff. A member who requests reinstatement within one year shall submit a written request to the Coordinator, who will approve or disapprove the request.

Members who have been inactive for a period of more than one year can be accepted as a new member, will be on probation for one year and will be required to complete recruit training.

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338.4 AUXILIARY UNIT COORDINATOR

The Chief of Police shall appoint a sworn officer as the Auxiliary Coordinator who shall report directly to the Deputy Chief. The Coordinator shall be first in the chain of command for all Auxiliary members. The Auxiliary Coordinator shall:

- (a) Be responsible for the execution of all orders and rules governing the Auxiliary Police Unit.
- (b) Enforce all orders, written or verbal, issued by the Department.
- (c) Maintain custody and control of all property assigned to the Auxiliary Police Unit.
- (d) Assign and manage all members of the Auxiliary Police Unit to any details and assignments as necessary.
- (e) Suspend any member pursuant to the disciplinary rules of the Auxiliary Police Unit.
- (f) Facilitate the establishment and maintenance of Auxiliary records, and together with the Department Training Officer, coordinate all activities and initiate such courses of instruction that are necessary for the efficient operation of the Auxiliary.
- (g) Attend meetings and details as appropriate.
- (h) Establish policy for the efficient management and control of the Auxiliary Police Unit.
- (i) Complete annual Performance Evaluations of each Auxiliary member.

The Coordinator shall include maintain the records of the Auxiliary. Records are to include but are not limited to the following:

- (a) Bulletins/Special Memorandums
- (b) Current inventory of equipment
- (c) Membership personnel files
- (d) Minutes of meetings and all special or general correspondence
- (e) Time records and Inspection reports

The Coordinator shall maintain a roster of the Auxiliary Police Unit, including each member's:

- (a) Full name and rank
- (b) Current street address, post office box, and/or apartment number
- (c) Telephone number(s)
- (d) Badge and ID numbers
- (e) Date of appointment

The Coordinator or authorized designee will accept and acknowledge all funds and equipment donated to the Auxiliary Police Unit.

- (a) Property donated to the Auxiliary will be used to stock supplies.

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- (b) All money donated will be placed in the Auxiliary Account as soon as practicable. The Town of Bel Air Office of Finance will maintain the account for the use and general welfare of the Auxiliary.

338.5 RANK STRUCTURE, ORGANIZATION AND DUTIES

Together with the Coordinator, the Command Staff of the Auxiliary Police Unit shall consist of a Captain and Lieutenant(s). The Staff shall promote and maintain an efficient organization and a continuity of the chain of command, and shall establish a channel for communication with the members and generally accommodate the activities of the Auxiliary.

The Staff shall meet as necessary and act upon all matters placed before it. Minutes of the Staff meeting shall be taken by the appointed secretary and shall serve as a guide for conducting subsequent monthly meetings.

The order and ranks of the Auxiliary Police Unit shall be:

- (a) Captain
- (b) Lieutenant
- (c) Sergeant
- (d) Corporal
- (e) Officer First Class
- (f) Officer
- (g) Cadet (Recruit/Trainee until training is complete)

338.5.1 RANKS AND DUTIES

All members, regardless of rank, are responsible for the following:

- (a) The proper performance of their duties as outlined in this policy and/or other official correspondence.
- (b) Promptly reporting to and remaining at assignments until their conclusion or until he/she is properly relieved.
 - 1. The Duty Officer must grant permission before a member is relieved.
- (c) Being cognizant of the image he/she is presenting to the public. Members shall be alert and expeditious in their duties at all times.
- (d) Transmitting to Dispatch all known information upon being made aware of an unusual or important casualty, crime, or other police-related occurrence. Members shall continue to keep Dispatch informed of relevant, updated information as he/she is made aware of the information.

Auxiliary Captain

- (a) The Captain shall be responsible for the enforcement of all orders, rules, and regulations, and shall immediately report any discrepancies to the Coordinator. The Captain shall confer with the Lieutenant(s) on any issues that occur in the field and report any findings and recommendations to the Coordinator.

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- (b) The Captain shall be responsible for investigating matters directed to him/her by the Coordinator and report any findings and recommendations. The Captain shall forward all instances of neglect of duty or misconduct on the part of any subordinate for investigation, and forward any statements or reports as directed.

Auxiliary Lieutenants

- (a) With the approval of the Coordinator, Lieutenants may be appointed by the Captain to serve as second in command. Lieutenants shall offer guidance and instruction to their subordinates.
- (b) Lieutenants shall be governed by the same rules, regulations, and procedures that are applicable to the Captain, and they shall be responsible for a complete working knowledge of all of the duties of the Captain. Lieutenants shall perform administrative roles within the Auxiliary as deemed necessary, and in the absence of the Captain, shall assume the duties of the Captain. Lieutenants shall also assume responsibilities as prescribed by the Coordinator, and in the event of a Captain's prolonged absence, a Lieutenant may be appointed as Acting Captain by the Coordinator.

Auxiliary Sergeants

- (a) Sergeants shall be familiar with all of the rules, regulations, and procedures of the Auxiliary, and shall be in command during the temporary absence of a superior officer.
- (b) Sergeants are to give special attention and guidance to the members who are on probation.
- (c) Sergeants shall be aware of the general appearance of all subordinate members and report to the Captain when requested.
- (d) Sergeants shall observe the activities and capabilities of all subordinate members, and determine whether or not their performance is practically and efficiently performed. Sergeants shall offer guidance to subordinate members, and shall immediately report all cases of misconduct, incompetence, neglect of duty, or serious violations of the rules, regulations, and/or procedures on the part of any member to a superior officer.

Auxiliary Corporals

- (a) Corporals have the same duties and responsibilities as the Sergeants. In the absence of the Sergeant, the Corporal will assume the duties of the Sergeant.

Recording Secretary

- (a) At the January meeting, the Captain will select a member to serve as Recording Secretary for that calendar year. The Secretary shall be responsible for keeping minutes of all meetings. In the absence of the Recording Secretary, the Captain will appoint a member to act as Recording Secretary for that meeting.

338.6 MEETINGS

The Auxiliary should meet at least once per month for the purpose of conducting business, assigning details, conducting training classes, and discussing any other matters deemed necessary.

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Attendance by all members is required at any special or regular meeting. Members who find that they are unable to attend due to a schedule conflict must give the Coordinator prior notice (except in emergencies). Unexcused absences may result in disciplinary action.

The Coordinator shall preside at all meetings and shall be responsible for the content of the minutes and the treasurer's report. The Coordinator shall keep all members advised of any change of the meeting, date, time, and/or location.

The Coordinator will distribute any revisions to this policy at meetings. Additional rules and regulations will be discussed at meetings as necessary.

The Coordinator shall monitor the attendance at the monthly meetings, contact and counsel members who are delinquent, and follow disciplinary procedures when required.

338.7 GENERAL OPERATIONS

Members may work patrol at the discretion of the Duty Officer and may respond to any calls for service approved by the Duty Officer. The Duty Officer may identify additional areas in which members may assist or respond.

Under no circumstances will the emergency equipment of a patrol car be activated during any response by members. Emergency lights may be activated when a patrol car is stopped and being used to illuminate an accident scene or for safety purposes during motorist assistance, etc. Members are not authorized and shall not make motor vehicle stops.

At the beginning of each detail or assignment, and after each call, members will inform Dispatch of their status.

When on-duty with a sworn officer, Auxiliary members of any rank are under the direction and supervision of the sworn officer.

When conducting patrol or working details or special events, Auxiliary members may respond to and assist with the following types of incidents:

- (a) Traffic direction and control.
- (b) Calls to locate and notify personnel.
- (c) School crossing.
- (d) Residential and business checks.
- (e) Calls to assist officers in non-hazardous situations, which do not require physical apprehensions. Assistance is limited to traffic direction/control on the periphery of the scene or other logistical support.
- (f) Parade details
- (g) Crime scene searches
- (h) Towns Events
- (i) Disabled motorist occurring within Town limits

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- (j) Vehicle lock-outs
- (k) Other Administrative duties as directed by Chief of Police.

338.7.1 PROHIBITED ACTIONS

Members are prohibited from performing many duties that require specialized training and/or a sworn police officer, such as:

- (a) Operating any emergency vehicle while the emergency equipment is activated.
- (b) Conducting traffic enforcement, except to direct the flow of traffic as a traffic control officer. Auxiliary members may issue parking citations only upon written approval of the Chief of Police.
- (c) Serving arrest or search warrants.
- (d) Participating in an activity when it is known in advance that it is likely to be extremely dangerous or hazardous.
- (e) Wearing, carrying, or transporting any firearm during the course of assigned duties, unless it falls within the purview of department-authorized and supervised training and instruction.
- (f) Conducting any "pat-down" or any other type of search of any person or property, unless requested to do so by a sworn officer.

338.7.2 STAFFING DETAILS

Adequate staffing of Auxiliary details shall be the primary function of the Auxiliary. All other assignments (except those that are an emergency), shall be secondary. The Coordinator shall endeavor to fill all requests from the Department for detail coverage.

All detail requests shall be cleared by the Coordinator and/or the Deputy Chief. If a civilian requests the services of the Auxiliary directly from a member of any rank, that member will advise the civilian to contact the Coordinator and/or the Deputy Chief. Only details approved by the Coordinator or the Deputy Chief may be assigned to a member. Members are to keep the Coordinator informed as to their availability for Auxiliary duties and details.

Auxiliary details may be worked by a single member, however, efforts should be made so that at least two members are assigned to any given detail.

Prior to leaving the Department for any detail or assignment, members will also make a verbal notification to Dispatch and the Duty Officer, who may give additional instructions or change member vehicle assignments. Each member assigned an Auxiliary radio shall contact Dispatch upon arrival at a detail. Members shall, at all times, adhere to the instructions of the Duty Officer.

When working a detail or event, Auxiliary members are to:

- (a) Remain alert and cognizant of surrounding activities.
- (b) Avoid performing duties such as checking admission tickets or other activities generally associated with routine business operations.
- (c) Avoid searching persons or property.

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- (d) Remain at their assigned location until the detail has concluded or they are otherwise relieved.

338.7.3 UNMANNED DETAILS

The Captain will keep the Coordinator informed of all details, details that do not have sufficient coverage, activities, complaints, etc. The Captain will contact the Coordinator as soon as there is knowledge that an assigned detail lacks sufficient personnel for coverage, or if an assigned detail has been canceled or rescheduled. If the non-coverage of any detail is due to last minute circumstances and/or a lack of members, the Duty Officer shall be notified.

If it is known in advance that the Auxiliary will be unable to provide manpower for a detail, the Coordinator and/or Captain will be contacted as soon as possible. The Captain will attempt to obtain assistance from other members. If the Coordinator is not notified in advance, it will be the responsibility of the Captain or OIC to notify the requesting party.

A detail will not be permitted to have excessive personnel while other assigned details do not have sufficient coverage. The Captain shall have the overall responsibility of coordinating activities to provide sufficient coverage.

If an Auxiliary Detail is in progress, no member shall work a patrol car, ride along with a BAPD sworn officer, or participate in any other non-detail assignment without the approval of the Coordinator or Captain.

338.8 REPORTING FOR DUTY

All members shall notify Dispatch and the Duty Officer when they are reporting for any duty. Members shall notify Dispatch when they are going off-duty as well.

In order to receive credit for time worked, the member shall complete a Detail/Duty Report. A member's time may not be credited if the report is not properly completed.

- (a) The minimum time to be submitted for any detail shall be two hours, if the member has worked the detail from beginning to the end.
- (b) The member will be permitted to enter the total expected detail time up to four hours if, upon arrival, the detail has been canceled and no advance notice was given. If the member volunteers for other duty following a canceled detail, time shall not be submitted for the canceled detail. This four-hour credit will only be given when a member elects to go off-duty following the canceled detail.
- (c) Total hours equals the time worked, plus travel time, rounded up to the next half hour.
- (d) Members electing to participate in any "ride-along" with a sworn officer must first secure permission from the Duty Officer.

338.8.1 OFF-DUTY EMERGENCIES (ON-DUTY STATUS)

A member may place themselves on-duty and earn credited hours when the member incidentally comes upon the scene of:

- (a) An on-duty BAPD sworn officer or on-duty Auxiliary member in need of and requesting immediate assistance.

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- (b) An off-duty BAPD sworn officer who is present and requests a member's assistance.
- (c) A BAPD sworn officer who needs immediate assistance and is unable to request that assistance.

In all cases, if no immediate danger exists, the member shall attempt to obtain permission from the Duty Officer or a sworn officer prior to assisting.

On-duty status starts when the member intervenes and ends when the member is relieved or needs to leave the immediate scene of the occurrence. While at the scene of an incident described above, the member shall:

- (a) Display the badge or ID card on the outermost garment.
- (b) Make notification to Dispatch.
- (c) Make a verbal report to the Captain or Coordinator immediately upon completion of the emergency.

Members shall not respond to routine police calls while in civilian clothes.

338.9 DEPLOYMENT OF ISSUED EQUIPMENT, USE OF FORCE AND HANDCUFFING

Auxiliary personnel have no authority to utilize force to any degree above that of an ordinary citizen. In any case of self-defense, members shall make reasonable attempts to avoid confrontation and opt for de-escalation if possible. Members shall make every reasonable effort to request that sworn officers respond prior to engaging in the use of any equipment.

The carrying and use of the ASP baton and Oleoresin Capsicum Spray (OC Spray) is authorized only if the Auxiliary Officer has received initial training for the control device, as approved/required for sworn officers. A copy of the training certificate shall be maintained in the member's personnel file. To receive training the Auxiliary member must be at least 18 years of age, not on probationary status and in good standing with the Department.

Auxiliary members shall be held to the same use of force requirements as sworn officers. Only that force which is necessary and proportional shall be used. De-escalation shall be used in any circumstance that permits it.

338.9.1 USE OF FORCE AND CONTROL DEVICES

Following approved training, Auxiliary members may be issued an ASP Baton and O.C. (Oleoresin Capsicum) Spray. These issued items will conform to the same specifications as those carried by BAPD sworn officers. Auxiliary members issued the ASP Baton and O.C. Spray will first receive mandatory training in the respective curriculum by a certified instructor. The Coordinator will keep all Auxiliary training records. All training must conform to the standards implemented and dictated by the Training Coordinator. Members should also receive annual re-training in the use and deployment of the ASP Baton and O.C. Spray.

Auxiliary members shall abide by and follow all policies and procedures related to a use of force and the deploying of control devices. Not excluding any other agency policy or procedure, members are authorized to use control devices:

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- (a) For self-defense when the on-duty member is in imminent danger of death or serious physical injury.
- (b) For the defense of another on-duty Department employee, who is in imminent danger of death or serious physical injury.
- (c) At the direct and supervised request of a sworn officer who the member has reason to believe is requesting such aid lawfully.
- (d) For the defense of anyone else who the on-duty member has reason to believe is in imminent danger of death or serious physical injury.
- (e) For training purposes, under the supervision of an instructor.

338.9.2 USE OF HANDCUFFS AND RESTRAINTS

The carrying of handcuffs is permitted but they shall only be used at the direct request of a sworn officer. Auxiliary Police members are not sworn law enforcement officers and do not have arrest authority. Members are not empowered to detain any person against his/her will unless instructed to do so by a sworn officer and are acting on the sworn officer's behalf. Auxiliary members shall abide by and follow all policies and procedures related to handcuffing and restraints.

338.9.3 FIREARMS

It is not intended that Auxiliary members come into contact with firearms while on duty, however, in the event of a life-threatening emergency, members should be familiar with firearms in general, especially those carried by the Department. The Department shall provide training in Firearms Safety to Auxiliary members. Auxiliary members are prohibited from carrying or possessing in any manner a firearm while on-duty in any Auxiliary capacity, unless under the direct order and/or supervision of a sworn officer.

338.10 TIME MINIMUMS

Members shall provide a minimum of 150 hours per year (an average of 12.5 hours per month) of service. This includes meetings, training, details, administration, and patrol. Time credit will not be given for unauthorized assignments.

The Coordinator shall maintain documentation of each member's number of hours of service. If a member is delinquent or may become delinquent for the year, the Coordinator will contact the member and determine the reason. The Coordinator may recommend that a member be excused from the minimum requirements for any one-quarter period of the year for good and sufficient reason. The Coordinator may also allow the member two quarters (six months) to make up the delinquent hours.

Members who receive correspondence from the Coordinator regarding minimum hours shall reply promptly stating the full particulars and reasons for their inactivity.

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338.11 TRAINING

Members shall receive training prescribed by the Department. The training shall be approved by the Chief of Police and shall consist of subjects necessary for Auxiliary members to properly perform assigned duties. Training should include topics such as, but not limited to:

- (a) Operation of Police Radios
- (b) Constitutional Law
- (c) Juvenile Procedures
- (d) Defensive Tactics
- (e) Traffic Law
- (f) Traffic Direction
- (g) Department policy and procedure
- (h) Use of Issued Equipment (e.g., ASP Baton, O.C. Spray, Handcuffs)
- (i) Civil Liabilities
- (j) Firearms Safety
- (k) Defensive Driving
- (l) Parking Enforcement

Personnel who have not received the necessary training may be granted the authority to perform administrative functions assigned by the BAPD.

Each Auxiliary member must attend and successfully complete all required in-service training as mandated by the Coordinator on an annual basis. Members who fail to meet this mandatory training will not be re-appointed until these requirements are met.

338.11.1 FIELD TRAINING AND ORIENTATION

All Auxiliary Police personnel shall receive orientation, to include a general outline of the program's description as well as duties and responsibilities. An Auxiliary Field Training book shall be completed for all new members. This book shall document training completed, an observation sheet for each ride-along and/or special detail and other documentation as directed by the Coordinator. Field Training shall consist minimally of 40 hours. Until released from Field Training, the probationary member shall only be on-duty under the supervision of an approved Auxiliary officer or any sworn officer. In order to be released from field training the member must be approved by the Auxiliary Captain, the Auxiliary Coordinator and the Chief of Police.

338.12 UNIFORMS AND EQUIPMENT

Members shall be furnished with a uniform and equipment approved by the Chief of Police that is readily distinguishable from the uniform of sworn members.

- (a) When on duty, members must be in the full issued uniform as outlined in this policy, unless directed otherwise by the Coordinator. Members shall not wear, carry, or have

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any other equipment or uniform parts in their possession while on duty without the Coordinator's approval.

- (b) Members should report fully prepared for changes in weather. No member is permitted to use any non-approved substitute or replacement uniform parts or equipment without the Coordinator's approval.
- (c) At no time are civilian clothes authorized for any type of Auxiliary police duty. Details, patrol duty and any other situation as determined by the Coordinator shall be worked in full uniform.

338.12.1 QUARTERMASTER

The Coordinator will have full responsibility for the issuance of all uniforms and equipment.

Extra and non-issued uniforms and equipment will be stored in the Auxiliary office. Those uniforms that are determined to be in need of cleaning will be delivered to a commercial cleaner. The cost of cleaning will be borne by the Auxiliary.

Members may request uniforms and/or equipment purchases as needed.. Members who accept improperly fitted uniforms or equipment will be responsible for all costs involved in alterations or repairs needed.

Members shall be required to sign or acknowledge inventory forms as directed by the Coordinator to indicate the receipt of any issued uniforms and equipment.

338.12.2 PROPER WEARING OF UNIFORMS AND EQUIPMENT

Members are required to abide by all uniform and personal appearance regulations as established by policy.

338.12.3 OPTIONAL EQUIPMENT

In addition to any other uniform or equipment listed above, any member may purchase and use any of the uniform or equipment items listed below without special authorization:

- (a) Flag Pins - May be worn only as a tie tack or tie bar; not authorized to wear on any other part of the uniform.
- (b) Tie Tack or Bar - Any type generally worn by police personnel.
- (c) Flashlight and Holder - Black, to match garrison belt.
- (d) Key Holder - Black, worn on garrison belt only; excessive keys are not permitted.
- (e) Trouser Belt and Belt Keepers - Black.
- (f) Whistle
- (g) Gloves - White for traffic, funerals, color guard, and special details. Black gloves may be used in cold weather.
- (h) Clothing - Any type may be worn beneath the uniform but must not be visible.
- (i) Fur Cap - As authorized.

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Auxiliary Members

338.12.4 AUXILIARY POLICE-OWNED EQUIPMENT (VALUE OF MORE THAN \$25)

Annually, the Coordinator shall submit a detailed inventory report on the status and condition of all Auxiliary-owned equipment valued in excess of \$25 to the Deputy Chief. The Inventory Report shall include a description of the equipment, manufacturer, serial number, and how the equipment was obtained (e.g., purchase, donation).

Any items donated to the Auxiliary Police Unit shall be added to the Auxiliary inventory by the Coordinator. The selling, trading, or disposal of any Auxiliary-owned equipment must have the authorization of the Coordinator.

Native American Graves Protection and Repatriation

340.1 PURPOSE AND SCOPE

This policy is intended ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

340.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects and associated funerary objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Native American human remains - The physical remains of the body of a person of Native American ancestry.

Objects of cultural patrimony - Objects having ongoing historical, traditional, or cultural importance that is central to the Native American group or culture itself, and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

340.2 POLICY

It is the policy of the Bel Air Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

340.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

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Native American Graves Protection and Repatriation

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land - The Maryland Historical Trust and the Maryland Commission on Indian Affairs (COMAR 34.04.06.01 et seq.)
- Tribal land - Responsible Indian tribal official

340.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

340.5 DISPOSITION OF REMAINS

This department shall cooperate with other government agencies, the Maryland Commission on Indian Affairs, the Advisory Committee on Archeology, the Burial Sites and Objects Review Committee and the Maryland Historical Trust to accomplish the appropriate disposition of Native American human remains (COMAR 34.04.06.01 et seq.).

Off-Duty Law Enforcement Actions

341.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for officers of the Bel Air Police Department with respect to taking law enforcement action while off-duty.

341.2 POLICY

It is the policy of the Bel Air 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. An off-duty officer is prohibited from taking action while under the influence or impaired in the slightest degree by alcohol, drugs, or prescription medication.

341.3 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.

341.3.1 INTERVENTION PROCEDURE (NOT OPERATING AGENCY VEHICLE)

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 police communications operator receiving the call should obtain a description of the off-duty officer from the caller and broadcast that information to responding officers.

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Off-Duty Law Enforcement Actions

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an officer with the Bel Air Police Department until acknowledged. Official identification should also be displayed when possible.

341.3.2 INTERVENTION PROCEDURE (OPERATING AGENCY VEHICLE)

An off-duty officer operating an agency vehicle shall take action whenever:

- (a) An emergency call is dispatched and the off-duty officer is within close proximity to the location of the incident in the Town of Bel Air.
- (b) When assistance is requested by an outside agency and the officer is within close proximity to the incident.

Any official action by an off-duty officer shall be reported to Dispatch for assignment of an incident number. If there is no emergency or harm present and the situation is under control, the off-duty officer should turn the matter over to on-duty officers. In a situation where an off-duty officer makes an arrest, the officer will turn over the detained to on-duty officers within the jurisdiction as soon as practicable.

341.4 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.

341.4.1 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.

341.4.2 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.

341.5 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 Duty Officer regarding any law enforcement action taken while off-duty. The Duty Officer may send a supervisor to the location if deemed appropriate.

The Duty Officer shall determine whether a criminal or administrative report should be completed by the involved officer.

Department Use of Social Media

342.1 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).

342.1.1 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.

342.2 POLICY

The Bel Air 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.

342.3 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.

342.4 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.

342.4.1 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 Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

342.5 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 Bel Air 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.

342.5.1 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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342.6 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.

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343.1 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.

343.2 POLICY

The BAPD is committed to the Community Oriented Policing (COP) philosophy. This philosophy employs strengths of traditional law enforcement, with an emphasis on community partnerships to aid in problem identification, analysis, and reduction. The BAPD COP plan will be transparent to the community.

The results of COP programs and initiatives will be published regularly on the Town of Bel Air website and annually to the Maryland Police Training and Standards Commission. An emphasis will be placed on social media outreach to promote transparency and trust. A common theme among Community Policing advocates is that a "foundation of trust will allow police to form close relationships with the community that will produce solid achievements." Without trust between police and the community they serve, effective policing is impossible.

The COP plan extends to initiating and maintaining partnerships with the commercial and residential communities of the Town of Bel Air to reduce the opportunity for criminal activity. BAPD members shall be committed to utilizing problem-solving strategies and all available public and private resources when identifying and attempting to resolve problems that are of the greatest concern to the community. Emphasis shall be placed on long-term solutions to problems with the goal of improving the quality of life in the communities within the Town of Bel Air.

343.3 MEMBER RESPONSIBILITIES

The responsibility for the success of the BAPD community involvement objectives is shared by all BAPD officers. Only by coordinated efforts will a beneficial relationship exist between the police and the community we serve.

All officers are responsible for providing basic crime prevention and awareness information (e.g., identity theft, senior citizen crimes, theft prevention tips) to citizens when answering calls for

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service or during casual citizen contacts. Officers should encourage citizens and business owners to participate in BAPD crime prevention programs and activities.

BAPD officers are to communicate to the Community Policing Supervisor (CPS) or the Community Policing Officer (CPO) any concerns being voiced by the community, any problems currently being addressed, and any progress being made on previously reported problems. This may be done via personal contact, departmental email, an incident report, etc.

Any request by a business or homeowner's association for a community meeting will be forwarded to the CPS or Deputy Chief.

343.3.1 FOOT PATROLS

Community foot patrols create many opportunities for mutually beneficial interactions between the community and the BAPD. Community foot patrols help to promote BAPD's COP philosophy and enhance police community relations.

Patrol officers will actively seek contact with citizens and business representatives in an attempt to identify concerns and to provide information and service. Any actions that promote positive police-community interaction are encouraged.

Patrol officers have the following responsibilities when conducting community foot patrols:

- (a) At the shift supervisor's direction (and keeping environmental conditions in mind), conduct a minimum of one foot patrol per shift during early and late shifts. The foot patrol locations will include, but are not limited to (in order of priority):
 1. Main Street and Bond Street
 2. Shopping Centers
 3. Apartment complexes
 4. Residential areas conducive to foot patrol
 5. Public parks and other open-space areas
 6. Schools and other government buildings
 7. Isolated business locations
- (b) Advise communications that they have initiated a foot patrol and provide the location. The patrol officer will carry his/her portable radio and be available for dispatched calls. Upon clearing the foot patrol, he/she will notify communications that they are in service.
- (c) Document each foot patrol and time on the officers' daily activity report.
- (d) Bicycle patrols will be considered foot patrols.
- (e) Supervisor's responsibilities pertaining to community foot patrols are as follows:
 1. Ensuring that patrol officers under their supervision are performing foot patrols consistent with this policy.
 2. Assigning officers specific foot patrols, such as residential or commercial areas to positively impact problem or target areas.

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3. Reviewing the daily activity form for accuracy, noting any deficiencies regarding foot patrol activities, and promptly notifying the officer of the deficiencies so that he/she can take corrective action.
4. Initiating their own foot patrol activities whenever possible but specifically when there are two supervisors working the same shift.
5. Monitoring calls for service to ensure that officers are not cleared from foot patrols unnecessarily, which will allow the officer time to achieve the goals of this policy.

343.4 COMMUNITY POLICING OFFICER(S)

Community Policing Officer (CPO) duties will be assigned, as an ancillary duty, to School Resource Officers and other officers as applicable, under the direction of the Community Policing Supervisor. The CPO will be responsible for the following:

- (a) Advising BAPD Explorer Scout Post 9010.
- (b) Assisting in the proactive organization of crime prevention groups in residential and business areas and upon request, maintaining liaison with these and other interested community groups.
- (c) Establishing the following functions (at a minimum):
 1. Providing input on developing community involvement policies and programs for the BAPD.
 2. Encouraging all citizens and citizens' organizations to utilize both conventional and electronic methods to convey positive and negative concerns/communications to the BAPD.
 3. Improving BAPD practices relating to policy-community interaction.
 4. Identifying community needs through interviews and discussions with citizen representatives and attending local community meetings.
 5. Distributing crime prevention literature, staffing information booths, and alerting victims on how best to avoid future victimization.
 6. Establishing, coordinating, and perpetuating the following crime prevention programs within the community:
 - (a) Security Survey Program as designated by the Chief of Police
 - (b) Neighborhood Watch Program
 - (c) KidPrint ID Program
 7. Evaluating and providing input regarding the improvement of BAPD's community relations program on a continual basis.
 8. Maintaining close contact with other law enforcement agencies and officers, particularly the patrol officers engaged in field assignments.

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343.5 COMMUNITY POLICING SUPERVISOR

The Community Policing Supervisor (CPS) duties will be assigned, as ancillary duties, to a supervisor, under the direction of the Deputy Chief. The CPS shall be responsible for the following:

- (a) Implementing, monitoring, and reporting all community involvement initiatives and programs to the Chief of Police. The CPS shall also develop and facilitate the delivery of BAPD crime prevention programs.
- (b) Utilizing data to target problem locations and address community perceptions of crime. The CPS will review and share these statistics with the Citizens Advisory Board and ensure that statistics are consistent with the snapshot in crime documented in the BAPD Annual Report.
- (c) Assisting in the proactive organization of crime prevention groups in residential and business areas and upon request, maintaining liaison with these and other interested community groups. Also, the CPS shall perform crime prevention surveys when requested.
- (d) Providing evaluations to the Chief of Police on the effectiveness of all crime prevention and COP programs and initiatives. Evaluations shall be structured to be both quantitative and qualitative. The evaluations shall also include the following:
 1. A description of current concerns voiced by the community.
 2. A description of potential problems that have a bearing on law enforcement activities within the community.
 3. A statement of recommended actions that address previously identified concerns and problems.
 4. A statement of progress made toward addressing previously identified concerns and problems.
- (e) Recommending priorities for action based on pertinent data. These shall include:
 1. The types of crime that present the greatest community interest.
 2. The locations where crime-related concerns are most prevalent.
 3. The types of programs that would offer the most effective solutions to those concerns.
 4. Incorporating the input of studies (local and others) into neighborhood traffic enforcement strategies to be utilized by Patrol Supervisors to tailor their squad's enforcement efforts.
- (f) Acting as the Chairman of, and the BAPD liaison to, the Citizen's Advisory Board.

343.6 SURVEYS

The CPS 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

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- (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.

343.7 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The CPS and officers 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 include:

- (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) School resource officer/Drug Abuse Resistance Education (D.A.R.E.®) programs.
- (e) Neighborhood Watch and crime prevention programs.

343.8 NEIGHBORHOOD WATCH

A Neighborhood Watch consists of relatively informal groupings of businesses and/or residences, and their occupants banding together to be vigilant and be on guard for each other and their geographical areas and to report problems and suspicious activity to the police.

Any request for assistance in forming such a group should initially be referred to the CPO who will encourage the efforts by providing information, speakers, etc. Once a leader of a neighborhood group is identified, the CPO will assist in providing program services and materials.

A Neighborhood Watch group includes 75 percent of the residences in a neighborhood who have had home security surveys and have inventoried their property. Upon completion of those two tasks, a neighborhood can then become eligible for the posting of Neighborhood Watch signs at all entrances to their neighborhood.

Once a Neighborhood Watch has been established, the CPO will be the primary liaison and shall conduct periodic police follow-ups to help maintain interest and enthusiasm. Liaison duties include periodic contact with Neighborhood Watch leadership, sharing of relevant information, coordination of program assistance, and encouraging growth of the area membership. The CPO should report his/her liaison activity on a quarterly report.

343.9 SECURITY SURVEYS

Only those officers trained in conducting security surveys of residences will do so. Appointments should be made in advance of these surveys. Checklist forms will be prepared by the survey officer and left with the person requesting the survey. Recommendations for security improvements should be general in nature and should not include a specific brand or a particular place of business as a provider of services.

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In order to provide for subsequent follow-ups of recommendations, the surveying officer should provide basic information concerning the survey and recommendations through the CPO to the Deputy Chief.

During the security survey, the officer should provide additional information concerning other crime prevention activities (e.g., property marking, property inventory, neighborhood watch). The officer should also query the homeowner as to any issues or problems he/she is aware of in the neighborhood. Any relevant information shall be forwarded to the Duty Officer or a supervisor.

343.10 TAVERN LIAISON OFFICER PROGRAM

Each officer assigned to Midnight Shift will participate in the Tavern Officer Liaison Program (TLOP). Each officer will be assigned one of the taverns on Main Street in Bel Air and will be the Tavern Liaison Officer (TLO) for their assigned tavern.

The responsibilities of the TLO are as follows:

- (a) To meet individually with each tavern manager and/or owner to obtain operational information about the tavern. The TLO shall keep a written record of information obtained in a binder and a copy of that information shall be accessible to the Duty Officer and other supervisors if necessary. This information shall include but is not limited to:
 - 1. Owner name and contact information
 - 2. General Manager name and contact information
 - 3. Night Manager name and contact information (if different than above)
 - 4. Security Supervisor name and contact information
 - 5. Emergency Contact (e.g., key holder) (if different than above)
 - 6. Alarm Company name and phone number
 - 7. Building capacity/capacity map from State Fire Marshal
 - 8. Sketch of interior floor plan of business with special attention to the location of offices, cash registers, and points of ingress/egress including emergency exits
 - 9. Social media outlets for business (e.g., website, Facebook, Twitter)
- (b) Provide the tavern owner/manager/security supervisor with a means to contact him/her and the Shift Supervisor directly.
- (c) Evaluate the physical plan of the business, and where appropriate, discuss any deficiencies in safety or security (e.g., interior/exterior lighting, blocked or ineffective points of ingress/egress, surveillance blind spots) with management and/or security.
 - 1. The results of this evaluation shall be reported to the Shift Supervisor and a copy of this report shall be maintained in the TLO binder. The State Fire Marshal shall be notified if any findings present fire hazards.
- (d) Make random, frequent visits to the tavern and network with management, security, and staff to discuss current concerns, recent crime trends, etc. The TLO shall be aware of and report on any upcoming special events or promotions planned at the tavern that

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may have an effect on the deployment of squad resources. The TLO shall also develop these contacts into sources of other information (i.e., gang activity, CDS intelligence, other crime-related information).

- (e) Coordinate with the tavern on any special events (e.g., St. Patrick's Day, New Year's) that may require special attention of BAPD, and with the Shift Supervisor, complete any detailed reports required for these events.

343.10.1 SQUAD THREE SHIFT SUPERVISOR RESPONSIBILITIES

The Squad Three Shift Supervisor shall act as the conduit between the tavern owners/managers and BAPD administration and the Town government where appropriate. The Shift Supervisor will:

- (a) Establish and maintain a rapport with tavern management so he/she will be available to act in the absence of the TLO.
- (b) Familiarize themselves with the TLO binder for each tavern, and maintain the departmental copies of all TLO reports.
- (c) Review any perceived deficiencies located by the TLO during the initial evaluation and determine possible remedies for them.
- (d) Review monthly TLO reports and discuss trends or emerging problems with each TLO for remediation.
- (e) Prepare Executive Summaries of all tavern-related activity for the Police Department Administration. The Executive Summary will contain the following information and will be used for presentation purposes at quarterly tavern meetings:
 1. Number, type, and disposition of calls for service at taverns
 2. Number of arrests/civil/criminal citations at taverns or that are tavern-related
 3. Number of DUI/DWI arrests by BAPD officers directly attributable to Bel Air taverns
 4. Number of persons issued banning notices from taverns
 5. Any upcoming promotions/events determined to potentially have an effect on deployment of departmental resources and manpower
 6. Any other relevant information

343.11 INFORMATION SHARING

The CPS should work with the Public Information Officer 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.

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343.12 LAW ENFORCEMENT OPERATIONS EDUCATION

The CPS and officers 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) Presentations to driver education classes.
- (d) Instruction in schools.
- (e) Department ride-alongs (see the Ride-Alongs Policy).
- (f) Scenario/Simulation exercises with community member participation.
- (g) Youth internships at the Department.
- (h) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the Department regarding alleged misconduct or inappropriate job performance by department members.

343.13 SAFETY AND OTHER CONSIDERATIONS BEST PRACTICE

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.

343.14 CITIZEN ADVISORY BOARD

The Bel Air Police Department is committed to engaging our community partners, both in the residential and commercial areas of the Town. The Citizen Advisory Board (CAB) will act as another conduit through which the residents and business owners in the Town of Bel Air can have input into BAPD's community policing efforts. The goal of the CAB is to reinforce the partnership between the BAPD and the communities we serve, and through this partnership, to identify problems of significant concern, and work together to resolve them.

343.14.1 OPERATIONS

The CAB shall consist of five members of the Town of Bel Air community. Three of the members will be residents of the Town, and two will be persons who own businesses operating in the Town.

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The term of a CAB member will be for two years with an opportunity to serve one additional term at the discretion of the Chief of Police.

The CAB will be open to Town residents and business owners 18 years of age or older. Residents include homeowners and residents of rental properties, apartments, etc. Town resident members shall be residents of the Town for a period of not less than two years. Business owner members, while not required to be residents, must have been operating a business in the Town for at least one year. Members may not be an employee of any department within the municipal government of the Town of Bel Air.

The Town of Bel Air will advertise for interested parties through the Town of Bel Air website and social media. Applications will be made available through the automated application system accessible through the Town of Bel Air website.

The CPS shall be responsible for vetting candidates for the CAB. The vetting process will include a criminal history check, driver's license check, and an interview with BAPD Command Staff.

The Chief of Police will make all appointments to the CAB.

The CAB will meet quarterly, or at such times as it may determine, at the direction of the Board Chairman and the CPS. The CPS will prepare the meeting agenda, record the minutes of the meeting, and report the results of the meeting to BAPD Command Staff.

Any CAB member missing consecutively scheduled CAB meetings may be removed and replaced at the discretion of the Chief of Police.

Any decisions or determinations made by the CAB will be advisory in nature and are not binding on the operations, policies, or procedures of the BAPD.

343.15 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.

343.15.1 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.

343.16 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

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Community Relations

- (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.

343.17 OTHER STATE REQUIREMENTS

The CPS should ensure that the department's community policing program is filed annually with the MPTSC (Md. Code PS § 3-517).

Extreme Risk Protective Orders

344.1 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.

344.1.1 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.).

344.2 POLICY

It is the policy of the Bel Air 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.

344.3 EXTREME RISK PROTECTIVE ORDER COORDINATOR

The Criminal Investigations Sergeant will serve as the extreme risk protective order coordinator. The responsibilities of the coordinator include:

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Extreme Risk Protective Orders

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 Bel Air Police Department provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department members. The Bel Air Police Department operates with three patrol squads. Two patrol squads rotate on a fourteen-day schedule on day and evening shifts. A third patrol squad is a permanent midnight shift. The Department operates with assignments that are based on the best interests of the community, the Department, and their members.

400.3 MINIMUM PATROL STAFFING

Patrol staffing shall consist at a minimum of, one member of supervisory rank or acting supervisory rank and two additional sworn members. A minimum of three sworn members shall be on-duty and assigned to patrol at all times. The Duty Officer may rely on other on-duty sworn members to assist in meeting the minimum staffing requirement when necessary, with the approval of that member's supervisor.

In order to ensure proper staffing levels, if staffing levels drop one or more members below the minimum staffing requirements, for each vacancy a member shall be solicited to voluntarily work half of the shift or the whole shift. If a member does not volunteer to work half of or the whole shift, a member of the on-duty shift shall be ordered to stay for 4 hours and a member scheduled to work the next patrol shift shall be ordered to report for duty 4 hours early. Solicitation for members to voluntarily staff vacancies shall be sought from all sworn members of the appropriate rank, regardless of their regular duty assignment.

The Duty Officer shall be responsible for ensuring minimum staffing levels are maintained, with assistance from the Deputy Chief if necessary.

400.4 FUNCTION

Patrol will generally be conducted by uniformed officers in the Town of Bel Air. 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.

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- (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.

400.5 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Department should be shared among all divisions and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily roll calls and through daily activity reporting.

Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws.

400.6 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. A patrol supervisor 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 Bel Air 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 Bel Air 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 Bel Air 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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Whenever an officer has a contact where there are allegations of unfair, discriminatory or impartial policing practices, the officer shall complete and submit an Incident Report detailing the circumstances of the encounter and ensure that the Chief of Police notified through channels. All officers who witnessed the encounter will submit a supplement Report detailing their observations.

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.

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Bias-Based Policing

401.6 STATE REPORTING

The Records Division 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).

401.7 ADMINISTRATION

The Deputy Chief 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 Deputy Chief 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).

The Deputy Chief shall conduct and document an annual administrative review of all documents associated with any claim or allegation that police action occurred as a result of bias-based profiling and all available data regarding use of force, traffic contacts, or other police actions.

401.8 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Officer.

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).

Roll call

402.1 PURPOSE AND SCOPE

This policy discusses the activity of roll call and includes the tasks that should be accomplished during this short period.

402.2 POLICY

Roll call is intended to facilitate the accurate flow of information in order to enhance coordination of activities, improve performance and safety, and outline the expected actions of members.

402.3 ROLL CALL

The Duty Officer will conduct roll call prior to each tour of duty. Roll call is paid duty time commencing 15 minutes prior to the beginning of the shift. Roll call is mandatory for all sworn members working a patrol shift unless determined otherwise by the Duty Officer.

Roll call should include:

- (a) Daily patrol activity
 1. Particular attention shall be given to unusual situations, directed patrol activity, changes in the status of wanted persons, and major investigations.
- (b) Schedule updates (new or changed)
- (c) Directive updates (new or changed)
- (d) Evaluating member readiness
- (e) Roll call training

402.4 PREPARATION OF MATERIALS

The member conducting roll call is responsible for preparation of the materials necessary for a constructive roll call.

402.5 TRAINING

Roll Call training is a technique that may supplement all other training. This training can be effective only if it is well-structured and reflects the needs or interests of the Department while being flexible enough to fit into the time limitations of a roll call setting. The goal of this training should be to keep officers up-to-date between formal re-training sessions. The following parameters should be considered for all roll call training sessions:

- (a) Planning should include enough sessions so that all squad personnel receive the training.
- (b) Subject matter is directed toward squad/department needs.
- (c) Techniques and methods suitable for use in roll call training include lectures, videos, or demonstrations.
- (d) Instructional personnel shall include those with demonstrated skills or knowledge in particular areas of instruction.

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Roll call

- (e) Roll call instructors may contact allied agencies for assistance in gathering training materials (files, handouts, etc.).
- (f) Shift Supervisors should regularly evaluate roll call training, both needed and given. This training should be conducted to enhance work productivity and should be geared towards decreasing crime and accident rates and increasing clearance rates. Continued observations will be made.
- (g) Officers should provide input on the type of training needed, evaluate training, and participate in actual training.

Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

403.2 POLICY

It is the policy of the Bel Air 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.

403.3 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.

403.4 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.
- (k) If there is any question as to the response of an investigator, the on-call Detective shall be contacted.

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Crime and Disaster Scene Integrity

403.5 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. 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.

403.5.1 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.

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Special Response Team

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Special Response Team

Ride-Alongs

405.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for a ride-along with members of the Bel Air Police Department. This policy provides the requirements, approval process, hours of operation and member responsibilities for ride-alongs.

405.2 POLICY

Ride-along opportunities will be provided to the members of the public, Town employees and members of this department to observe and experience first-hand various functions of the Bel Air Police Department. The term "ride-along" includes riding as a passenger with an officer on patrol or observing the work day of members engaged in other functions within the Department such as Dispatch.

405.3 ELIGIBILITY

Ride-alongs are to have a legitimate interest in the Police Department (e.g., taxpayer, potential applicant, certified police officer, or police internship). Immediate family, relatives, or acquaintances of any type other than for the reasons outlined above shall not be allowed to participate in the Ride-Along program. Also, any applicant may be disqualified without cause from participating.

Factors that may be considered in disqualifying an applicant include, but are not limited to, the following:

- Being under 15 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against this department or the Town
- Denial by any supervisor

405.4 AVAILABILITY

A ride-along is available as approved by the Deputy Chief or Chief of Police.

405.5 REQUESTS TO PARTICIPATE

Generally, ride-along requests will be maintained and scheduled by the Deputy Chief. The applicant will complete and sign a ride-along waiver form. If the applicant is under 18 years of age, a parent or guardian must be present to complete the waiver form. Information requested will include a valid state-issued identification card or driver's license number, social security number, birth date, address and telephone number.

The Deputy Chief will schedule a date, based on availability. If approved, a copy of the waiver form will be forwarded to the appropriate supervisor as soon as possible for scheduling considerations.

If the request is denied, a representative of this department will advise the applicant of the denial.

Ride-Alongs

See attachment: [Ride Along Form](#)

405.6 PROCEDURES

The Ride-Along Program Consent Release Form will be completed and signed by all appropriate persons prior to the applicant riding in the police vehicle. No person will be permitted to ride with an employee of the opposite sex unless approved by the Deputy Chief or the Chief of Police.

Once approved, ride-along applicants will be allowed to participate no more than once every six months. An exception may apply to the following law enforcement-involved participants:

- Explorers
- Auxiliary Officers
- Chaplains
- Bel Air Police Department applicants
- Any others with approval of the Deputy Chief

An effort will be made to ensure that no more than one member of the public will participate in a ride-along during any given time period. Normally, no more than one ride-along participant will be allowed in department vehicles at a given time.

Ride-along requirements for department Explorers are covered in the Explorers Policy.

405.6.1 OFF-DUTY PARTICIPATION

Off-duty members of this department or any other law enforcement agency, and employees of the Town, will not be permitted to participate in a ride-along with on-duty members of this department without the express consent of the Deputy Chief.

In the event that such participation is permitted, the off-duty department member, other law enforcement agency personnel, or Town employee shall not:

- (a) Be considered on-duty.
- (b) Represent him/herself as a member of this department or any other law enforcement agency.
- (c) Participate in any law enforcement activity except as emergency circumstances may require.

405.6.2 CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Maryland Criminal Justice Information System (CJIS) check prior to approval of the ride-along.

405.6.3 SUITABLE ATTIRE

Any person approved to participate in a ride-along is required to be suitably dressed in a collared shirt, blouse or jacket, slacks, and shoes. Sandals, t-shirts, tank tops, shorts, and ripped or torn pants are not permitted. Final decisions on the attire of ride-along participants belong to the Duty

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Ride-Alongs

Officer. The Duty Officer or a supervisor may refuse a ride-along to anyone who has not dressed appropriately.

405.7 MEMBER RESPONSIBILITIES

The assigned department member shall consider the safety of the ride-along participant at all times. The member shall maintain control over the participant and shall instruct the individual about the conditions that necessarily limit his/her participation. Instructions should include:

- (a) The participant will follow the directions of the department member.
- (b) The participant will not become involved in any investigation, handling of evidence, discussions with victims or suspects, reading an individual's criminal history or other protected information, or handling any police department equipment.
- (c) Participation may be terminated at any time by the department member if the participant interferes with the performance of the member's duties.
 - 1. If the participant is on a ride-along, the member may return the participant to the point the ride originated.
- (d) Participants may be allowed to continue a ride-along during the transportation and booking process, provided it does not jeopardize their safety.
- (e) Members will not allow participants to be present in any location or situation that would jeopardize the participant's safety or cause undue stress or embarrassment to a victim or any other member of the public.
- (f) Participants who are not law enforcement officers shall not be permitted to accompany the department member into a private residence without the express consent of the resident or other authorized person.
- (g) Participants will be notified and reminded that the member is utilizing a body worn camera and all communications will be recorded while the camera is activated.

The member assigned to provide a ride-along shall advise the police communications operator that a ride-along participant is present in the vehicle. An officer with a ride-along participant should use sound discretion when encountering a potentially dangerous situation, such as a high speed pursuit, and if feasible, let the participant out of the vehicle in a well-lit public place. The police communications operator will be advised of the situation and as soon as practicable have another department member respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride, or is otherwise inappropriate, should be immediately reported to the Duty Officer.

Hazardous Material Response

406.1 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.

406.1.1 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.

406.2 POLICY

It is the policy of the Bel Air Police Department to respond to hazardous material emergencies with due regard for the safety of the public and those members responding to such incidents.

406.3 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.

406.4 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 Dispatch, 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.

406.5 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 in accordance with Town policy. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

Injury or illness caused or believed to be caused by exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report as applicable.

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Hazardous Material Response

406.5.1 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.

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Hostage and Barricade Incidents

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Response to Bomb Calls

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Response to Bomb Calls

Mental Health Evaluations

409.1 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.

409.2 POLICY

It is the policy of the Bel Air Police Department to protect the public and individuals through legal and appropriate use of the mental health hold process.

409.3 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.

409.3.1 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.

409.4 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

409.5 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 Dispatch 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, Duty Officer approval is required before transport commences.

409.6 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.

409.7 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

409.7.1 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).

409.8 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)).

409.9 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.

409.10 TRAINING

This department will endeavor to provide department-approved training on interaction with mentally disabled persons, mental health holds and crisis intervention.

Citation Releases

410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Bel Air 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.

410.2 POLICY

The Bel Air 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.

410.3 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.

410.3.1 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.

410.4 PROHIBITIONS

The release of a suspected offender on a citation is not permitted when the misdemeanor or local ordinance violation involves any of the following (Md. Code CP § 4-101(c)(1)):

- (a) Failure to comply with a peace order under Md. Code CJ § 3-1508.
- (b) Failure to comply with a protective order under Md. Code FL § 4-509.
- (c) Violation of a condition of pretrial or post trial release under Md. Code CP § 5-213.1.
- (d) Possession of an electronic control device after conviction of a drug felony or crime of violence under Md. Code CR § 4-109(b).
- (e) Violation of an out-of-state domestic violence order under Md. Code FL § 4-508.1.
- (f) Abuse or neglect of an animal under Md. Code CR § 10-604.

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See the Domestic Violence Policy for release restrictions related to those investigations.

410.5 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.

Officers can issue more than one criminal citation to a defendant that commits more than one offense during the same incident. The second or subsequent offense must meet the criteria for the issuance of a criminal citation.

410.6 ADULT AND JUVENILE CIVIL CITATIONS

410.6.1 JUVENILE CITATIONS

The Juvenile Citation is to be issued for alcohol, tobacco, lottery, civil marijuana, and other status offenses. 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 (42 USC § 5633.)

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 tobacco product by a minor (Md. Code CR § 10-108).
- (c) Possession of salvia divinorum (Md. Code CR § 10-132).
- (d) Table game and video lottery terminal violations (Md. Code CR § 10-136).
- (e) Alcohol possession or consumption on school premises (Md. Code ED § 26-103).
- (f) Use or possession of less than 10 grams of marijuana (Md. Code CR § 5-601).

Officers who cite juveniles that appear to be under the influence will take the juvenile into protective custody.

If the juvenile is taken into custody:

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- (a) The juvenile shall be transported to the Department and the juvenile's parent(s) or guardian(s) shall be contacted immediately and advised to respond to take custody of the juvenile.
- (b) An Incident Report shall be completed.

If the officer issues a juvenile citation and the parent/guardian is not present to sign the citation:

- (a) The charging officer shall contact the parent or guardian by telephone, before the end of their shift and advise them of the situation.
- (b) If the parent/guardian cannot be contacted, the officer will ensure that a copy of the citation is mailed to the parent/guardian.
- (c) This information will be reflected in the report narrative.

Officers may seize any evidence needed to substantiate the charge. Evidence seized relating to a Juvenile Citation will be handled according to applicable Departmental regulations.

Only one case number is needed per incident, regardless of the number of defendants.

410.6.2 ADULT CIVIL CITATIONS

Adult Civil Citations (Form DC 28):

- (a) Are to be used for certain adult civil violations (e.g., alcohol offenses).
- (b) The defendant will not be taken into custody unless criminal charges also exist or the defendant fails to provide proof of identification and/or age.
- (c) An Incident Report shall be completed.
- (d) The defendant shall be released upon their signature.

410.6.3 ADULT MUNICIPAL INFRACTIONS

- (a) For a violation of Town of Bel Air Ordinances, a "Municipal Infraction" citation shall be issued using the Civil Citation Form (DC 28).
- (b) The defendant need not be taken into custody unless criminal charges also exist.
- (c) An Incident Report shall also be completed.
- (d) The defendant shall be released upon his/her signature.

410.6.4 ARREST

Officers may arrest if the violator:

- (a) Refuses or fails to provide the officer with proper identification and/or age.
- (b) Falsely identifies themselves.
- (c) Is committing another criminal act.

Refusal to sign the citation by the accused is not sufficient cause to effect an arrest. The officer will write "Refused to Sign" on the line designated "Defendant's Signature."

Foreign Diplomatic and Consular Representatives

411.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Bel Air Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

411.2 DEFINITIONS

U Visa - A United States non-immigrant visa that is set aside for victims of crimes (and their immediate family members) who have suffered substantial mental or physical abuse while in the United States and who are willing to assist law enforcement and government officials in the investigation or prosecution of the criminal activity. It permits such victims to enter or remain in the United States when they might not otherwise be able to do so.

T Visa - A type of visa allowing certain victims of human trafficking and immediate family members to remain and work temporarily in the United States, typically if they report the crime to law enforcement, and agree to help them in the investigation and/or prosecution of the crime (or crimes) committed against them. It also allows close family members of the victims to come to the United States legally.

411.3 POLICY

The Bel Air Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

411.4 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

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- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

411.5 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 - 1. Diplomatic-level staff of missions to international organizations and recognized family members
 - 2. Diplomatic agents and recognized family members
 - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
 - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
 - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.

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2. Support staff of missions to international organizations
3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
4. Honorary consular officers

411.6 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

411.7 DIPLOMATIC IMMUNITY

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability

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Consulate Employees	Yes (note (a))	Yes	Yes	No-for official acts Yes otherwise	No for official acts Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts Yes otherwise (note (c))	No immunity or inviolability
Diplomatic- Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity and inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

- (a) This table represents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

411.8 LAW ENFORCEMENT RESOURCES

[Diplomatic and Consular Guide](#)

[Instructions for Obtaining a T Visa](#)

[Instructions for Obtaining a U Visa](#)

[Diplomatic & Consular Notification](#)

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Immigration Violations

413.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Bel Air Police Department relating to immigration and interacting with federal immigration officials.

413.2 POLICY

It is the policy of the Bel Air 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.

413.3 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.

413.4 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.

413.4.1 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).

413.5 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.

413.6 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.

413.7 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.

413.7.1 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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413.8 U VISA AND T VISA NON-IMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Criminal Investigation Division supervisor assigned to oversee the handling of any related case. The Criminal Investigation Division supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
 - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

413.9 TRAINING

The Training Officer 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

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for addressing utility service emergencies. This policy will address calls for service that are directed to the Police Department.

414.2 POLICY

It is the policy of the Bel Air Police Department to appropriately respond to emergency utility service requests received by this department.

414.3 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 Dispatch.

414.3.1 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 customer.

If a water line break occurs on the Town side of the water meter, public works personnel and/or Maryland American Water should be notified as soon as practicable.

414.3.2 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.

414.3.3 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.

414.3.4 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.

414.3.5 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 Dispatch of the problem with the traffic signal. The police communications operator 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

415.1 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.

415.2 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.

415.3 POLICY

The Bel Air 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.

415.4 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

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.

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415.5 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate a member of the Department 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.

415.6 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.

415.6.1 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.

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- (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.

415.7 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.

415.8 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the police communications operator provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.

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- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

415.9 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

415.10 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

415.10.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Health Evaluations Policy.

415.11 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian or clerical members may be required to interact with persons in crisis in an administrative capacity.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

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415.12 EVALUATION

The member designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department's response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

415.13 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.

Aircraft Accidents

416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to applicable portions of the Crime and Disaster Scene Integrity, Emergency Operations Plan and Hazardous Material Response policies.

416.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

416.2 POLICY

It is the policy of the Bel Air Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

416.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

416.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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416.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved.

416.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Medical Examiner.
- (d) Appropriate branch of the military, when applicable.
- (e) Other emergency services agencies (e.g., HAZMAT teams, biohazard decontamination teams, fuel recovery specialists, explosive ordinance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

416.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- Fuel, chemicals, explosives, biological, radioactive materials, bombs or other ordnance.
- Pressure vessels, compressed gas bottles, accumulators and tires.
- Fluids, batteries, flares and igniters.
- Evacuation chutes, ballistic parachute systems and composite materials.

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416.8 DOCUMENTATION

All aircraft accidents occurring within the Town of Bel Air shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of BAPD members deployed to assist; other Town resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

416.8.1 WRECKAGE

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
 - 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

416.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

416.9 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

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Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

Field Training

417.1 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 Bel Air 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)).

417.2 POLICY

It is the policy of the Bel Air 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.

417.3 FIELD TRAINING

The Field Training and Evaluation Program (FTEP) is the program developed by the Bel Air Police Department that is intended to assist newly-hired sworn officers with the agency's various policies and procedures, the laws of Maryland and the laws and ordinances of this jurisdiction as they perform their policing duties and fulfill their law enforcement responsibilities to the community. It is also intended to familiarize newly-hired officers with the neighborhood(s) that they will be responsible for policing and also, whenever possible, to allow them to meet various members of the community with whom they will come in contact. Successful completion of the FTEP is required before certification/recertification as a law enforcement officer is given by the Maryland Police Training and Standards Commission (MPTSC) (COMAR 12.04.01.17 A(1)). For purposes of this policy, a newly-hired officer will be required to participate in a full FTEP or a modified FTEP as determined by the Chief of Police prior to certification/recertification as a law enforcement officer by the Commission.

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.

The Field Training Program (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 MPTSC required duration.
- (d) Shall be monitored by a certified officer, the Chief of Police or the authorized designee.

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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:
 - (a) A formal evaluation progress report completed by the FTOs involved with the trainee and submitted to the Training Officer 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.

417.3.1 EXCEPTION

An individual hired by BAPD for a position identified in Maryland Ann. Code PS § 3-201 (e) (3) (i) or (ii) may be certified/recertified as a police officer without participating in the agency's FTEP with the approval of the Chief of Police (COMAR 12.04.01.17. A (3)).

417.3.2 EXTENSION

At the direction of the FTEP Coordinator, a Trainee's participation in the agency's FTEP may be extended. Extension of the FTEP shall be for cause cited by the Trainee's FTO on the latest End of Phase Evaluation with the concurrence of the FTOs supervisor. The Trainee shall be advised of the reason for the extension of the FTEP and will be given remedial training to ensure that steps have been taken to correct the cited performance deficiency(s). The Trainee will also be informed of the anticipated length of the FTEP extension if possible.

417.3.3 COMPLETION

At the conclusion of the FTEP, the FTEP coordinator shall ensure that a Certification of Completion/Release from the FTEP Form has been completed. The Certification of Completion/Release from the FTEP attests that the trainee has demonstrated the ability to perform the duties required of an officer of this agency and is able to perform those duties by themselves.

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This assurance is based on the trainee's demonstrated ability to satisfactorily perform all of the functional areas or categories listed in the agency's FTEP.

417.4 FTO COORDINATOR

The Chief of Police shall delegate certain responsibilities to an FTO Coordinator. The Coordinator shall be appointed by and directly responsible to the Deputy Chief or the authorized designee (COMAR 12.04.01.17(C)).

The FTO Coordinator may appoint a senior FTO or other designee to assist in the coordination of FTOs and their activities.

The responsibilities of the Coordinator include, but are not limited to:

- (a) Assignment of trainees to FTOs.
- (b) Conducting FTO meetings.
- (c) Maintaining and ensuring FTO and trainee performance evaluations are completed.
- (d) Maintaining, updating and issuing 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 Deputy Chief.
- (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)).

417.4.1 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.

417.5 FTO SELECTION, TRAINING AND RESPONSIBILITIES

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417.5.1 SELECTION PROCESS

Officers serving as FTOs shall meet the following criteria:

- (a) Must have been a law enforcement officer for at least two years immediately prior to applying for the position (COMAR 12.04.01.17 (D) (1) (b)).
- (b) Must possess outstanding interpersonal communication skills as demonstrated by their performance during their daily work activities including interaction with other members of the agency as well as the public.
- (c) Must possess a thorough knowledge of agency policy and procedure as demonstrated to their supervisor by their daily work activities and performance. Additional consideration will be given to officers who have demonstrated an aptitude for instructing, training, and motivating adults in the acquisition of job-related knowledge and skills.

The process for being selected as an FTO is as follows:

- (a) Sworn officers shall submit a request through official channels to the FTEP Coordinator requesting that they be considered for the position of FTO.
- (b) An FTO candidate's supervisory chain of command will indicate their concurrence/ non- concurrence with the request based on their knowledge of the candidate's performance and daily activities and forward all requests to the FTEP Coordinator.
- (c) In order to determine if each FTO candidate is minimally qualified for the position of FTO, the FTEP Coordinator shall review each candidate's job performance evaluations, agency disciplinary records, and other personnel records to include such records as:
 - 1. Annual performance evaluations during the most recent two annual rating cycles
 - (a) All FTO candidates must have received, at a minimum, satisfactory performance ratings
 - 2. Agency medical leave records
 - (a) All FTO candidates must maintain a medical leave use rate that is in keeping with or below the agency average. The Chief of Police may make an exception for an FTO candidate who exceeds the agency average but was injured in the line of duty or was on extended medical leave for an unusual medical condition/circumstance.

417.5.2 TRAINING

Officers who are designated as FTOs shall be scheduled to attend a Commission-approved FTO Training Course by the FTEP Coordinator at the agency's convenience but prior to serving as an FTO (COMAR 12.04.01.17 (D) (1) (d)).

Officers who are selected to be FTOs must minimally meet the following standards (COMAR 12.04.01.17 (D)):

- (a) Meet the requirements established under COMAR 12.04.01.17 (D) and by the MPTSC
- (b) Be approved by MPTSC as an FTO

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- (c) Successfully complete an MPTSC-approved FTO course unless excused by the Deputy Director of MPTSC because:
 - 1. The officer has successfully completed training that is equivalent to all of the minimum requirements for an MPTSC-approved FTO training course
 - 2. The documentation accompanying the request verifies the completed training is equivalent to all or the portion of the minimum requirements for an MPTSC-approved FTO training course

Successful completion of an initial FTO training course requires that an officer:

- (a) Attend a minimum of 90% of the total hours of instruction established for the FTO training course.
- (b) Achieve at least a score of 70% on each test given as part of the FTO training course.

The FTEP Coordinator shall forward a completed copy of "Application for Instructor Certification - Field" to MPTSC in order to have the officer approved as an FTO (COMAR 12.04.01.17 (D) (1) (c)).

417.5.3 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.

417.5.4 RESPONSIBILITIES

The responsibilities of the FTO include, but are not limited to (COMAR 12.04.01.17(F)):

- (a) Issuing his/her assigned trainee field training materials in accordance with the Training Policy.
 - 1. The FTO shall ensure that the trainee has the opportunity to become knowledgeable of the subject matter and proficient with the skills as set forth in the training materials.
 - 2. The FTO shall sign off all completed topics contained in the training materials, noting the methods of learning and evaluating the performance of his/her assigned trainee.
- (b) Completing and reviewing daily performance evaluations with the trainee each day.
- (c) Completing and submitting a written evaluation on the performance of his/her assigned trainee to the FTO coordinator on a daily basis.
- (d) Completing a detailed weekly performance evaluation of his/her assigned trainee at the end of each week.
- (e) Completing a monthly evaluation report of his/her assigned trainee at the end of each month.
- (f) Providing the shift supervisor with a verbal synopsis of the trainee's activities at the end of each day or during any unusual occurrence needing guidance or clarification.

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417.6 RELATIONSHIPS

During the FTEP, the relationship between the FTO and the Trainee will remain professional at all times. It is a teacher-student/supervisor-subordinate relationship with all the restrictions that those relationships imply. The hallmark of an FTO-Trainee relationship will be mutual respect.

As part of this relationship, the following is expected of the FTO:

- (a) Trainees will be treated with respect at all times, and they will be expected to respect the FTO and to follow his/her directions. Trainees will not be harassed, intimidated, intentionally embarrassed, or treated in a demeaning manner. Name-calling or the use of derogatory terms by the FTO toward a Trainee is not acceptable.
- (b) While Trainees are participating in the FTEP, FTOs will not associate with or socialize with any Trainee during off-duty hours except for FTO and Trainees who have a blood or marital relationship prior to FTEP. Any relationship between non-related FTOs and Trainees will be strictly professional. FTO personnel will not date, nor attempt to date, any Trainee while the Trainee is in FTEP.
- (c) If an FTO or FTO Supervisor is related to a Trainee, or if he/she has had a special relationship (e.g., friendship, romantic interest) with a Trainee prior to the Trainee being hired by the BAPD, the FTEP Coordinator will be notified as soon as practicable so that consideration can be given to placing the Trainee with an FTO and/or Supervisor with no apparent or perceived conflict of interest.
- (d) FTOs and FTO supervisors will not make discriminatory or sexist remarks toward any Trainee.
- (e) FTOs and FTO supervisors will not make sexual remarks or sexual advances toward any Trainee.
- (f) FTOs and FTO supervisors will not live with, rent to or from, or enter into any financial transactions or arrangements with any Trainee while they are in the FTEP.
- (g) While on duty, a Trainee is always under the direct supervision of his/her assigned FTO while in the field. In the event that the Trainee's assigned FTO is unavailable, the Trainee will be assigned to another FTO. In the event another FTO is not available, a sworn member of the agency with supervisory standing will temporarily supervise the Trainee (COMAR 12.04.01.17 G (2)).
- (h) While on duty, an FTO shall always maintain visual contact with a Trainee while the Trainee is performing a law enforcement function or activity.

As part of this relationship, the following is expected of the Trainee:

- (a) Trainees are to be respectful to all members of the Bel Air Police Department.
- (b) The FTO is a Trainee's direct supervisor during the FTEP. During the FTEP, an FTOs directions are to be followed at all times, in particular during emergency situations. If a Trainee believes that a specific instruction or order was improper or that a performance evaluation is not fair, the Trainee should request a meeting with the FTOs Shift Supervisor to discuss the matter. If this meeting can be conducted prior to completing the assigned task, the FTOs Supervisor may intervene in the matter. However, if the assigned task must be completed by the Trainee immediately then the Trainee

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- will follow the directions and orders of his/her FTO, criminal conduct excepted, and question the order's appropriateness at a later time with the FTOs supervisor.
- (c) If, after discussing the matter with the FTOs supervisor, the Trainee still has a concern or problem, he/she may request a meeting with the FTEP Coordinator to discuss the matter. The FTOs Supervisor will notify the FTEP Coordinator and a meeting will be convened to discuss and evaluate the situation. The decision of the FTEP Coordinator shall be final.
 - (d) Trainees will complete all assignments in a prompt, timely manner and will follow all applicable agency policies and procedures, directives, and orders.
 - (e) With the approval of the FTEP Coordinator, Trainees may be given homework assignments at the discretion of their FTOs in order to assist in accomplishing a training objective. Such assignments will be completed in the manner prescribed by and according to the timetable established by the FTO. Homework assignments are viewed the same as academic assignments given during entry-level training.
 - (f) Incident reports pertaining to calls for service that occurred during a tour of duty may be completed by a Trainee on overtime as long as the FTO can justify a training need or concern. Such justification may be based on the Trainee's phase of training, performance, the complexity/length of the report/incident, and/or the level of the Trainee's experience in such cases. The FTO will be held accountable for any abuses of overtime.
 - (g) While off-duty, Trainees in the FTEP will not respond to police calls or initiate any law enforcement action except in a situation that is life-threatening or involves the potential for serious injury and occurs in the Trainee's presence. In such cases, they are authorized to take the action necessary to stabilize the situation. Once the situation has been stabilized, they are then to immediately notify the agency of jurisdiction for assistance. The Trainee is to stand-by until relieved by the officer who responds to handle the situation. Additionally, they are to notify their FTO/FTOs supervisor/FTEP Coordinator as soon as possible of their involvement in the emergency situation. If unavailable, the Trainee will notify the on-duty agency supervisor of the situation.
 - (h) If encountering a non-life threatening incident that calls for law enforcement action, a Trainee will contact 911, identify him/herself, and request law enforcement responds. The Trainee shall remain at the scene until a law enforcement officer of jurisdiction arrives and then provide information or assistance as directed by the on-duty law enforcement officer. The Trainee shall report his involvement in the incident to his/her FTO/FTO's supervisor/FTEP Coordinator upon return to duty. While off-duty, Trainees will not conduct investigations or perform routine enforcement activity.
 - (i) Trainees will be receptive to counseling given by FTOs. They may verbalize an explanation for their actions, however, repeated rationalization, excessive verbal contradictions, and becoming argumentative and/or hostile with their FTO is not acceptable behavior.
 - (j) Trainees are prohibited from participating in agency social functions and/or functions in which FTOs might be present until they have either completed the FTEP or have received authorization from the FTEP Coordinator.

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- (k) Information regarding the performance and/or progress of a Trainee while in the FTEP should not be shared with individuals outside of the FTEP.
- (l) All Trainees shall abide by all policies, procedures, regulations, and directives of the BAPD.

Air Support

418.1 PURPOSE AND SCOPE

The use of air support can be invaluable in certain situations. This policy specifies situations where the use of air support may be requested and the responsibilities for making a request.

418.2 POLICY

It is the policy of the Bel Air Police Department to prioritize requests for air support to enhance law enforcement objectives and provide additional safety to officers and the community.

418.3 REQUEST FOR AIR SUPPORT

If a supervisor or officer in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support may be made.

418.3.1 CIRCUMSTANCES FOR REQUESTS

Law enforcement air support may be requested under conditions that include, but are not limited to:

- (a) Whenever the safety of officers or the community is in jeopardy and the presence of air support may reduce such hazard.
- (b) When the use of air support will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to officers or the community.
- (c) When air support is needed to locate a person who is lost and whose continued absence constitutes a serious health or safety hazard.
- (d) Vehicle pursuits.
- (e) Pre-planned events or actions that require air support.
- (f) When air support is activated under existing mutual aid agreements.
- (g) When the Duty Officer or equivalent authority determines a reasonable need exists.

418.3.2 ALLIED AGENCY REQUEST

After consideration and approval of the request for air support, the Duty Officer or the authorized designee will call the closest agency having available air support and will apprise that agency of the specific details of the incident prompting the request.

Contacts and Temporary Detentions

419.1 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.

419.1.1 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.

419.2 POLICY

The Bel Air 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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419.3 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.

419.4 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 Bel Air Police Department to strengthen community involvement, community awareness, and problem identification.

419.4.1 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.

419.5 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:

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- (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.
- (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.

419.5.1 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.

419.6 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.

419.6.1 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.

419.6.2 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.

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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.

419.6.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted into Records with documentation explaining the nature of the contact. If an 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

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.

419.6.4 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.

419.7 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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Duty Officers

421.1 PURPOSE AND SCOPE

This policy provides guidelines for the designation of a Duty Officer and, as needed, an acting Duty Officer for each shift.

421.2 POLICY

Each shift will be directed by a Duty Officer capable of making decisions and managing in a manner consistent with the mission of the Bel Air Police Department. To accomplish this, a supervisor shall be designated as the Duty Officer for each shift. The designation of Duty Officer is successive in rank: Squad Sergeant, Senior Corporal, Junior Corporal.

421.3 DESIGNATION AS ACTING DUTY OFFICER

With prior authorization from the Deputy Chief, generally when a supervisor is unavailable for duty as Duty Officer, a qualified lower-ranking member may be designated as acting Duty Officer.

421.4 DUTY OFFICER RESPONSIBILITIES

The Duty Officer shall have overall responsibility and accountability for the operation of this department on an assigned shift. Duties may include, but are not limited to:

- (a) Ensuring sufficient members are on-duty to accomplish the mission of the Bel Air Police Department.
- (b) Providing oversight of major crime scenes, tactical situations or disasters.
- (c) Establishing service level priorities.
- (d) Providing job-related training and guidance to subordinates.
- (e) Acquiring outside resources or providing assistance to other agencies, when applicable.
- (f) Handling service inquiries or complaints from the public.
- (g) Acting as the Public Information Officer when appropriate.
- (h) Managing risk exposure.
- (i) Ensuring the security of all department facilities.
- (j) Ensuring the proper equipment and vehicles are available for member use.
- (k) Representing the Department at community functions.
- (l) Completing a Daily Activity Report and distributing it in accordance with standard procedure.

Mobile Data Terminal Use

423.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Terminal (MDT) system in order to ensure proper access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Dispatch.

423.2 POLICY

Bel Air Police Department members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

423.3 PRIVACY EXPECTATION

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

423.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use Policy.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors or Duty Officer.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks or for communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

At the beginning of each tour of duty, officers shall log on to the MDT and remain logged on throughout their tour of duty. This will apply to overtime details as well as when the vehicle is to be used during the detail. However, it does not include assignment to sporting or special events where the officer's primary duties are outside the vehicle.

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Officers who have MDTs in their vehicles shall use the MDT to obtain general information pertaining to calls for service unless circumstances necessitate voice transmission or necessary clarifications. Patrol checks and non-urgent activities will be self-initiated via the MDT.

423.4.1 USE WHILE DRIVING

The safe operation of a police vehicle shall always be the driver's primary responsibility. The use of the MDT shall always be secondary to the safe operation of the police vehicle. Members shall carefully consider the need to safely stop the police vehicle before using the MDT if such use is going to divert the member's attention from the safe operation of the vehicle.

When the police vehicle is in motion, MDT usage is only authorized when it will not impair the member's ability to safely operate the vehicle and shall generally be limited to:

- (a) Running a time-sensitive inquiry (e.g., driver's license, registration, "wanted" checks).
- (b) Limited keystrokes, acknowledging a message, or when a delay would be unreasonable.

423.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Duty Officer, all calls for service assigned by a police communications operator should be communicated by voice over the police radio and electronically via the MDT unless security or confidentiality prevents such broadcasting.

MDT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it shall be documented by a police communications operator.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDT.

423.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, in service) will be transmitted over the police radio or through the MDT system.

Members responding to in-progress calls shall advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDT when the vehicle is not in motion.

423.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure the Duty Officer is notified of the incident without delay.

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Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are handling a different emergency.

423.6 EQUIPMENT CONSIDERATIONS

423.6.1 MALFUNCTIONING MDT

Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify Dispatch. It shall be responsibility of the police communications operator to document all information that will then be transmitted verbally over the police radio.

Members shall report all MDT-related issues or problems for review and/or resolution to the town Information Technology Department and the Administrative Sergeant, via email, by the end of their shift.

423.6.2 BOMB CALLS

When investigating reports of possible bombs, members should turn off their MDTs when in close proximity of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

423.6.3 MDT SECURITY

The MDT shall always be secured in the vehicle mount when in use.

At the end of each shift, Take-Home Vehicle Program operators who have been personally assigned a laptop MDT must remove the MDT from their vehicle and secure it until their next tour of duty.

423.7 TRAINING AND MAINTENANCE

The Administrative Sergeant is responsible for MDTs and related items to include training of members and maintenance and repair of all equipment. Maintenance and repair will be coordinated through the town Information Technology Department.

The Administrative Sergeant or designee is also responsible for communication and interaction between federal, state, and local agencies that support the MDT system. The Administrative Sergeant should conduct random administrative security checks of the MDT system to ensure that all necessary security procedures are being followed. The Administrative Sergeant or Terminal Agency Coordinator will notify the Deputy Chief and the member's supervisor of any lapse in Criminal Justice Information Services (CJIS) certification.

The Administrative Sergeant shall be responsible for MDT key audits. This can be accomplished during monthly vehicle inspections and delegated to other supervisors.

Body-Worn Cameras

424.1 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 Bel Air Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

424.2 POLICY

The Bel Air Police Department should provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public (Md. Code PS § 3-511).

424.3 BODY-WORN CAMERA COORDINATOR

The Chief of Police should designate a Body-Worn Camera 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.

424.4 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.

424.5 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 body-worn camera issued by the Department, and that the camera is in good working order. A function test shall be conducted at the start of each tour of duty. If the camera

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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 camera 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). Members shall only use department-issued or approved recording devices and accessories.

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, other than a body-worn camera, the assigned member shall record the member's name, BAPD identification number, and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

If a member discovers that he/she possesses another member's body-worn camera, he/she will immediately notify his/her supervisor who will contact the Coordinator for guidance.

Members may use their Department-issued body-worn camera while engaged in authorized uniformed secondary employment.

Members shall upload all body-worn camera recordings at least once during their work week or when ordered to do so by a supervisor. Members shall be responsible for properly categorizing the recording prior to the upload. A supervisor may immediately take custody of a body-worn camera and shall be responsible for docking the camera for upload in a critical incident (such as an officer-involved shooting, in-custody death, or other officer-involved incident that results in serious injury or death).

424.6 ACTIVATION OF THE BODY-WORN CAMERA

This policy is not intended to describe every possible situation in which the body-worn camera should be used, although there are many situations where its use is appropriate. Members should activate the camera any time the member believes it would be appropriate or valuable to record an incident. Body-worn cameras and any other portable recorders should be activated as soon as possible to ensure as much of the incident as possible is captured.

A member equipped with a body-worn camera shall activate the camera in any of the following situations (Md. Code PS § 3-511):

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- (a) At the initiation of any call for service
- (b) All enforcement and investigative contacts including stops and field interview situations
- (c) Traffic stops including but not limited to traffic violations, stranded motorist assistance, and all crime interdiction stops
- (d) Self-initiated activity in which a member would normally notify Dispatch
- (e) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording
- (f) Emergency vehicle operations and emergency response

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.

If a member discovers that a required recording incident was not recorded, he/she shall immediately notify the Duty Officer. The error should be noted in the related Incident or supplement report if applicable.

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, as soon as any immediate danger has been addressed.

424.6.1 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:
 - (a) The member identifies themselves as a law enforcement officer. Absent exigent circumstances, members shall provide their name, badge number, identify themselves as a member of the Bel Air Police Department and provide the reason for the stop.
 - (b) The member is a party to the conversation.

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- (c) The member informs all other parties of the recording.
- (d) 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.

424.6.2 CESSATION OF RECORDING

When deactivation circumstances exist, the member will deactivate the body-worn camera as soon as it is safe, practical, and possible to do so. Once activated, the camera 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). Once recording has been begun, members shall not end the recording until one of the following occurs:

- (a) The event or encounter has fully concluded.
- (b) The member has left the scene and no further involvement in the event is anticipated.
- (c) A supervisor has authorized that a recording may cease because the member is no longer engaged in an enforcement, investigative, or transportation activity.
- (d) When a prohibited activation circumstance is encountered.
- (e) When the member's video must be played back in the field.
- (f) Required activation circumstances never existed or no longer exist.
- (g) A heightened expectation of privacy exists, and deactivation is necessary in order to preserve the dignity of the public (e.g., locker rooms, restrooms).
- (h) The device was accidentally activated.
- (i) A victim, witness, or other individual wishes to make a statement or share information, but requests not to be recorded. During these situations, members may deactivate their body-worn camera in order to obtain the statement or information, and then resume recording when the statement or information has been obtained.
- (j) As directed by an instructor during an authorized training session.

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424.6.3 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).

424.6.4 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.

424.7 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 as authorized by the Chief of Police. 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 Deputy Chief. 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.

Prohibited uses include:

- (a) Non-duty related personal activities
- (b) During in depth interviews with sexual assault victims beyond the initial call for service assessment
- (c) Interactions with confidential informants
- (d) To capture the strip search of an arrestee
- (e) During court proceedings, unless an on-view incident occurs
- (f) To capture legally privileged communications (e.g., attorney/client, doctor/patient, etc.)

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- (g) Private conversations and administrative activities among Departmental personnel, except during authorized training sessions as directed by an instructor.
- (h) Outside the State of Maryland

424.8 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (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.

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).

424.9 RETENTION OF RECORDINGS

An unaltered version of all recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days. Recordings shall be securely maintained pursuant to 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).

424.9.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy (Md. Code PS § 3-511).

424.10 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.

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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.

Members shall have timely and ongoing access to recordings and the logs of their recordings. A member may review a recording for any work-related reason, including but not limited to:

- (a) Ensuring the body-worn camera is working properly.
- (b) Assisting with the writing of a report or other official document.
- (c) Reviewing and critiquing the member's performance.
- (d) In preparation for court.
- (e) Responding to a civil lawsuit, criminal investigation (if the member is the subject of the investigation), citizen complaint, or administrative complaint.

A member shall be allowed to review a recording of an incident prior to making a statement.

A member may utilize the Axon View mobile device application for the following purposes:

- (a) Review recorded videos.
- (b) Add notes pertaining to the video.

All recordings should be reviewed by the Body-worn Camera Coordinator and/or Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

424.10.1 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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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.

424.10.2 SUPERVISOR BODY-WORN CAMERA REVIEW PERMISSIONS

Corporals and Sergeants:

- (a) Ensure restricted categories have been appropriately applied
- (b) Have access to their recordings, and other members' non-restricted recordings within their command
- (c) May access recordings for the following purposes in addition to those listed in "REVIEW OF RECORDED MEDIA FILES":
 - 1. Complaint investigation and resolution
 - 2. Administrative investigations
 - 3. Pursuant to an established Performance Enhancement Plan (PEP)
 - 4. To further collaborative operational needs
- (d) Are restricted from accessing recordings for the purpose of:
 - 1. General performance review
 - 2. Routine preparation of performance reports
 - 3. Searching, without cause, for policy violations to initiate disciplinary action
- (e) May share recordings with other members, and the State's Attorney's Office (SAO) as necessary

Internal Affairs Investigator:

- (a) Has access to all recordings
- (b) May review any recording in the event of an alleged violation of law, or administrative procedure
- (c) Ensure that members and their representatives are given the opportunity to review all related recordings prior to providing a statement during an administrative investigation

Body-worn camera Coordinator:

- (a) Has access to all recordings
- (b) May access recordings for the following purposes:
 - 1. BWC recording system administration
 - 2. Extending retention
 - 3. Sharing of recordings beyond those available to field personnel
 - 4. Reassigning ownership of recordings
 - 5. Selecting/removing a restricted category

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6. Pre-deletion review
7. BWC policy compliance, including:
 - (a) Categorization
 - (b) Titling
 - (c) Tagging
- (c) Recording release requests, including:
 1. Maryland Public Information Act (MPIA)
 2. Subpoenas
 3. Court Orders
- (d) Redaction and reproduction processing, including:
 1. Publicly Releasable
 2. Person in Interest Releasable
 3. Non-Releasable
 4. Other Departmental needs as directed by the Chief of Police.
- (e) Receives, reviews, and processes requests to produce recordings from court orders and subpoenas.
- (f) Receives, reviews, and processes public requests for copies of recordings in accordance with the Maryland Public Information Act (MPIA).
- (g) Estimates, collects, and processes fees associated with request fulfillment in accordance with the MPIA
- (h) Releases authorized and redacted recordings consistent with this policy and applicable law
- (i) Sends a denial letter, explicitly stating the reason, if the release of a recording is not authorized

The Body-worn Camera Coordinator or designee shall conduct monthly compliance reviews of recordings consistent with those specifications in the BWC Audit Report to ensure compliance. Recordings from one authorized user from each shift will be selected on a rotating basis to ensure that recordings of every officer are reviewed for compliance.

Deputy Chief:

- (a) Has access to all recordings, including restricted recordings.
- (b) May access recordings for the following purposes in addition to those listed for Corporals and Sergeants:
 1. Identifying training needs
 2. Incident critique
 3. Administrative review

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Chief of Police:

- (a) Has all access rights and privileges listed for all subordinate ranks and has final authority regarding duplications, redaction, release, and deletion of recordings.

424.11 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).

424.12 TRAINING

Members should receive periodic training on the operation of body-worn cameras as well as this policy. Training should include methods of providing notice that a recording is being made to persons with limited English proficiency or persons with a disability that renders them otherwise unable to understand (see the Limited English Proficiency Services and Communications with Persons with Disabilities policies) (Md. Code PS § 3-511).

Public Recording of Law Enforcement Activity

425.1 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.

425.2 POLICY

The Bel Air 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.

425.3 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:
 - (a) Tampering with a witness or suspect.
 - (b) Inciting others to violate the law.
 - (c) Being so close to the activity as to present a clear safety hazard to the officers.
 - (d) Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
 - (e) Trespassing on private property.
 - (f) Intruding on any crime scene or other location under lawful police control and/or not normally accessible to the general public.
- (c) The individual may not present an undue safety risk to the officers, him/herself or others.

425.4 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

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taking enforcement action or seizing any cameras or recording media. Body-worn cameras shall be activated in accordance with the Body-worn Camera policy.

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 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.

425.5 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.

425.6 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.

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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.

Recording devices and media that are seized will be submitted within the guidelines of the Criminal Investigation Division Policy.

Bicycle Patrol

426.1 PURPOSE AND SCOPE

This policy establishes guidelines for the Bel Air Police Department to safely and effectively use bicycle patrol for the purpose of enhancing patrol efforts in the community.

426.2 POLICY

It is the policy of the Bel Air Police Department that patrol bicycles may be used for regular patrol duty or special events. The use of the patrol bicycle will emphasize officer mobility and department visibility in the community.

426.3 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 bicycle patrol coordinator or the Duty Officer.

426.4 SELECTION

Interested officers who have completed the probationary period shall submit a training request through normal channels.

Interested officers shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance
- (b) Special skills or training as it pertains to the assignment
- (c) Good physical condition
- (d) Willingness to perform duties using the bicycle as a mode of transportation

426.4.1 OFFICER RESPONSIBILITIES

Officers should operate the bicycle in compliance with Maryland traffic laws under normal operation, unless their duties require otherwise (Md. Code TR § 21-1202).

Officers may operate the bicycle without lighting equipment during hours of darkness only when it reasonably appears necessary for officer safety or tactical considerations. Officers must use caution and care when operating bicycles without lighting equipment or when they are operating in violation of the rules of the road.

Officers are exempt from the rules of the road, while using audible and visual signals, under the following conditions (Md. Code TR § 21-106):

- (a) In response to an emergency call
- (b) In the immediate pursuit of an actual or suspected violator of the law

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To remain an active Bicycle Patrol Officer, members should annually complete a minimum of 40 hours of actual Bicycle Patrol.

426.5 BICYCLE PATROL COORDINATOR

A bicycle patrol coordinator should be appointed by and directly responsible to the Deputy Chief or the authorized designee.

The responsibilities of the coordinator should include, but are not limited to:

- (a) Inspecting and maintaining an inventory of patrol bicycles and program equipment.
- (b) Scheduling maintenance and repairs.
- (c) Evaluating the performance of bicycle patrol officers.
- (d) Other activities as required to maintain the efficient operation of bicycle patrol.

426.6 PATROL BICYCLE

Bicycle patrol officers will utilize a specially marked and equipped 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 should 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.

Patrol bicycles shall be properly secured when not in the officer's immediate presence.

426.6.1 TRANSPORTING THE PATROL BICYCLE

The patrol bicycle should be transported using a vehicle bicycle rack. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a law enforcement vehicle push-bumper is not authorized.

426.6.2 MAINTENANCE

- (a) Bicycle patrol officers shall conduct an inspection of the patrol bicycle and equipment prior to use to ensure proper working order of the equipment.
- (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 should have scheduled maintenance at least once per calendar year at a repair shop or technician approved by the Deputy Chief.
- (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 bicycle patrol coordinator, or in the event of an emergency.

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- (d) If a needed repair is beyond the ability of the bicycle patrol officer, the coordinator should be notified.
- (e) When finished using a patrol bicycle, the bicycle shall be returned clean and ready for use.

426.7 UNIFORMS AND EQUIPMENT

Officers shall wear uniforms and safety equipment in accordance with the Uniforms and Civilian Attire Policy.

The uniform shall consist of a department-approved shirt, with Bel Air 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.

Bicycle patrol officers should 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, and approved footwear.

426.8 TRAINING

Officers must complete an initial department-approved bicycle-training course prior to assignment to bicycle patrol. The initial training shall minimally include the following:

- (a) Bicycle patrol strategies
- (b) Bicycle safety and accident prevention
- (c) Operational tactics and techniques using bicycles

Motor Unit

427.1 PURPOSE AND SCOPE

This policy establishes guidelines for the Bel Air Police Department to safely and effectively use motorcycles for the purpose of enhancing field patrol efforts in the community.

427.2 POLICY

Officers utilizing motorcycles will provide police service to our community by promoting a safe environment through police and citizen interaction with an emphasis on pride, partnership, respect, integrity, dedication and empowerment. Police motorcycles are recognized by law as emergency vehicles and must obey all applicable traffic laws. Motorcycle patrol is the responsibility of the Deputy Chief.

427.3 OBJECTIVES

The objectives of motorcycle patrol are:

- (a) Increase police presence throughout the Town of Bel Air
- (b) Increase accessibility to the public
- (c) Increase the safety level of citizens and visitors
- (d) Increase the effectiveness of patrolling traffic ways

Unless assigned to a special detail, officers assigned to motorcycle patrol shall remain part of the regular patrol squad and handle calls for service at the direction of the shift supervisor.

427.4 TRAFFIC MANAGEMENT AND ENFORCEMENT

The police motorcycle can be very effective in response to violations of the Maryland Transportation Article, as well as:

- (a) Managing traffic "gridlocks" that may be related to parades, accidents, or construction
- (b) Traffic control and direction
- (c) Traffic law enforcement details and proactive traffic law enforcement
- (d) Prompt response to crisis events

427.5 SPECIAL EVENTS

The police motorcycle can be an effective vehicle during special events. The Deputy Chief will make assignments for events such as:

- (a) Funeral Details
- (b) Public Events
- (c) Equipment Demonstrations
- (d) Assisting outside agencies with escorts and special details inside and outside the Town of Bel Air
- (e) Dignitary/ VIP Escorts

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427.6 ASSISTING WITH PATROL FUNCTIONS

The police motorcycle may be assigned to supplement police vehicles on shifts as assigned by the Duty Officer. Those assignments may include:

- (a) Community policing opportunities
- (b) Patrolling town parks
- (c) Patrolling bicycle paths
- (d) Search operations

427.7 QUALIFICATIONS AND TRAINING

Officers assigned to motorcycle patrol must have successfully completed an agency approved Basic Police Motorcycle School.

To remain an active motorcycle patrol officer, officers should attend and complete annual motorcycle skills training as directed.

427.8 MAINTENANCE

The Deputy Chief will appoint a Police Motorcycle Maintenance Coordinator who is responsible for ensuring that a maintenance program is in place for service and repair. The Coordinator shall ensure:

- (a) The fitness, function, and cleanliness of all agency-owned motorcycles by conducting weekly equipment checks to ensure all safety aspects of the unit are operating properly. The Deputy Chief shall be notified of any deficiencies via the Vehicle Inspection Form. A Vehicle Inspection Form shall be completed monthly for each motorcycle.
- (b) Officers assigned to motorcycle patrol are checking the tires, controls, lights, oil, chassis, kick-stands and enclosed storage compartments prior to operation.

Routine or emergency maintenance shall be performed at an authorized repair facility approved by the Chief of Police or authorized designee.

427.9 EQUIPMENT

427.9.1 OPERATOR EQUIPMENT

The following equipment shall be issued to each officer assigned to motorcycle patrol. This equipment shall be worn when operating the police motorcycle.

- (a) Approved helmet (DOT certified)
- (b) Cold weather neck protector
- (c) Gloves (winter and summer)
- (d) Riding Breeches (two pair)
- (e) Leather Boots (English-riding style) and cold-weather boots
- (f) Leather jacket

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- (g) Hi-Visibility rain jacket
- (h) Safety glasses
- (i) Cold weather battery-operated suit (directly connected to the motorcycle)

427.9.2 MOTORCYCLE EQUIPMENT

All police motorcycles shall be equipped with the following:

- (a) Blue and red lights affixed to the front, sides, and rear of the motorcycle
- (b) First Aid kit with CPR mask, rubber gloves, and bandages
- (c) Mobile data computer and printer
- (d) Electronic locking device for M4 patrol rifle
- (e) Reflective traffic vest

427.10 OPERATION

Only officers who are certified in police motorcycle operations are authorized to operate a police motorcycle unless authorized by the Chief of Police or Deputy Chief.

- (a) Police motorcycle operators will adhere to all existing rules and regulations pertaining to the operation of departmental vehicles and guidelines in this policy.
- (b) Police motorcycle operations will cease during inclement weather or dangerous roadway conditions. If the motorcycle is participating in a special event or detail, ceasing operation will be determined by the senior motor officer or supervisor.
- (c) All traffic stops will be made in accordance with established procedures and training received during Basic Police Motorcycle School.
- (d) Police motorcycles shall not be used in high-risk felony stops, except in rare instances where no other option exists.
- (e) The use of emergency equipment during special escorts and details is authorized, however due care and caution shall always be exercised by the operator.

Automated License Plate Readers (ALPRs)

428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

428.1.1 DEFINITIONS

Definitions related to this policy include:

Official law enforcement purpose - The investigation, detection or analysis of a crime; of a violation of the Maryland vehicle laws; of a terrorist operation; or of missing or endangered person searches or alerts (Md. Code PS § 3-509).

428.2 POLICY

The policy of the Bel Air Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

428.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Bel Air Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access shall be managed by the Deputy Chief. The Deputy Chief will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

428.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

- (a) An ALPR shall only be used for official law enforcement business (Md. Code PS § 3-509).
- (b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped vehicles to canvass areas around homicides, shootings and other major incidents. Partial license plates

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reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) No ALPR operator may access confidential department, state or federal data unless authorized to do so.
- (f) If practicable, the officer should verify an ALPR response through the appropriate official law enforcement database before taking enforcement action that is based solely on an ALPR alert.

428.5 DATA COLLECTION AND RETENTION

The Deputy Chief is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data.

428.6 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Bel Air Police Department will observe the following safeguards regarding access to and use of stored data (Md. Code PS § 3-509):

- (a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.
- (b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (c) ALPR system audits should be conducted on a regular basis.
 - 1. This shall include audits of requests made by individual law enforcement agencies and those made by individual law enforcement officers.

428.7 RELEASING ALPR DATA

Information gathered by the ALPR is not subject to disclosure under the Public Information Act (Md. Code PS § 3-509). The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

- (a) The agency makes a written request for the ALPR data that includes:
 - 1. The name of the agency.
 - 2. The name of the person requesting.
 - 3. The intended purpose of obtaining the information.

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- (b) The request is reviewed by the Deputy Chief or the authorized designee and approved before the request is fulfilled.
- (c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy.

Homeless Persons

429.1 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.

This policy establishes a liaison to the homeless community, addresses the responsibilities of the department member appointed to act as a liaison to the homeless, and details the need for special protection and services for homeless persons.

429.2 POLICY

It is the policy of the Bel Air 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 Bel Air 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.

429.3 LIAISON TO THE HOMELESS COMMUNITY

The Chief of Police shall delegate certain responsibilities to a liaison to the homeless community. The liaison shall be appointed by and directly responsible to the Deputy Chief or the authorized designee.

The responsibilities of the liaison include, but are not limited to:

- (a) Maintaining and making available to all department members a list of assistance programs and other resources that are available to homeless persons.
- (b) Meeting with social services and representatives of other organizations that render assistance to the homeless community.
- (c) Maintaining a list of the areas within and near the jurisdiction of this department that are used as frequent homeless encampments.
- (d) Remaining abreast of laws dealing with homelessness, including personal property rights.
- (e) Being present during any clean-up operation conducted by this department that involves the removal of personal property of the homeless. This is to ensure that the established rights of the homeless are not violated.
- (f) Developing training to assist members in understanding current legal and social issues relating to the homeless.

429.4 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

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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.

429.4.1 CONSIDERATIONS

A homeless person will receive the same level and quality of service provided to other members of the community. The fact that a victim, witness or suspect is homeless can, however, require special consideration for a successful investigation and prosecution. When handling investigations involving victims, witnesses or suspects who are homeless, 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.
- (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.

429.5 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).

429.6 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

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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 or the homeless liaison. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the liaison.

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 liaison if such property appears to involve a trespass, is a blight to the community or the subject of a complaint. It will be the responsibility of the liaison to address the matter in a timely fashion.

429.7 ECOLOGICAL ISSUES

Sometimes homeless encampments can have an impact on the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged 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

430.1 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.).

430.1.1 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.

430.2 POLICY

It is the policy of the Bel Air 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 Bel Air 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.

430.3 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.

430.3.1 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.

430.3.2 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.

430.3.3 INVESTIGATIONS INVOLVING OTHER AUTHORIZED INDIVIDUALS

Any person falling into the following categories shall not be arrested for the authorized medical possession of cannabis (Md. Code AB § 36-1201):

- (a) Certifying providers.
- (b) Hospitals, medical facilities, and hospice programs where a qualifying patient is receiving treatment.
- (c) Academic research representatives authorized under Md. Code AB § 36-701 et seq. to research the medical uses, properties, or composition of cannabis.
- (d) Designated school personnel authorized to administer cannabis to a student under Md. Code ED § 7-446 unless there is reasonable belief of gross negligence or wanton or willful misconduct.
- (e) Cannabis licensees and cannabis registrants.

430.3.4 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 an Application for Statement of Charges, 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:
 - (a) The amount of marijuana recommended by a medical professional to be ingested.
 - (b) The quality of the marijuana.
 - (c) The method of ingestion (e.g., smoking, eating, nebulizer).
 - (d) The timing of the possession in relation to a harvest (patient may be storing marijuana).

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- (e) Whether the marijuana is being cultivated indoors or outdoors.
- (f) The climate.

430.4 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.

430.5 EVIDENCE

430.5.1 MEMBER RESPONSIBILITIES

The investigating member should notify the receiving Criminal Investigation Division member in writing when cannabis may be the subject of a medical cannabis claim.

430.5.2 EVIDENCE RESPONSIBILITIES

The Criminal Investigation Division supervisor should ensure that cannabis, drug paraphernalia, or other related property seized from a person engaged or assisting in the use of medical cannabis is not destroyed. The Criminal Investigation Division supervisor 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 Criminal Investigation Division supervisor should return to the person from whom it was seized any useable cannabis, plants, drug paraphernalia, or other related property.

The Criminal Investigation Division supervisor should not destroy cannabis that was alleged to be for medical purposes except upon receipt of a court order.

The Criminal Investigation Division supervisor may release cannabis to federal law enforcement authorities upon presentation of a valid court order.

Medical Aid and Response

431.1 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.

431.2 POLICY

It is the policy of the Bel Air Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

431.3 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 Dispatch 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 Dispatch 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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431.4 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 releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes, or when so directed by a supervisor.

431.5 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.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

431.6 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the 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 without a supervisor's approval

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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.

431.7 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Conducted Energy Device policies.

431.8 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.

431.8.1 AED USER RESPONSIBILITY

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 Dispatch as soon as possible and request response by EMS.

431.8.2 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).

431.8.3 AED TRAINING AND MAINTENANCE

The Training Officer 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).

431.9 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.

431.9.1 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 Naloxone Coordinator.

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Any member who administers an opioid overdose medication should contact Dispatch as soon as possible and request response by EMS.

431.9.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

The Officer will ensure that the Records Manager is provided enough information to meet applicable state reporting requirements (Md. Code HG § 13-3103).

431.9.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Officer 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).

431.10 FIRST AID TRAINING

Subject to available resources, the Training Officer should ensure officers receive periodic first aid training appropriate for their position.

First Amendment Assemblies

432.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

432.2 POLICY

The Bel Air Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

432.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets, or walkways, generally have the right to assemble, rally, demonstrate, protest, or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, or loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential.

The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life, and prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront, or intimidate participants.
- (c) Seize the cameras, cell phones, or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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432.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

432.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Dispatch, and the Duty Officer should be requested if needed. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed. If the event is large or has the potential for growth or violence, the Maryland Coordination and Analysis Center should be contacted by the Duty Officer.

432.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

432.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.

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- Information about past and potential unlawful conduct associated with the event or similar events.
- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

432.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for the following:

- (a) Command assignments, chain of command structure, roles and responsibilities
- (b) Staffing and resource allocation
- (c) Management of criminal investigations
- (d) Designation of uniform of the day and related safety equipment (helmets, shields, etc.)
- (e) Deployment of specialized resources
- (f) Event communications and interoperability in a multijurisdictional event
- (g) Liaison with demonstration leaders and external agencies
- (h) Liaison with Town government and legal staff
- (i) Media relations
- (j) Notification to the Maryland Coordination and Analysis Center
- (k) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation
- (l) Traffic management plans
- (m) First aid and emergency medical service provider availability
- (n) Prisoner transport and detention
- (o) Review of policies regarding public assemblies and use of force in crowd control
- (p) Parameters for declaring an unlawful assembly
- (q) Arrest protocol, including management of mass arrests
- (r) Protocol for recording information flow and decisions

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- (s) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force
- (t) Protocol for handling complaints during the event
- (u) Parameters for the use of body-worn cameras and other portable recording devices

432.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (Outside Agency Assistance Policy).

432.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse on their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

432.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual persists in refusing to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or

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damage. Any use of conducted energy devices must conform to the Conducted Energy Device Policy.

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Operational circumstances may preclude contemporaneous completion of use of force reports, in which case use of force incidents shall be communicated to Dispatch for documentation. After-action reports shall include a detailed explanation of all incidents where force was used.

432.8 ARRESTS

The Bel Air Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been or reasonably appear likely to be unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

432.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

432.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should

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promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

432.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment, and supply records
- (e) Incident, arrest, use of force, injury, and property damage reports
- (f) Photographs, audio/video recordings, and Dispatch records/tapes
- (g) Media accounts (print and broadcast media)

432.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with appropriate agencies and organizations to prepare a comprehensive after-action report of the event, to include the following:

- (a) Date, time and description of the event.
- (b) Actions taken and outcomes (injuries, property damage, arrests, etc.).
- (c) Problems identified.
- (d) Significant events.
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

432.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

Civil Disputes

433.1 PURPOSE AND SCOPE

This policy provides members of the Bel Air 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.

433.2 POLICY

The Bel Air 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 and as determined by the Duty Officer, 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.

433.3 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

433.4 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.

433.4.1 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.

433.5 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.

433.6 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.

School Resource Officers

434.1 PURPOSE AND SCOPE

The Bel Air Police Department will assign a School Resource Officer (SRO) to the Bel Air High School and Bel Air Middle School on a daily basis. Additionally, this officer will also make periodic visits to all public and private schools located within our jurisdiction as needed.

434.2 POLICY

The SRO Program is a nationally-accepted concept that places law enforcement officers within local schools. The program was designed to develop partnerships between the police and the school community.

The goal of the program is to provide a positive law enforcement influence that concentrates on safety and security, fosters education, and encourages relationships between officers, school administrators, teachers, and students.

434.3 SCHOOL RESOURCE OFFICER PROGRAM

The Chief of Police should appoint SROs to serve in public elementary and secondary schools upon agreement with local school corporations or charter schools. The agreement should cover paid services, where applicable. The agreement should also include the SROs duties and responsibilities as outlined below.

The goals and objectives of the SRO program include but are not limited to:

- (a) Assisting with the development and implementation of a school safety plan.
- (b) Protecting the school against external threats to the safety of the students, preventing unauthorized access to school property, and securing the school against a natural disaster or other violence.
- (c) Creating respect for law and order in the public school system and minimizing criminal activity.
- (d) Identifying students at risk of becoming involved in the criminal justice system and guiding them toward more positive and socially acceptable ways to behave.
- (e) Reducing criminal activity on or near a school campus.
- (f) Enhancing communication and understanding between students, their families, district staff, and the Agency.
- (g) Assisting with the coordination of security measures for school activities such as sports events, dances, and other large gatherings.
- (h) Auditing security measures, at least annually, throughout the school and making recommendations to enhance safety and reduce risk.

Selection of SROs should not be based solely on seniority. The performance of SROs should be reviewed annually by the school district superintendent and the Chief of Police or authorized designee.

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School Resource Officers

434.4 SCHOOL RESOURCE OFFICER DUTIES

The Chief of Police or the authorized designee should appoint members as SROs whose duties and responsibilities include:

- (a) Protection of schools and prevention of violent behavior.
- (b) Detection and apprehension of criminals.
- (c) Being a visible, proactive law enforcement figure on school campuses, dealing specifically with law enforcement matters originating on the school campus. Officers will not be assigned to duties such as cafeteria help or hall monitors.
- (d) Assisting school personnel with truancy problems. This may involve simply attempting to locate the truant students, responding to a truant student's residence with school personnel to retrieve the student, and/or advising parents/guardians of the compulsory attendance law.
- (e) Patrolling on foot and with the assigned police vehicle on the school campuses and feeder schools when time permits, investigating suspicious persons, loiterers, or automobiles on or near school property, and intervening in situations that conflict with the best interests of students and initiating corrective action.
- (f) Providing advice, assistance, and consultation but not enforcing school regulations. Infractions of school rules, as opposed to crimes or violations of law, shall be handled by school officials. School affairs are supervised by designated school personnel. Those matters which are the exclusive concern of the school administration and do not constitute a violation of the law must be handled by school officials.
- (g) Fulfilling requests for public speaking engagements, either in person or arranging for subject matter expert(s).
- (h) Completing all Departmental paperwork and an activity log as required by the Deputy Chief.
- (i) Performing any other duties as assigned by the Chief of Police, the Deputy Chief, the Community Policing Supervisor, or the on-duty shift supervisor.

SROs will endeavor to spend at least 75% of the school day serving the Bel Air High School and Bel Air Middle School. Duties requiring the officer to be absent from the school include but are not limited to:

- (a) Completion of required police reports
- (b) Court appearances
- (c) Pre-approved training
- (d) Mandatory meetings
- (e) Any other duties as assigned by the Chief of Police, Deputy Chief, Community Policing Supervisor, or the Duty Officer.

SROs shall wear the appropriate uniform of the day when reporting for duty. SROs will work an eight-hour day during normal school hours and shall not be permitted to modify his/her working hours to work evening hours for school functions unless authorized by the Deputy Chief. SROs

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shall provide the principals of Bel Air High School and Bel Air Middle School with a tentative monthly calendar at the beginning of each month and update the calendar as needed.

School personnel shall be instructed to contact SROs in person or by cell phone when any non-emergency situation occurs. In the case of an emergency, school personnel shall be instructed to contact 911 or 410-638-4500. SROs will handle all criminal investigations originating on the school campus during their tour of duty. When the SRO is unavailable due to scheduling (e.g., leave, training, court), school personnel shall be instructed to contact 410-638-4500 to request a patrol officer respond to the school to handle the incident.

All correspondence (e.g., banning letters, special requests) between Bel Air High School, Bel Air Middle School, and the Bel Air Police Department shall be directed to the appropriate SRO.

434.5 CHAIN OF COMMAND

SROs are employees of the Bel Air Police Department who are assigned to work in cooperation with school administration. As such, officers should follow their assigned agency chain of command during investigations of criminal activity. Assigned activities that are not criminal in nature may be overseen or directed by the school principal or the authorized designee or as otherwise provided in the agreement for services.

434.6 NOTIFICATION OF ARREST

If a student is arrested for a reportable offense or an offense that is related to the student's membership in a criminal gang, notification of the arrest and charges will be made to the local superintendent or non-public school principal within 24 hours of the arrest or as soon as practicable. The following shall also be notified:

- (a) The Chief of Harford County Public Schools Department of Safety and Security
- (b) The Deputy Chief (via the chain of command)
- (c) Harford County State's Attorney's Office

Reportable offenses may be found in the Education Article of the Maryland Annotated Code Education Article, § 7-303.

434.7 TRAINING

SROs shall successfully complete the model SRO training program that has been developed by the Maryland Center for School Safety and approved by the Maryland Police and Correctional Training Commission or he/she may successfully complete an outside agency's training program that offers a curriculum that is consistent with that of the Maryland Center for School Safety and that has been approved by the Maryland Police and Correctional Training Commission.

The specialized curriculum developed under this section shall include training in:

- (a) De-escalation
- (b) Disability awareness
- (c) Maintaining a positive school climate

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- (d) Constructive interactions with students
- (e) Implicit bias and disability and diversity awareness with specific attention to racial and ethnic disparities

Each SRO must obtain certification through the Maryland Police and Correctional Training Commission.

Suspicious Activity Reporting

435.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

435.1.1 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.

435.2 POLICY

The Bel Air 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.

435.3 RESPONSIBILITIES

Supervisors should ensure those under their command:

- (a) Remain familiar with those databases available to the Bel Air Police Department that would facilitate the purpose of this policy.
- (b) Are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the department.
- (c) Appropriately disseminate information to personnel in accordance with their job responsibilities.

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- (d) Coordinate investigative follow-up, if appropriate.
- (e) Coordinate with the appropriate agency or fusion center.
- (f) Conduct outreach that is designed to encourage community members to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

435.4 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. Any department member who is not a peace officer and receives such information should ensure that it is passed on to an officer in a timely manner.

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 Bel Air 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.

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.

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 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.

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- (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.
- (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.

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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.

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.

500.6 TRAFFIC SAFETY UNIT

The primary objective of the Bel Air Police Department Traffic Safety Unit is to improve traffic safety in the Town of Bel Air by following statewide and nationwide best practices and recommendations. A data-driven approach with emphasis on the "Four E's" (Education, Enforcement, Engineering, EMS) of traffic safety enhancement seems to be the most comprehensive and effective method for improving traffic safety in our State and country.

Application of a fluid, dynamic and open-minded approach by the unit to improving and maintaining traffic safety in the Town of Bel Air will be the guiding force for the Traffic Safety Unit.

500.6.1 RESPONSIBILITIES

- (a) Functioning as a liaison with the Traffic Safety Task Force Committee. The Committee is comprised of citizens and business leaders from the Town of Bel Air. The Committee is an excellent sounding board for ideas and recommendations and input to support improvements to traffic safety in the Town of Bel Air. The Traffic Safety Officer and supervisor will be responsible for the creation of presentations for the Committee

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during quarterly meetings. Coordination with the Chief and Deputy Chief will be needed prior to these meetings so that the theme of the presentation for each meeting can be determined.

- (b) Developing and implementing public safety campaigns, in collaboration with media personnel, to assist in educating our motoring citizens and pedestrians about traffic safety and the results of traffic safety initiatives in order to reinforce our commitment to safety.
- (c) Handling traffic complaints and developing a method for documenting enforcement efforts and statistics at complaint locations.
- (d) Overseeing the program that identifies "high crash" areas in order to properly apply the "Four E's" principle to reducing crashes in those locations.
- (e) Occasionally augment and support regular patrol activities, including handling motor vehicle crashes and parking complaints. This is a secondary responsibility of the traffic unit and will not override the primary objective.
- (f) Reviewing and approving Automated Crash Reporting System (ACRS) reports, so as to better track crash data.
- (g) Planning and preparation of traffic augmentation for special events and details.
- (h) Handling other traffic-related duties as assigned (e.g., red light camera review, abandoned vehicle complaints).

500.6.2 TRAFFIC SAFETY OFFICER

The extensive traffic crash training requirement for the Traffic Safety Officer position will result in that individual being recognized as the traffic crash expert for BAPD. Investigations of serious and fatal motor vehicle crashes will be the responsibility of the Traffic Safety Officer. Other crash investigation experts will assist the Traffic Safety Officer, as needed, during serious and fatal crash investigations. The Traffic Safety Officer will update the Traffic Safety Supervisor on equipment and training needs, to include beneficial training for others with comparable training and expertise.

The Traffic Safety Officer will be permanently assigned any traffic enforcement equipment needed, as long as additional pieces of equipment exist in the Department (e.g., stationary radar unit).

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 Bel Air 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.

The Duty Officer should be notified and should respond 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 Bel Air vehicle involved.
 - 2. A Town of Bel Air 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.
- (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.

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501.4 NOTIFICATION

If a traffic accident involves a life-threatening injury or fatality, the responding officer shall notify the Duty Officer. The Duty Officer or any supervisor may assign a traffic investigator or other appropriate personnel to investigate the incident. The Duty Officer will ensure notifications are made in accordance with the Major Incident Notification Policy.

501.4.1 NOTIFICATION OF FAMILY

In the event of a life-threatening injury or fatality, the supervisor responsible for the incident should ensure notification of the victim's immediate family or coordinate such notification with the Medical Examiner, 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.

In the event of a fatality, members involved in notification should ensure that family members of the victim are provided with a victim's representation notification form, and advised of their right to file the form, as appropriate (Md. Code TR § 12-206.1). The form allows family members to request notice of a hearing on a moving violation related to the victim's death.

501.5 MINIMUM REPORTING REQUIREMENTS

An accident report shall be taken when (Md. Code TR § 20-107; Md. Code TR § 20-113):

- (a) A fatality, any injury, or driving under the influence is involved.
- (b) An on-duty member of the Town of Bel Air 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) Hit and run accidents when a witness is available, when a full or partial description of the striking vehicle is available, or when physical evidence exists as a basis for possibly identifying the striking vehicle.
- (j) If requested by the vehicle owner or operator and factors or elements of the crash exist that would require further investigation and documentation (e.g. dispute about vehicle locations, right-of-way, etc.)
- (k) Directed by a supervisor.

See attachment: [Crash Reporting Matrix.pdf](#)

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501.5.1 PRIVATE PROPERTY

Generally, reports should not be taken when a traffic accident occurs on private property unless there is an injury or fatality, a hit-and-run violation or other traffic law violation. Members may provide assistance to motorists as a public service, such as exchanging information and arranging for the removal of the vehicles.

501.5.2 INJURED ANIMALS

Department members should refer to the Animal Control Policy and make appropriate notifications when a traffic accident involves the disposition of an injured animal or when learning that a domestic animal has been struck by a vehicle (Md. Code TR § 20-106(b)).

501.5.3 LATE-REPORTED CRASHES

If a crash does not meet the minimum reporting requirements and all involved persons have left the scene of the crash and one of the persons contacts the BAPD at a later time to report the crash, no report will be completed, unless otherwise directed by the Duty Officer. This does not include the removal of a vehicle from the roadway to a safe location to expedite traffic flow or ensure motorist safety.

501.5.4 ACCIDENTS NOT MEETING MINIMUM REPORTING REQUIREMENTS

If a crash does not meet the minimum reporting requirements, members should ensure that all involved drivers exchange operator, vehicle and insurance information via a handwritten Information Exchange Form or an electronic form generated through Electronic Ticket Information Exchange (E-TIX) software.

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.

[See attachment: Collision Investigation Witness Statement.pdf](#)

If the investigating officer or the Duty Officer believes that an in-depth or detailed investigation is needed and/or additional resources or equipment is required, the Traffic Safety Unit should be contacted.

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501.6.1 COMMERCIAL MOTOR VEHICLES

If an accident involves a commercial motor vehicle and injuries or fatalities, the Maryland State Police Commercial Vehicle Enforcement Division (CVED) should be contacted for any relevant guidance and assistance. CVED should also be notified of any accident involving a commercial vehicle and hazardous material spill.

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 may 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.

No charges should be filed against any driver in a serious injury or fatal crash without prior consultation with the State's Attorney's Office.

501.8 REPORTS

Department members shall utilize the reporting format approved by the Maryland State Police as required for the reporting of traffic accidents. All such reports shall be submitted electronically to the Traffic Safety Unit for approval. All reports should be submitted within 24 hours unless otherwise directed by a Supervisor.

501.8.1 REPORT MODIFICATION

A change or modification of a 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 when authorized by the Records Division.

501.8.2 TRAFFIC SAFETY UNIT RESPONSIBILITIES

The responsibilities of the Traffic Safety Unit include, but are not limited to:

- (a) Ensuring the appropriate reports on traffic accident information and statistics are forwarded to the Deputy Chief or other persons as required.
- (b) Forwarding traffic accident reports to the Maryland State Police (Md. Code TR § 20-107(f)).

Departmental Traffic Collisions

502.1 PURPOSE AND SCOPE

This policy establishes standardized protocols for the reporting, investigating, and review of motor vehicle crashes involving members of the BAPD who are operating department-owned or leased motor vehicles.

502.1.1 DEFINITIONS

The following definitions shall apply throughout this policy:

Fatal Injury - Any injury resulting in death.

Minor/Insignificant Damage - Damage to a vehicle from a traffic crash that is strictly cosmetic and does not affect the operation of the vehicle (i.e., paint transfer only, small dents, scratches, small plastic parts cracked or broken, etc.).

Non-Preventable Crash - Any reportable traffic crash where the employee acted reasonably and prudently to avoid a collision, consistent with BAPD regulations, training, and/or Maryland Vehicle Law.

Non-Reportable Crash - A traffic crash where damage is extremely minor and/or insignificant, such as:

- (a) The crash involves a properly parked, unoccupied/unattended BAPD vehicle with no evidence of negligence on the involved employee's part, an unknown striking vehicle and there is no known damage or injury to other property or persons.
- (b) Damage to the BAPD vehicle is caused by objects falling from or set in motion by an unidentified vehicle.
- (c) Single vehicle collisions involving a BAPD vehicle where the damage is extremely minor or insignificant in nature and the apparent repair cost would be less than \$1000.00.
- (d) Damage to the windshield or other vehicle glass from road debris, falling objects, and/or other unintentional occurrences.

Preventable Traffic Crash - Any reportable traffic crash where the member violated BAPD regulations, training, Maryland Vehicle Law, and/or any other applicable law.

Reportable Traffic Crash - A traffic crash involving a vehicle owned or leased by the BAPD and driven by BAPD employees that results in injury to any person or damage to any property (exceptions for property damage are noted below). Reportable traffic crashes require a crash report and a full investigation.

Serious Physical Injury - An injury that creates a substantial risk of death, serious and protracted disfigurement, or impairment of the function of any bodily organ or limb.

Significant Damage - Damage to a vehicle that is disabling, destructive, and/or renders the vehicle inoperative (i.e., airbag deployment, broken axles, frame damage, etc.).

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Traffic Crash - A collision event that involves at least one motor vehicle in transport involved in a harmful event resulting in damage, injury, or death.

502.2 POLICY

The Bel Air Police Department will investigate and review the circumstances surrounding traffic crashes involving vehicles belonging to the Department when a Department member was operating the vehicle. The Department will examine member involved crashes, determine causation of the crash, and make a recommendation as to preventability or non-preventability. Upon completion, the investigative findings will be forwarded to the Chief of Police via the chain of command for final action.

502.3 GENERAL RESPONSIBILITIES

502.3.1 INVOLVED MEMBER

When a member is involved in a traffic crash while operating a vehicle owned or leased by the BAPD, the member shall stop, remain at the scene, render emergency aid if necessary, and immediately report the traffic crash to BAPD Dispatch.

If the member is wearing their issued Body-Worn Camera, they shall make every effort to activate a recording as soon as possible after the collision.

If the traffic crash occurred outside the Town of Bel Air, BAPD Dispatch shall additionally report the traffic crash to the police agency in the jurisdiction where the crash occurred and request a response.

The member will submit a written statement via their chain of command regarding the crash before the end of their tour of duty or as soon as practicable. If the member is unable to provide a written statement, the Duty Officer shall make every attempt to obtain a verbal statement and document same. A written statement shall be submitted for all non-reportable crashes as well.

502.3.2 DUTY OFFICER

The Duty Officer shall respond to the scene of any departmental traffic crash to determine if the crash is reportable or non-reportable.

- (a) If the crash is reportable, the Duty Officer will follow the procedures outlined in this policy.
- (b) If the crash is deemed non-reportable, an ACRS crash report is not required, however the Duty Officer will make notification to the Chief of Police or authorized designee as soon as practicable. The Duty Officer shall complete a Departmental Crash report in BlueTeam and obtain a written statement from the involved member.

When a reportable traffic crash occurs within the Town of Bel Air, the Duty Officer shall request an on-duty member of the BAPD Traffic Safety Unit to respond to the scene to conduct the investigation.

- (a) If no member of the Traffic Safety Unit is on-duty, the Duty Officer may elect to preserve the scene and contact an off-duty member of the Traffic Safety Unit and request their

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response if the accident involves serious physical injury, fatal injury and/or significant damage to any vehicle involved.

- (b) If members of the Traffic Safety Unit are not on duty, are not available to respond immediately to the scene, and/or the Duty Officer believes the assistance of the Traffic Safety Unit is unnecessary, the Duty Officer shall assume the responsibility of investigating the crash. The Duty Officer may assign another permanent rank supervisor to conduct the initial investigation. If the Duty Officer is the only permanent rank supervisor currently on duty and is involved in the crash or otherwise unable to investigate the crash, the investigation will be handled by the most appropriate officer. Every attempt shall be made for a permanent rank supervisor to serve as the crash investigator.
- (c) If possible, the Duty Officer shall assign an investigating officer that is not a direct subordinate of the involved employee.

When a reportable traffic crash occurs outside of the Town of Bel Air, the Duty Officer or dispatcher:

- (a) Shall contact the police agency having jurisdiction where the crash occurred and request that an investigation and applicable crash reports be completed.
- (b) May direct a member of the Traffic Safety Unit, or if no Traffic Safety Unit officer is available, a permanent rank supervisor to respond and conduct the investigation if the agency having jurisdiction will not investigate and report the crash. The proximity to the Town and the severity of the crash shall be taken into consideration by the supervisor in deciding whether to direct officers outside of the Town of Bel Air to conduct the investigation.

The Duty Officer shall ensure that the Chief of Police or authorized designee is immediately notified when an employee is involved in any departmental crash.

- (a) If the Duty Officer has cause to believe that the crash should be investigated by an outside agency, the Duty Officer shall inform the Chief of Police or authorized designee at the time of notification. The decision to have an outside agency assume responsibility for the investigation will be at the direction of the Chief of Police or authorized designee.

Prior to the end of his/her tour of duty, the Duty Officer shall:

- (a) Complete a BlueTeam Departmental Crash entry and forward it for command review.
- (b) Ensure that a written statement was obtained from the involved employee, or obtain a verbal statement and document same.
- (c) Complete all necessary administrative paperwork and required notifications.
- (d) Ensure that the involved employee's Body-Worn Camera is downloaded (if applicable).
- (e) Ensure that all agency equipment and firearms are removed from the involved BAPD vehicle prior to the vehicle being towed from the scene.
- (f) Complete all actions listed in the "Investigating Officer" section of this policy if he/she served as the crash investigator or verify that the investigating officer completes all required actions listed.

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502.3.3 INVESTIGATING OFFICER

For all reportable department traffic crashes, the investigating officer shall:

- (a) Complete a Crash Report in the Automated Crash Reporting System (ACRS).
- (b) Take pictures of the scene, any vehicles involved, and any other pertinent objects, roadways, etc., and submit them prior to the end of their tour of duty.
- (c) Obtain written statement(s) from any and all non-employees involved or witnesses on the BAPD Collision Investigation Witness Statement form. If any involved person or witness is unwilling or unable to provide a written statement, a verbal statement shall be obtained and recorded on the investigator's Body-Worn Camera.
- (d) Obtain any relevant Body-Worn Camera footage, third-party video footage, and any other information relevant to the crash and the investigation.
- (e) Complete a BlueTeam Departmental Crash report entry.

502.3.4 TRAFFIC SAFETY UNIT

If the initial investigation was not handled by the Traffic Safety Unit, an officer from the Traffic Safety Unit may be assigned for subsequent investigation.

502.4 DEPARTMENTAL TRAFFIC CRASHES INVOLVING A FATAL OR SERIOUS PHYSICAL INJURY

If a BAPD employee, while operating a vehicle owned or leased by the BAPD, is involved in a crash involving fatal injury or serious physical injury, the Maryland State Police shall be requested to assume the investigation. Should the State Police be unavailable, the Chief of Police shall determine which other outside police agency will be requested to assume the investigation. The Duty Officer shall contact the Maryland State Police Headquarters for notification to the Attorney General's Office Independent Investigative Division.

502.4.1 ADMINISTRATIVE LEAVE AND EMPLOYEE SUPPORT

In every instance in which a BAPD employee is involved in a traffic crash that results in fatal injury to another person or serious physical injury and the injured person is expected to succumb to their injuries, the employee will be relieved of normal duties and placed in an administrative assignment pending a preliminary administrative review.

Relief from duty is intended to serve two purposes:

- (a) To address the personal and emotional needs of the employee involved in the crash.
- (b) To assure the community that verification of the facts surrounding such incidents are fully and professionally determined.

Assignment to a Limited Duty Status will be administrative in nature (non-disciplinary) with no loss of pay or benefits. Employees relieved from duty will ensure their availability to the Department until the investigation of the incident is concluded.

Employees shall be afforded their rights provided by law. Involved personnel are allowed legal representation should it be desired.

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Employees involved will be offered the services of the Critical Incident Response Team and will be escorted or transported home. The officer will be scheduled for an appointment with a qualified mental health practitioner as soon as practicable after the crash. The employee will remain on Limited Duty Status until assessed by a mental health practitioner. Upon completion of the assessment, the employee may be reassigned to full duty status at the discretion of the Chief of Police.

502.5 ADMINISTRATIVE REVIEW

The investigating member's BlueTeam entry shall include the investigator's conclusion as to primary and secondary causes of the crash and whether the crash was preventable or non-preventable.

Once completed, the entry shall be forwarded to the Deputy Chief for review. The Deputy Chief will make a recommendation as to preventability and forward their opinion to the Chief of Police for final determination. Should the involved member be found at fault and the accident ruled preventable, discipline shall be rendered pursuant to the Disciplinary Matrix.

502.6 DISPOSITION AND REPAIR OF DEPARTMENT VEHICLES

When a Department vehicle is rendered inoperative as a result of a crash, the Duty Officer will be responsible for ensuring that the assigned towing company transports the vehicle to the Public Works garage, unless other arrangements are made with the Chief of Police or authorized designee.

The Duty Officer has the primary responsibility for the security of any and all Department equipment carried in the vehicle. If the Duty Officer is unable to make proper disposition of such equipment, the Investigating Officer shall be responsible for the proper disposition of departmental equipment.

The BAPD Fleet Manager shall be responsible for all arrangements involved in the repair of Department vehicles, consistent with established BAPD and Town of Bel Air policies and procedures.

Vehicle Towing

503.1 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.

503.2 POLICY

The Bel Air Police Department will tow vehicles when appropriate and in accordance with the law.

503.3 REMOVAL OF VEHICLES DUE TO HAZARD

Pursuant to Town Code Section 12-207, a police officer is authorized to remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any highway, bridge, causeway or within any intersection, in such position or under such circumstances as to obstruct the normal movement of traffic.

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 Dispatch 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.

503.4 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.

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- 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.

503.5 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.

503.6 VEHICLES BLOCKING DRIVEWAYS

When an officer responds and finds a vehicle that is blocking the driveway in such a manner that would prohibit the normal operation of the complainant's vehicle, the offending vehicle will be ticketed and the officer will attempt to locate the operator of said vehicle.

If, after the officer has made a reasonable attempt to locate the operator of the vehicle and is unsuccessful, the vehicle will be towed. The vehicle information must be recorded on the vehicle storage log.

503.7 RECORDS

Records Division members shall ensure that pertinent data regarding a towed vehicle is promptly entered into the appropriate database.

503.7.1 VEHICLE STORAGE REPORT

Department members towing a vehicle for traffic, parking or criminal violations and / or investigations shall complete a vehicle storage/tow report. A vehicle that is towed as a result of being disabled in a collision, the owner is on scene and is not involved in situations described above, does not need to be documented on a tow report. The report should be submitted to the Records Division as soon as practicable after the vehicle is towed.

503.7.2 NOTICE OF TOW

When a member tows a vehicle that requires a vehicle storage/ tow report, notification shall be made to the Traffic Safety Unit via departmental email as soon as practicable. As soon as reasonably possible and within seven days of a vehicle being towed, it shall be the responsibility of the Traffic Safety Unit 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:

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1. Color
 2. Manufacturer year
 3. Make and model
 4. License plate number and/or Vehicle Identification Number (VIN)
 5. Mileage
- (d) The authority and purpose for the removal of the vehicle.
- (e) An explanation of the procedure for release of the vehicle.
- (f) Information for the owner, or others having a recorded interest in the vehicle, of the right to reclaim the vehicle within three weeks after the date of the notice, on payment of all towing, preservation and storage charges resulting from taking or placing the vehicle in custody.
1. For vehicles impounded pursuant to Md. Code TR § 16-303.1, the owner or others having a recorded interest in the vehicle shall be notified that the vehicle must be reclaimed within 10 days after the date specified in the applicable court order.
- (g) A statement that the failure of the owner, or others having a recorded interest in the vehicle, to exercise this right to reclaim the vehicle in the time provided is:
1. A waiver to right, title and interest in the vehicle.
 2. Consent to the sale of the vehicle at public auction.
 3. Consent by the owner, other than a lessor, to the retention of the vehicle for public purposes as provided by state law (Md. Code TR § 25-207).

If the identity or address of the last registered owner, or others having a recorded interest in the vehicle, cannot be determined or the certified notice is returned as undeliverable, the Traffic Safety Unit shall post the notice where the abandoned vehicle was found as provided by state law (Md. Code TR § 25-205(c)).

503.8 TOWING SERVICES

Members shall not show preference among towing services that have been authorized for use by the Department.

503.9 VEHICLE INVENTORY

The contents of all vehicles towed at the request of department members should 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.

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- (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.

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 established Policy unless otherwise authorized by the Duty Officer.

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.

503.10 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.

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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

505.1 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).

505.2 POLICY

The Bel Air 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.

505.3 INVESTIGATIONS

All officers are expected to enforce these laws with due diligence.

The Traffic Safety Unit will develop and maintain, in consultation with the State's Attorney's Office, 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.

505.4 FIELD TESTS

The Traffic Safety Unit should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI/DWI laws.

505.4.1 PRELIMINARY BREATH TESTS

Drivers detained for suspicion of an impaired driving offense may be requested to submit to a PBT based on the results of the SFSTs. PBT results are inadmissible in court and the suspect does not retain the constitutional right to consult with an attorney prior to submitting to or refusing the test.

PBTs will only be administered by members who are certified by the State Toxicologist, using PBTs that have undergone monthly accuracy checks. All PBTs must be issued by the Department and must be registered with the Maryland State Police Chemical Testing for Alcohol Unit. The

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Traffic Safety Unit shall conduct periodic inspections of member's PBT equipment and the PBT log to ensure compliance.

PBT results shall only be used as a guide when developing probable cause to support the DUI charges prior to arrest. It does not replace other methods of developing probable cause for the arrest. When used during the investigation of a suspected impaired driving offense, members will offer the PBT only after the administration of SFSTs and prior to arrest. A driver placed under arrest should not be given the result of their PBT until they either submit to or refuses an evidentiary breath test, or the two-hour limit for an evidentiary test has passed.

PBTs may also be used in other appropriate circumstances (e.g., to determine if a passenger may be permitted to drive a vehicle after the original operator has been arrested).

505.5 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.
- (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).

505.5.1 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).

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- (b) The officer reasonably believes that the impairment is caused by drug or controlled dangerous substance content.

505.5.2 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)).

505.5.3 BREATH SAMPLES

The Traffic Safety Unit should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

A breath test shall be administered at the direction of an officer by a qualified person trained in the use of equipment that has been approved by the Department of State Police Forensic Sciences Division. The arresting officer may not administer the breath test (Md. Code CJ § 10-304(b)).

Unless otherwise required by law, a breath test shall be used to determine alcohol concentration (Md. Code CJ § 10-305(a)).

505.5.4 BLOOD SAMPLES

Only a qualified medical person trained in the use of equipment that has been approved by the Department of State Police Forensic Sciences Division shall draw blood to collect blood samples. The blood draw should be witnessed by the assigned 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 the arrestee has a bleeding disorder or has taken medication that inhibits coagulation, the arrestee shall not be required to take a blood test. Such inability to take a blood test shall not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

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505.6 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)).

505.6.1 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.

505.6.2 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.

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505.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request the Duty Officer to respond.

Members are permitted to employ only the level of non-deadly, reasonable force necessary to restrain the person in order to obtain the required blood specimen. The application of reasonable force may include reasonable physical force, hospital restraining devices and other restraining methods prescribed by hospital protocol when dealing with unruly patients. Members may request the assistance of hospital security personnel to assist, but hospital staff are not required to participate in restraining the patient. Blood specimens shall not be drawn until the driver is fully immobilized so that the test does not present undue harm to hospital staff or the driver.

The Duty Officer 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.
 - (a) 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:
 - (a) Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 - (b) 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.
 - (c) In felony cases, force that reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (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.

Should qualified medical personnel be unwilling or unable to collect a specimen, the State's Attorney will be contacted for guidance.

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505.7 ARREST AND INVESTIGATION

The Department shall establish procedures and guidelines for the investigation, arrest and charging of impaired drivers. These procedures are outlined in the Procedure Manual.

505.7.1 REPORTING

The Administrative Sergeant shall ensure that this department complies with all state reporting requirements pursuant to Md. Code TR § 16-205.1(b)(3)(viii).

505.7.2 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)).

505.8 RECORDS DIVISION RESPONSIBILITIES

The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

505.9 ADMINISTRATIVE HEARINGS

The Records Manager 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.

Traffic and Parking Citations, Safety Equipment Repair Orders (SERO), Warnings

506.1 PURPOSE AND SCOPE

This policy outlines the responsibilities for issuing, correcting, voiding and dismissing Safety Equipment Repair Order (SERO), traffic and parking citations.

506.2 POLICY

It is the policy of the Bel Air Police Department to enforce traffic laws fairly and equally. Authorized members may issue a SERO, traffic citation, parking citation, written or verbal warning based upon the circumstances of the contact and in the best interest of the motoring public and community safety.

506.2.1 NO VIOLATION OCCURRED

If the officer determines that no violation occurred (e.g., seatbelt was not evident but was in use, apparent equipment violation did not actually exist), the officer may conclude the stop without issuing any documentation to the vehicle operator. The officer shall then complete the appropriate sections of the BAPD Warning to document the stop. This will allow the date, time, location, officer, and reason to be recorded and should be forwarded to the Administrative Sergeant for data collection purposes.

506.2.2 TERMINATED STOPS

The requirement to document all traffic stops as defined in this policy shall not prevent an officer from abruptly diverting to respond to a priority call (e.g., Priority One Call, Officer Down). If necessary, the officer should briefly explain his actions to the violator and respond to the priority call without issuing any documentation to the violator. The officer shall later complete the appropriate sections of the BAPD Warning to document the stop. This will allow the date, time, location, officer, and reason to be recorded.

506.3 RESPONSIBILITIES

The Records Division 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 Records Division 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).

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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)).

506.3.1 WARNINGS

Warnings may be issued when the department member believes it is appropriate. The Records Division should maintain information relating to traffic stops in which a warning is issued. Warnings are retained by this department in accordance with the established records retention schedule.

506.4 TRAFFIC CITATIONS

506.4.1 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)).

506.4.2 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 Records Division. The Records Manager or the authorized designee shall prepare a letter of correction to the District Court having jurisdiction and notify the citation recipient in writing.

506.4.3 VOIDING

Only handwritten citations that have not been issued may be administratively voided. Once a citation has been issued to a violator, it must follow the usual adjudication procedures in court. Citations may be administratively voided by the Deputy Chief when:

- (a) an error is made while writing a citation;
- (b) copies of an unused citation have been lost or stolen; or
- (c) copies have become damaged to the extent that they are not suitable for issuance.

Once issued to a violator or submitted electronically through E-TIX, a citation may only be voided in court. If a citation must be voided due to an error, the issuing member must request a disposition of nolle

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prosequi prior to the defendant's legal requirement to respond to the summons. Members shall follow the voiding procedure as outlined in the Procedure Manual.

506.4.4 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 Administrative Sergeant may request the Deputy Chief 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 Deputy Chief 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.

506.4.5 DISPOSITION

Upon separation from appointment or employment with this department, all members who were issued traffic citations books shall return any unused citations to the Records Division.

506.4.6 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, driving history, and the type of offense should be considered before issuing a juvenile a citation.

506.4.7 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

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- 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.

506.5 PARKING CITATIONS

It is the responsibility of all officers and the parking enforcement personnel to be familiar with parking restrictions and regulations in the Town of Bel Air Code and to take proper enforcement action in cases of violations. Special attention should be given to the following:

- (a) Town Code provisions pertaining to towing of vehicles eligible for impoundment or for use in enforcement of parking regulations will be complied with when such equipment is available.
- (b) During peak traffic hours, officers shall be especially alert for illegal parking that disrupts the normal flow of traffic.
- (c) Parking tickets shall be issued for violations in all time zones and for other violations under this section.
- (d) Particular emphasis will be placed on improper parking in handicapped spaces and parking tickets may be written for this offense on both public and private property.

Parking citations may be appealed in accordance with Town Code and state law.

506.5.1 VEHICLE IMMOBILIZATION DEVICE (DENVER BOOT)

"Booting" is the immobilization of a vehicle through the use of a device that is designed to be attached to the tire/wheel which renders the vehicle inoperable.

- (a) Any vehicle parked in the Town of Bel Air that has failed to satisfy the fines associated with three parking violations, and where a period of thirty days or more has elapsed since the third unsatisfied violation notice, may be immobilized by use of the "boot."
- (b) Notice of the application of the boot shall be posted prominently with an immobilization notice on the driver's side of the front window of the vehicle. Placement of the notice shall depend on the type of vehicle.
- (c) Parking Enforcement personnel will routinely examine the Town's Immobilization List to detect violators. A sworn officer will be dispatched to the location of the immobilization and will assist Parking Enforcement personnel with the installation.
- (d) Individuals/owners receiving the immobilization notice will be directed to the Town's Finance Department and will be required to pay all outstanding parking penalties and fines before the boot will be removed. All fines must be paid with cash, money order, or certified check. A \$100.00 boot removal fee will be assessed.
- (e) Vehicles that remain booted after the Finance Department has closed will remain booted for no longer than thirty-six hours. The vehicle will then be towed by a licensed tow company, and the owner will be responsible for boot removal fees, fines, towing fees, and storage fees.
- (f) Once the proper receipts have been issued by the Finance Department, the owner/operator of the booted vehicle will be directed to the Police Department who will then notify Parking Enforcement personnel and the Police Department's on-duty

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Traffic and Parking Citations, Safety Equipment Repair Orders (SERO), Warnings

supervisor. Parking Enforcement or the assigned sworn police officer will verify payment and remove the device. A sworn officer must be present at the location to render assistance.

Towing is authorized when the boot is unavailable or inappropriate for the vehicle type, weather conditions, or parking space.

The Chief of Police, Deputy Chief, or Administrative Sergeant shall be contacted regarding any disputes relating to the deployment of the boot, delinquent parking tickets, outstanding fines, and towing of the vehicle.

506.6 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, 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)).

506.7 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

507.1 PURPOSE AND SCOPE

This policy establishes guidelines for department members who provide assistance to motorists in disabled vehicles within the primary jurisdiction of the Bel Air Police Department.

507.2 POLICY

It is the policy of the Bel Air 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.

507.3 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 police communications operator should be advised of the location of the disabled vehicle and the need for assistance. The police communications operator should then assign another department member to respond as soon as practicable.

507.4 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. Under normal circumstances, police vehicles will not be used to jump-start or push non-government owned vehicles.

507.4.1 MECHANICAL REPAIRS

Department members shall not make mechanical repairs to a disabled vehicle. With Duty Officer approval, members may assist stranded and disabled motorists to obtain fuel and repairs.

507.4.2 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.

507.4.3 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.

Vehicle Lockouts

508.1 PURPOSE AND SCOPE

This policy provides guidance and direction to members of the Bel Air Police Department when responding to assist a motorist with entry into a locked vehicle.

508.2 POLICY

The Bel Air Police Department will provide lockout service to individuals in need of having their vehicle opened.

508.3 LOCKOUT LIABILITY WAIVER

This service will be provided contingent upon the staffing and activity needs of the shift at the time of the request. The responding officer will provide the owner or operator of the vehicle with a Lockout Liability Waiver Form that must be signed before the officer attempts to unlock the vehicle. The waiver will explain that damage to the vehicle may occur as a result of the attempt to gain entry.

A copy of the form will be given to the owner/operator and a copy will be placed in the report bin. If the vehicle was damaged, the officer will note the damage on the Lockout Liability Waiver Form. The Administrative Sergeant will retain a copy of each waiver for one year. The officer will inform dispatch of the corresponding registration information for inclusion in the respective CAD entry.

508.3.1 EXCEPTION

The Lockout Liability Waiver Form is not required in an emergency situation, such as when a child is locked in a vehicle.

508.4 VEHICLE ENTRY ASSISTANCE

Entry into a citizen vehicle should be attempted by the officer once the Lockout Liability Waiver Form is signed by the vehicle owner/operator. The officer should only attempt entry into the vehicle if it can be done safely, efficiently, and without risk of damage to the vehicle or occupants. Unfortunately, the continued development of locks with anti-theft devices, side airbags, and other technological developments have created a situation where the risk to the safety of the police personnel, the vehicle occupant (small child), and even the vehicle itself exceeds our ability to provide effective and safe service. In such cases, the vehicle owner/operator will be informed that entry is unsafe and we suggest calling a locksmith or retrieving a spare key to avoid damage.

508.5 BIG EASY VEHICLE ENTRY SYSTEM

Each patrol vehicle will be equipped with a Big Easy entry tool which is designed to open a locked vehicle door in a safe manner. The Quartermaster will provide the Big Easy for each vehicle and it shall be listed on the monthly vehicle inspection form. Using this tool to actuate the door handle or wedge to gently pry open the car door far enough to insert the inflatable easy wedge safely opens the car door wide enough to let an officer insert the Big Easy to actuate the lock. Once

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the lock has been actuated, the officer should remove the Big Easy tool and deflate the inflatable wedge prior to opening the door.

Chapter 6 - Investigation Operations

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Criminal Investigations

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Sexual Assault Investigations

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Asset Forfeiture

602.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture, and liquidation of property associated with designated offenses.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Bel Air Police Department seizes property for forfeiture or when the Bel Air Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and acting as the liaison between the Department and the forfeiting authority (Md. Code CP § 12-101(f)).

Property subject to forfeiture - Items that may generally be subject to forfeiture include:

- (a) Real property, tangible and intangible personal property, money, weapons, vehicles, aircraft or vessels, and items or objects used in connection with a crime under the Controlled Dangerous Substances law (Md. Code CP § 12-102).
 1. Motor vehicles must meet required seizure guidelines (Md. Code CP § 12-204).
- (b) A handgun, handgun ammunition, or parts in violation of gun laws (Md. Code CP § 13-201).
- (c) A regulated firearm in violation of the law (Md. Code PS § 5-135).
- (d) Illegal possession of a handgun (Md. Code CR § 4-206).
- (e) Firearms used in specific designated crimes (Md. Code CR § 5-621(e)).
- (f) Money seized in illegal gambling investigations (Md. Code CP § 13-102).
- (g) Vehicles, vessels, or aircraft used in violation of explosives laws (Md. Code CP § 13-301).
- (h) Motor vehicles, money, and real property used in the connection of a violation of human trafficking laws (Md. Code CP § 13-502) or personal property that is directly or indirectly dangerous to health and safety (Md. Code CP § 13-504).
- (i) Contraband alcohol, cigarettes, and motor fuel, and conveyances used to transport the products (Md. Code TG § 13-835).
- (j) Crimes involving telecommunications and electronics (Md. Code CR § 7-310).
- (k) Property used or intended for use in the course of a violation of the Mortgage Fraud law (Md. Code CP § 13-402).

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Informants

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Eyewitness Identification

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Brady Information

605.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

605.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the Bel Air Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

605.2 POLICY

The Bel Air 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 Bel Air 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.

605.3 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.

605.4 BRADY PROCESS

The Chief of Police shall select a member of the Department to coordinate requests for *Brady* information.

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The responsibilities of the coordinator include but are not limited to:

- (a) Working with the State's Attorney's Office 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.

605.5 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.

605.6 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 information shall be investigated and processed in accordance with the Personnel Complaints Policy.

605.7 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*

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Brady Information

information in their files or background, and shall alert the coordinator if a person on the list is subpoenaed.

605.8 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

Unmanned Aerial System

606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned aerial system (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means.

606.2 POLICY

A UAS may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

606.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

606.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current, and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for department operations.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.
- Developing uniform protocols for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Chief of Police or the authorized designee, depending on the type of mission.

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- Coordinating the completion of the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations to safeguard human life).
- Developing protocols for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing operational protocols governing the deployment and operation of a UAS including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.

606.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted consistent with FAA regulations.

606.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.

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- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

606.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.

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Warrant Service

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Operations Planning and Deconfliction

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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 Bel Air 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 should 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 the Quartermaster.

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 notify the appropriate Deputy Chief of 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.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.

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- (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 approval by the Deputy Chief. 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, eccentric 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 inter-office memorandum. This memorandum will be submitted to the member's immediate supervisor. The supervisor may require a separate written report.

The supervisor receiving such a report shall investigate and direct a memo to the Deputy Chief, which shall include the result of the investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

Upon review by command staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police.

700.5 DAMAGE TO PROPERTY OF ANOTHER

Members who intentionally or unintentionally damage or cause to be damaged the real or personal property of another while performing any law enforcement function shall promptly report the damage through their chain of command.

The supervisor receiving such a report shall conduct an investigation and direct a memo to the Deputy Chief, 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 Bel Air or of another person while performing their duties within the jurisdiction of this department. It shall be the responsibility of this department member present or the member responsible for the property to report the damage as follows:

- (a) A verbal report shall be made to the Duty Officer as soon as circumstances permit.
- (b) A written report shall be submitted before the member goes off-duty or as otherwise directed by the Duty Officer.

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The supervisor receiving such a report shall conduct an investigation and direct a memo to the Deputy Chief, which shall include the result of the investigation and whether misconduct or negligence caused the loss, damage or unserviceable condition.

Mobile 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 Bel Air 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. 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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701.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (b) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (c) 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.
- (d) Use of a personally owned PCD while at work or for work-related business constitutes consent for the Department to access the 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 PCD is carried on-duty, members will provide the Department with the telephone number of the device.

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) 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.
- (b) 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.
- (c) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.

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1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the 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 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 Bel Air 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. Vehicles shall be scheduled for service at regular intervals by the member to whom the vehicle is assigned. The assigned member must contact the Town shop mechanic supervisor to get their patrol vehicle on the shop schedule at a mutually agreeable time and the assigned must ensure the vehicle is delivered to the Town shop at the agreed date/ time.

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 prior to the vehicle being released for maintenance, service or repair.

702.5 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles when applicable.

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Vehicle Maintenance

702.5.1 VEHICLES

Members shall inspect their assigned vehicle at the beginning of each month and ensure that the following equipment, at a minimum, is in the vehicle:

- Emergency road flares
- 1 roll crime scene barricade tape
- 1 first-aid kit and CPR mask
- 1 fire extinguisher
- 1 bloodborne pathogen kit, including protective gloves and a National Institute for Occupational Safety and Health (NIOSH) particulate respirator mask
- 1 hazardous waste disposal bag
- 1 high-visibility vest
- Spare tire, jack and lug wrench
- Big Easy Tool and Kit

702.5.2 CRIME SCENE VEHICLE

The CID Supervisor and/or authorized designee shall maintain a Crime Scene Vehicle equipped for response to major crime and accident scenes. The equipment includes, but is not limited to:

- (a) Auxiliary power and lighting
- (b) Crime scene security tape
- (c) Photography equipment
- (d) Sketching materials
- (e) Fingerprint processing equipment and supplies
- (f) Casting materials
- (g) Evidence collection packaging
- (h) Bio-hazard protective clothing
- (i) Tarps
- (j) Tools
- (k) Pry bar

A specific inventory list of all equipment and supplies is posted within the vehicle. The vehicle is inventoried and replenished, at a minimum, monthly.

702.6 VEHICLE REFUELING

Vehicles shall only be refueled at authorized locations. Absent unusual or emergency conditions, vehicles should be refueled when the fuel tank becomes half-empty.

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Vehicle Maintenance

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.

Vehicle interiors shall be kept free of excessive trash or debris.

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 Bel Air to provide assigned take-home vehicles.

703.2 POLICY

The Bel Air Police Department provides vehicles for department-related business and may assign marked and unmarked 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 USE OF UNASSIGNED VEHICLES

Members utilizing a vehicle other than their normally assigned vehicle shall notify the Duty Officer. Vehicle usage shall be documented in accordance with standard practice and procedure.

This subsection does not apply to those who are assigned to transport vehicles to and from the maintenance garage, car wash, or similar assignment.

703.3.2 USE OF FLEET/SPARE VEHICLES

When using a fleet vehicle for any period of time, a Vehicle Inspection Sheet shall be completed. Fleet vehicles shall be returned with the fuel tank at least three-quarters full and with a clean exterior and interior.

If a member's assigned vehicle is expected to be out of service for an extended amount of time, the member may be assigned a fleet vehicle for that time frame with the approval of the Deputy Chief or authorized designee.

703.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle at the beginning of each month. A Vehicle Inspection Sheet shall be completed and submitted to the member's supervisor. 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.

[See attachment: Vehicle Inspection Report.pdf](#)

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.

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703.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). 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.

703.3.5 MOBILE DATA TERMINAL

Members assigned 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 Dispatch. Use of the MDT is governed by the Mobile Data Terminal Use Policy.

703.3.6 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.

System data may be accessed by supervisors at any time. However, access to historical data by personnel other than supervisors will require Deputy Chief approval.

703.3.7 KEYS

Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys without approval from the Deputy Chief or authorized designee. The loss of a key shall be promptly reported in writing through the member's chain of command.

703.3.8 AUTHORIZED PASSENGERS

Members operating department vehicles while on-duty shall not permit persons other than Town personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Alongs Policy.

703.3.9 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.

703.3.10 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.

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703.3.11 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without permission from the Deputy Chief or authorized designee. Placement of unauthorized stickers or advertisements on the interior or exterior of departmental vehicles is prohibited.

703.3.12 CIVILIAN MEMBER USE

Civilian members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by the Duty Officer.

703.4 TAKE-HOME VEHICLE PROGRAM

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 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

703.4.2 ASSIGNED VEHICLES

All sworn members, who have completed field training, are qualified for a take-home vehicle providing they reside within Harford County. Members may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police. Members living outside of Harford County may be eligible to take their assigned vehicle home. This is determined on an individual basis by the Chief of Police.

703.4.3 OFF-DUTY USE

Off-duty use of an assigned Department vehicle within Harford County is permitted for members. A member's immediate family is permitted to ride in Department vehicles as passengers and other passengers may be permitted with the approval of the Deputy Chief. Members that are subject to on-call or similar duties may use their assigned vehicle off-duty outside of Harford County, within the State of Maryland, with the approval of the Deputy Chief. The off-duty use of a Department vehicle outside of the State of Maryland shall only be permitted with on a limited basis and with prior approval by the Deputy Chief or Chief.

Members shall ensure that department radio communication capabilities are maintained to the extent feasible.

Members shall be prepared to respond to any incident requiring police assistance occurring in the vicinity of their route of travel, in accordance with applicable policies.

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Members shall be appropriately attired while operating a Department vehicle off-duty. Members shall suitably armed with their Departmental issued handgun or an approved off duty weapon. Members shall have in their possession at least one pair of handcuffs, a flashlight, and their Department issued police credentials.

Members and their passengers shall not dress in a manner or exhibit conduct that will bring discredit to the Department. Prohibited clothing includes but may not be limited to:

- (a) Shirts without sleeves
- (b) Form-fitting clothing
- (c) Shorts with hemlines more than four inches above the knee

The clothing worn by a participating officer shall be clean and free of holes. Exceptions to this subsection may be granted to those members on special assignment or assigned to a covert investigative position.

Department vehicles will not be used for carrying heavy or excessive loads and will not have objects protruding from the trunk or windows other than for official business.

Department vehicles must be legally parked and safeguarded at all times, preferably in a driveway or garage while off duty. Department vehicles will be properly secured at the police department if the assigned member has a planned or unplanned absence in excess of ten days.

703.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Bel Air 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).

703.4.5 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 monthly inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department.
- (d) All weapons shall be removed from any vehicle left for maintenance.

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- (e) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

703.5 DAMAGE, ABUSE AND MISUSE

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 Duty Officer. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

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Cash Handling, Security and Management

Personal Protective Equipment

705.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

705.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

705.2 POLICY

The Bel Air Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

705.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Workplace Safety and Health Policy to recommend new or improved PPE or additional needs for PPE.

705.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in COMAR 09.12.31.9999 and 29 CFR 1910.95.

705.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in COMAR 09.12.31.9999 and 29 CFR 1910.133.

705.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as required by any collective bargaining agreement.

705.7 RESPIRATORY PROTECTION

The Deputy Chief is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (29 CFR 1910.134; COMAR 09.12.31.9999):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

705.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (29 CFR 1910.134; COMAR 09.12.31.9999):

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- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.
- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge or canister.

705.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (29 CFR 1910.134; COMAR 09.12.31.9999):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

705.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (29 CFR 1910.134; COMAR 09.12.31.9999).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

- (a) They smell, taste or are irritated by a contaminant.
- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

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705.7.4 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (29 CFR 1910.134; COMAR 09.12.31.9999).

After initial testing, fit testing for respiratory PPE shall be repeated (29 CFR 1910.134; COMAR 09.12.31.9999):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

705.7.5 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (29 CFR 1910.134; COMAR 09.12.31.9999):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

705.8 RECORDS

The Training Officer is responsible for maintaining records of all:

- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.
- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the established records retention schedule (29 CFR 1910.1020; COMAR 09.12.31.9999).

705.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove, and adjust PPE; how to care for the PPE; and the limitations (29 CFR 1910.132; COMAR 09.12.31.9999).

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Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134; COMAR 09.12.31.9999).

Chapter 8 - Support Services

Crime Analysis

800.1 PURPOSE AND SCOPE

This policy provides guidelines for utilizing crime analysis to support the overall law enforcement efforts of the Bel Air Police Department. It addresses the collection and dissemination of crime analysis data that is useful to long-range planning and that can assist in identifying enforcement priorities, strategies and tactics.

800.2 POLICY

It is the policy of the Bel Air Police Department to utilize crime analysis as a tool in crime control and prevention efforts. This entails gathering, analyzing and correlating data to effectively deploy the Department's resources.

800.3 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to, the following:

- Crime reports
- Field Interview (FI) cards
- Parole and probation records
- Activity records from Dispatch
- Maryland Statistical Analysis Center (MSAC)
- ComStat

800.4 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for crime analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

800.5 CRIME ANALYSIS DISSEMINATION

Information developed through crime analysis should be disseminated to the appropriate divisions or members on a timely basis. This information shall be maintained by the Criminal Investigation

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Division Sergeant, who shall develop a system, with the approval from the Chief of Police, for the dissemination of information to appropriate units on an as-needed basis.

Information relevant to the development of department strategic plans should be provided to the appropriate command staff members.

When information pertains to tactical and strategic plans, it should be provided to all affected members

Dispatch

801.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of Dispatch. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

801.2 POLICY

It is the policy of the Bel Air Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance that complies with Md. Code PS § 1-304. The Department provides two-way radio capability for continuous communication between Dispatch and department members in the field.

801.3 DISPATCH SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of Dispatch, its members and equipment must be a high priority. Special security procedures should be established in a separate operations manual for Dispatch.

Access to Dispatch shall be limited to Dispatch members, the Duty Officer, command staff and department members with a specific business-related purpose.

801.4 RESPONSIBILITIES

801.4.1 DISPATCH SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Dispatch Supervisor. The Dispatch Supervisor is directly responsible to the Deputy Chief or the authorized designee. The Dispatch Supervisor responsibilities may be assigned to the Administrative Sergeant.

The responsibilities of the Dispatch Supervisor include, but are not limited to:

- (a) Overseeing the efficient and effective operation of Dispatch in coordination with other supervisors.
- (b) Scheduling and maintaining police communications operator time records.
- (c) Supervising, training and evaluating police communications operators.
- (d) Ensuring the radio and telephone recording system is operational.
 - 1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.
- (e) Processing requests for copies of Dispatch information for release.
- (f) Maintaining Dispatch database systems.
- (g) Maintaining and updating Dispatch procedures manual.
 - 1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim

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of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.

2. Ensuring police communications operator compliance with established policies and procedures.
 - (h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.
 - (i) Maintaining a current contact list of Town personnel to be notified in the event of a utility service emergency.

801.4.2 ADDITIONAL PROCEDURES

At least once each year, the Dispatch Supervisor shall examine the cybersecurity of Dispatch to determine whether the security procedures satisfy the standards established by the Maryland Emergency Number Systems Board and shall submit to that board a report detailing the results (Md. Code PS § 1-309.1).

The Dispatch Supervisor should establish procedures for calls involving individuals suffering an active mental health crisis that address at a minimum (Md. Code PS § 1-304):

- (a) Call triage protocols.
- (b) Resources available for Dispatch.
- (c) Procedures for making a dispatch decision.
- (d) Training for applicable members.
- (e) Any other procedures required by law.

801.4.3 POLICE COMMUNICATIONS OPERATORS

The responsibilities of the police communications operator include, but are not limited to:

- (a) Receipt and handling of all incoming and transmitted communications, including:
 1. Emergency 9-1-1 lines.
 2. Business telephone lines.
 3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
 4. Radio communications with department members in the field and support resources (i.e., fire department, emergency medical services (EMS), allied agency law enforcement units).
 5. Other electronic sources of information (e.g., text messages, digital photographs, video).
- (b) Documenting the field activities of department members and support resources (i.e., fire department, EMS, allied agency law enforcement units).
- (c) Inquiry and entry of information through Dispatch, department and other law enforcement database systems (i.e., Maryland Electronic Telecommunications Enforcement Resource System (METERS), National Crime Information Center

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(NCIC), National Law Enforcement Telecommunications System (NLETS), Division of Parole and Probation, etc.).

- (d) Monitoring department video surveillance systems.
- (e) Maintaining the current status of members in the field, their locations and the nature of calls for service.
- (f) Notifying the Duty Officer of emergency activity, including, but not limited to:
 - 1. Vehicle pursuits.
 - 2. Foot pursuits
 - 3. Assignment of emergency response.

Police Communications Operators report to the Dispatch Supervisor.

801.5 CALL HANDLING

This department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the police communications operator will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

If the police communications operator determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the police communications operator determines that the caller is a Limited English Proficiency (LEP) individual, the police communications operator should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in Dispatch, the police communications operator should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the police communications operator is unable to identify the caller's language, the police communications operator will contact the contracted telephonic interpretation service and establish a three party call connecting the police communications operator, the LEP individual and the interpreter.

Police Communications Operators should be courteous, patient and respectful when dealing with the public.

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Police Communications Operators shall ensure that calls for service are not dispatched when it is clear that the primary motivation by the caller is based on an individual's religion, race, gender, ethnic background, national origin, disability, gender identity, sexual orientation, homelessness, economic status, age, cultural group, or any other identifiable group. Calls that arouse questions, as listed above, will be vetted immediately by the Duty Officer.

Police Communications Operators shall not give emergency first-aid over the phone. These phone calls shall immediately be referred to a competent authority.

801.5.1 EMERGENCY CALLS

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the police communications operator has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The Duty Officer shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

801.5.2 NON-EMERGENCY CALLS

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the police communications operator to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the police communications operator returning to the telephone line or when there will be a delay in the response for service.

801.6 RADIO COMMUNICATIONS

The police radio system is for official use only, to be used by police communications operators to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but not be limited to:

- (a) Members acknowledging the police communications operator with their radio identification call signs.
- (b) Police Communications Operators acknowledging and responding promptly to all radio transmissions.
- (c) Members keeping the police communications operator advised of their status and location.
- (d) Member and police communications operator acknowledgements shall be concise and without further comment unless additional information is needed.

The Dispatch Supervisor shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

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801.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

Bel Air Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

801.6.2 RADIO IDENTIFICATION

Radio call signs are assigned to department members based on factors such as duty assignment and/or member identification number. Police Communications Operators shall identify themselves on the radio with the appropriate station name or number, and identify the department member by his/her call sign. Members should use their call signs when initiating communication with the police communications operator. The use of the call sign allows for a brief pause so that the police communications operator can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

801.7 DOCUMENTATION

It shall be the responsibility of Dispatch to document all relevant information on calls for service or self-initiated activity. Police Communications Operators shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum, the following:

- Incident control number
- Date and time of request
- Name and address of the reporting person, if possible
- Type of incident reported
- Involvement of weapons, drugs and/or alcohol
- Location of incident reported
- Identification of members assigned as primary and backup
- Time of dispatch
- Time of the responding member's arrival
- Time of member's return to service
- Disposition or status of reported incident

801.8 CONFIDENTIALITY

Information that becomes available through Dispatch may be confidential or sensitive in nature. All Dispatch members shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as Motor Vehicle Administration records, warrants, criminal history information, records of internal police files, or medical information shall only be made available to

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authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

801.9 TRAINING AND CERTIFICATION

All police communications operators shall successfully complete training within six months of employment using a curriculum approved by the state Emergency Number Systems Board which includes training on Public Safety Answering Point orientation, communication skills, electronic systems, policies and procedures, call processing, documentation, stress management, administrative duties and disaster and major incidents (COMAR 12.11.03.10).

Any police communications operator receiving and dispatching Emergency Medical Service (EMS) or Emergency Medical Dispatch (EMD) duties shall also have (COMAR 30.02.02.03):

- (a) Accumulated 2,000 hours of public safety call-taking or call-allocating experience.
- (b) Successfully completed an EMD program and exam approved by the state EMS Board.
- (c) Obtained a license by achieving a passing score on an EMD written licensure exam administered by the Maryland Institute for EMS Systems (MIEMSS).
- (d) Current CPR certification.

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Records Division

803.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Bel Air Police Department Records Division. The policy addresses department file access and internal requests for case reports.

803.2 POLICY

It is the policy of the Bel Air Police Department to maintain department records securely, professionally and efficiently.

803.3 RESPONSIBILITIES

803.3.1 RECORDS MANAGER

The Chief of Police shall appoint and delegate certain responsibilities to a Records Manager. The Records Manager shall be directly responsible to the Deputy Chief or the authorized designee.

The responsibilities of the Records Manager include but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Division.
- (b) Maintaining and updating a Records Division procedure manual.
- (c) Ensuring compliance with established policies and procedures.
- (d) Supervising the access, use, and release of protected information (see the Protected Information Policy).
- (e) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:
 1. Homicides
 2. Cases involving department members or public officials
 3. Any case where restricted access is prudent

803.3.2 RECORDS DIVISION

The responsibilities of the Records Division include but are not limited to:

- (a) Maintaining a records management system for case reports.
 - (a) The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
- (b) Entering case report information into the records management system.
 1. Modification of case reports shall only be made when authorized by a supervisor.
- (c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.

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- (d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics.
- (e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.
- (f) Identifying missing case reports and notifying the responsible member's supervisor.
- (g) Complying with the annual reporting requirements established by the Maryland Police Training and Standards Commission (MPTSC) regarding (Md. Code PS § 3-518; Md. Code PS § 3-207):
 - 1. The number of serious officer-involved incidents.
 - 2. The number of officers disciplined.
 - 3. The type of discipline administered to each officer.
- (h) Complying with state requirements regarding the annual reporting of officer-involved deaths and deaths in the line-of-duty (Md. Code PS § 3-507).
- (i) Complying with reporting requirements related to sexual assault evidence collection kits in accordance with COMAR 02.08.04.01.
- (j) Complying with reporting requirements related to searches and seizures involving potential handgun violations under Md. Code CR § 4-203 (Md. Code CR § 4-206).
- (k) Complying with reporting requirements related to incidents apparently directed against an individual or group because of race, color, religious beliefs, sexual orientation, gender, disability, national origin, homelessness, or any other class specified by state law as specified by Md. Code PS § 2-307.
- (l) Complying with the annual reporting requirements related to use of force incidents involving an officer that result in a monetary settlement or judgment against the department (Md. Code PS § 3-528).
- (m) Complying with the annual reporting requirements related to search warrants (Md. Code PS § 3-525).
- (n) Complying with the annual reporting requirements to the MPTSC related to the number of use of force complaints made against the Bel Air Police Department's officers (Md. Code PS § 3-514).
- (o) Complying with reporting requirements related to SRT/CNT activation and deployment, if applicable (Md. Code PS § 3-508).
- (p) Complying with reporting requirements regarding firearms-related crimes (Md. Code PS § 5-703).

803.4 FILE ACCESS AND SECURITY

The security of files in the Records Division must be a high priority and shall be maintained as mandated by state or federal law. All case reports including, but not limited to, initial, supplemental, follow-up, evidence and any other reports related to a police department case, including field interview (FI) cards, criminal history records and publicly accessible logs, shall be maintained in a secure area within the Records Division, and accessible only by authorized members of the

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Records Division. Access to case reports or files when Records Division staff is not available may be obtained through the Duty Officer.

The Records Division will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

803.4.1 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Division. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Records Manager. All original case reports removed from the Records Division shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Division.

All original case reports to be removed from the Records Division shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Division. The photocopied report shall be shredded upon return of the original report to the file.

803.5 CONFIDENTIALITY

Records Division staff has access to information that may be confidential or sensitive in nature. Records Division staff shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether in hard copy or electronic file format, or any other confidential, protected or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Division procedure manual.

Records Maintenance and Release

804.1 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.

804.2 POLICY

The Bel Air 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.).

804.3 CUSTODIAN OF RECORDS

The Chief of Police shall designate a Custodian of Records for each unit responsible for record retention. The responsibilities of the Custodian of Records include but are not limited to (Md. Code GP § 4-201 et seq.):

- (a) Managing the records management system for the 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):
 1. Identifying the minimum length of time the Department must keep records.
 2. Identifying the department division 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 Bel Air Police Department and restricted release of the information (Md. Code GP § 4-330).

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- (k) Ensuring updated contact information for the Records Manager 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).

804.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

804.4.1 REQUESTS FOR RECORDS

The processing of requests for any public record is subject to the following (Md. Code GP § 4-203):

- (a) Absent a valid reason for denial, the Custodian of Records shall grant access to the requested records promptly or within the reasonable period that is needed to retrieve the public record, but not more than 30 days after receipt of the request.
- (b) If the Custodian of Records reasonably believes that it will take more than 10 working days to produce the requested records, written or electronic notice shall be provided to the applicant within 10 working days indicating the amount of time needed to produce the records, the reason for the delay, and the estimated fees that may be charged for the production.
- (c) The 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.
 - 2. The legal authority for the denial.

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3. A brief description of the undisclosed record that will allow the applicant to evaluate the applicability of the legal authority for the denial. The description provided shall not disclose any protected information from the record.
 4. The remedies available to the applicant for review of the denial (Md. Code GP § 4-362).
- (g) The time limits set forth above in this section may be extended for an additional 30 days with the agreement of the applicant (Md. Code GP § 4-203).
- (h) The time limits set forth above in this section may be extended in the event of a dispute under Md. Code GP § 4-1A-01 et seq. or Md. Code GP § 4-1B-01 et seq.

Whenever the Custodian of Records reasonably believes that inspection would cause substantial injury to the public interest, the Custodian of Records may deny inspection temporarily, but within 10 working days after the denial, the Custodian of Records shall petition a court to issue an order permitting the continued denial of inspection (Md. Code GP § 4-358). If the Custodian of Records reasonably believes that inspection of part of a public record would be contrary to the public interest, the Custodian may deny inspection of that part of the record, but shall provide an explanation of why denial is necessary and why redaction would not address the reason for the denial (Md. Code GP § 4-203; Md. Code GP § 4-343).

804.4.2 DISPUTES

Anytime a written complaint regarding a dispute is received from the State Public Information Act Compliance Board (Board), the Custodian of Records shall notify the Deputy Chief. A written response containing the required information shall be filed with the Board within 30 days after receipt of the complaint (Md. Code GP § 4-1A-06). The Custodian of Records shall cooperate with the Board and participate in any processes outlined by law (Md. Code GP § 4-1A-05 et seq.). Legal counsel should be consulted with regard to all such challenges unless waived by the Deputy Chief.

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 Deputy Chief. Legal counsel should be consulted with regard to all such complaints unless waived by the Deputy Chief (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 Deputy Chief, who, in consultation with legal counsel, should determine whether a complaint should be made with the Ombudsman or Board as allowed by law (Md. Code GP § 4-1A-01 et seq.; Md. Code GP § 4-1B-01 et seq.).

804.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Any personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, 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

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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 or telephone number (Md. Code GP § 4-306; Md. Code GP § 4-311; Md. Code GP § 4-312; Md. Code GP § 4-331).
- (g) Surveillance images (Md. Code GP § 4-322).
- (h) Information systems, alarm or security systems, and emergency policies, procedures, and plans (Md. Code GP § 4-314.1; Md. Code GP § 4-338; Md. Code GP § 4-339; Md. Code GP § 4-352).
- (i) Any record that the Custodian of Records reasonably believes would cause substantial injury to the public interest may be temporarily denied (Md. Code GP § 4-358).
- (j) Records relating to juveniles (Md. Code CJ § 3-8A-27).
- (k) Criminal history records (Md. Code CP § 10-219).
- (l) Information protected by the Address Confidentiality Program (Md. Code SG § 7-310).
- (m) Reports of suspected cruelty received from a veterinarian, including the identity of the veterinarian who filed the report (COMAR 15.14.15.04).
- (n) Portions of 9-1-1 communications records that depict a victim (Md. Code GP § 4-356).
- (o) Certain records sought for the purpose of enforcing federal immigration laws (Md. Code GP § 4-320; Md. Code GP § 4-320.1; Md. Code PS § 3-529).

804.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

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.

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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.

804.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the 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.

804.8 SECURITY BREACHES

Members who become aware that any Bel Air Police Department system containing personal information may have been breached should notify the Records Manager as soon as practicable.

The Records Manager 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 Bel Air 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 Records Manager should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

804.9 EXPUNGEMENT

Expungement orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall expunge such records as ordered by the court. Records may include, but are not limited to, a record of arrest, investigation, detention or

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conviction. Once a record is expunged, members shall respond to any inquiry as though the record did not exist (Md. Code CP § 10-101 et seq.).

Unless an order is stayed pending an appeal, the Custodian of Records served with an order of expungement of a juvenile record under Md. Code CJ § 3-8A-27.1 shall notify the court, the petitioner, and all parties in writing within 60 days after entry of the order that the Department has complied with the order.

804.10 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.

Protected Information

805.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Bel Air 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.

805.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Bel Air 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.

805.2 POLICY

Members of the Bel Air 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.

805.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Motor Vehicle Administration (MVA) records, Maryland Criminal Justice Information System (CJIS) and Maryland Electronic Telecommunications Enforcement Resource System (METERS).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining procedures necessary to comply with confidentiality and release of information obtained from the Biological Agents Registry Program (BAR) (Md. Code HG § 17-604).
- (d) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.

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- (e) Developing procedures to ensure training and certification requirements are met.
- (f) Resolving specific questions that arise regarding authorized recipients of protected information.
- (g) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

805.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Bel Air 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.

805.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Manager 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 Records Division 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.

805.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

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- (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.
- (d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

805.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

805.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

Animal Control

806.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

806.2 POLICY

It is the policy of the Bel Air 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.

806.3 ANIMAL CONTROL

Animal control services are generally the primary responsibility of Harford County Animal Control and include the following:

- (a) Animal-related matters during periods when Animal Control is available.
- (b) Ongoing or persistent animal nuisance complaints. Such complaints may be referred to Animal Control.

806.4 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.
 3. If no person can be found or the owner does not or cannot give consent, the animal should be taken into the care of Animal Control.

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806.5 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced including but not limited to:

- (a) Abuse or neglect of an animal (Md. Code CR § 10-604).
- (b) Aggravated cruelty to animals (Md. Code CR § 10-606).
- (c) Dogfights (Md. Code CR § 10-607).
- (d) Cockfights (Md. Code CR § 10-608).
- (e) Poisoning a dog (Md. Code CR § 10-618).
- (f) Endangering the health or safety of a dog or cat by leaving the animal unattended in a motor vehicle (Md. Code TR § 21-1004.1).
- (g) An investigation should be conducted on all reports of animal cruelty.
- (h) 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.

806.5.1 CONFIDENTIAL REPORTS

Reports of suspected cruelty received from a veterinarian and the identity of the veterinarian shall be confidential, must be kept in a secure location, and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (COMAR 15.14.15.04).

806.6 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Members shall complete the Maryland Animal-Bite Report and Rabies Quarantine Agreement Form and make the report available within 24 hours to the local health officers and, on request, to the Public Health Veterinarian (COMAR 10.06.02.05; Md. Code HG § 18-316).

Efforts should be made to capture or otherwise have the animal placed under quarantine in accordance with Md. Code HG § 18-320. Members should attempt to identify and notify the owner of the final disposition of the animal.

Animal Control

806.7 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate shelter to be surrendered to Animal Control.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

806.8 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Duty Officer will be contacted to determine available resources, including requesting the assistance of Animal Control.

806.9 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. These calls may also be referred to Animal Control at the direction of the Duty Officer.

806.10 DECEASED ANIMALS

When a member becomes aware of a deceased domesticated animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

806.11 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 or transferred to the care of Animal Control.

806.12 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed.

806.13 TRAINING

Members shall receive training as follows (COMAR 15.14.15.04):

- (a) All members handling reports of animal cruelty shall receive training on the confidentiality and restrictions on dissemination of records and information relating to these reports.
- (b) All members shall receive training on the requirements of COMAR 15.14.15.04 and the consequences for releasing confidential information (Md. Code AG § 12-101 et seq.).
- (c) All members shall receive training on the requirements of the Public Information Act and how to protect confidential information.

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 Bel Air 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 Bel Air Police Department prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The Bel Air 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.

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 Bel Air 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.
- (b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision or medication while in temporary custody.
- (c) Any individual who is seriously injured.
- (d) Individuals who are suspected suicide risk (see the Mental Health Evaluation Policy).

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1. If the 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 the Duty Officer 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, either in person or via closed-circuit camera, when an individual is held in temporary custody. 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.

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 Duty Officer.

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

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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.

The officer should promptly notify the Duty Officer of any conditions that may warrant immediate medical attention or other appropriate action. The Duty Officer shall determine further action.

900.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall:

- (a) Advise the Duty Officer 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.
 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 Deputy Chief 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

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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.

See attachment: [Consular Notification Reference Card.pdf](#)

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

900.5.1 TEMPORARY CUSTODY DOCUMENTATION

Any time an individual is in temporary custody at the Bel Air Police Department, the custody shall be promptly and properly documented. Documentation should include:

- (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.
- (h) Date and time of release from the Bel Air Police Department.

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The Duty Officer should make periodic checks to ensure safety and security checks are made on time.

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) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (i) Adequate furnishings are available, including suitable chairs or benches.

No person in temporary custody will be left unattended at any time in any interview room or other location, except when properly secured in a detention cell.

900.5.3 MEDICAL CARE

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. 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 Bel Air 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.

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Whenever a prosthetic or orthopedic appliance is removed, the Duty Officer shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

900.5.5 TELEPHONE CALLS

Every individual in temporary custody should be allowed to make a reasonable number of completed telephone calls as soon as possible after arrival.

- (a) 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.
- (b) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.
- (c) If an officer believes that certain conversations could be detrimental to an investigation, denial of the conversation may be denied upon consultation with the State's Attorney's Office.

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.

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 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.

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.

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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 Bel Air 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, 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. 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.

The Duty Officer shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Duty Officer shall investigate the discrepancy.

900.7.1 TEMPORARY PROPERTY STORAGE

Items that are not of evidentiary value or contraband, which are not accepted by the Harford County Detention Center I.P.C., may be stored inside of the storage lockers located in the processing area. Personal property shall be retrieved by the owner or person acting on behalf of the owner within thirty days from the date of storage. After thirty days, property may be destroyed or otherwise disposed of in accordance with Department and Town policy.

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:

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- (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 should occur no less than every 15 minutes.
 - (a) Safety checks should be at varying times.
 - (b) All safety checks shall be logged.
 - (c) The safety check should involve questioning the individual as to his/her well-being.
 - (d) Individuals who are sleeping or apparently sleeping should be awakened.

900.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Deputy Chief will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Bel Air 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, Deputy Chief, and Criminal Investigation Division.
- (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) Notification of the Office of Attorney General (IID).
- (h) Evidence preservation.

900.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms and logs have been completed prior to release.
- (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 returned to, or sent with, the individual.

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- (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 Bel Air 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.

900.11 LAW ENFORCEMENT ASSISTED DIVERSION (LEAD) PROGRAM

Utilizing the evidence-based LEAD program, police officers exercise discretionary authority at the point of contact to divert individuals to a community-based, harm-reduction intervention for low-level law violations driven by unmet behavioral health needs. In lieu of the normal criminal justice system cycle (booking, detention, prosecution, conviction, and possible incarceration), individuals are instead referred to a trauma-informed intensive case management program where the individual receives a wide range of support services. Law enforcement and prosecutors work closely with case managers and behavioral health professionals to ensure that all contacts with LEAD participants going forward, including new criminal prosecutions for other offenses, are coordinated for the participant to maximize the opportunity to achieve behavioral change and reduce future criminal activity.

A referred individual is considered to be a LEAD participant if they:

- (a) Sign a LEAD Authorization Form and a Release of Information Form allowing the sharing of information on an as-needed basis among the LEAD operational and service provider partners.
- (b) Complete an intake session with LEAD case management.
- (c) Complete at least one in-person follow-up session with LEAD case management.

The hours of operation for arrest diversion (Stop Referral) and Social Contact Referrals are Monday - Friday, 9:00 am - 5:00 pm.

900.12 HOSPITAL AND MEDICAL SITUATIONS

If a prisoner in custody is admitted to a hospital, it is the responsibility of the arresting officer to immediately notify his/her supervisor (including the prisoner's room number).

At a minimum, during emergency room assessment and treatment an officer will be assigned to guard the prisoner.

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Once the prisoner has been hospitalized and assigned to an inpatient room, the supervisor of the arresting officer will be responsible for assigning a minimum of one officer to serve as a guard for the duration of the prisoner's hospital stay.

Based on the patient's risk assessment, two officers may be assigned as guards when warranted.

Officers shall follow all applicable procedures as outlined in the Procedure Manual.

900.13 DEPUTY CHIEF RESPONSIBILITIES

The Deputy Chief will ensure any reasonably necessary supplemental procedures are in place to address the following issues:

- (a) General security
- (b) Key control
- (c) Sanitation and maintenance
- (d) Emergency medical treatment
- (e) Escapes
- (f) Evacuation plans
- (g) Fire and life safety
- (h) Disaster plans
- (i) Building and safety code compliance

900.14 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 Bel Air 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 and 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 Bel Air 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.

See attachment: [Juvenile flowchart.pdf](#)

901.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit certain behaviors or conditions should not be held at the Bel Air 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

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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.

901.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Bel Air 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 of the Duty Officer. 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 Bel Air 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)

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901.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Bel Air 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):

- (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 trafficking, officers shall notify the appropriate investigator (Md. Code CJ § 3-8A-14). Notification should also be made to a juvenile's parent, guardian or custodian when there has been police contact in the form of traffic crashes, non-criminal complaints, brief detentions, and motor-vehicle stops.

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 Bel Air Police Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

- (a) Identifying information about the juvenile.

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- (b) Date and time of arrival and release from the Department.
- (c) Duty Officer notification and approval to temporarily hold the juvenile.
- (d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.
- (e) Any changes in status (e.g., emergency situations, unusual incidents).
- (f) Time of all safety checks.
- (g) Any medical and other screening requested and completed.
- (h) Circumstances that justify any secure custody.
- (i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

901.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Bel Air 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 and supervisors assigned to monitor or process any juvenile at the Bel Air Police Department shall ensure:

- (a) The Duty Officer is notified if it is anticipated that a juvenile may need to remain at the Department more than four hours. This will enable the Duty Officer to ensure no juvenile is held at the Department more than six hours.
- (b) Safety checks and significant incidents/activities are noted on the log.
- (c) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
 1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
 2. This prohibition does not apply to surreptitious and legally obtained recorded interrogations.
- (d) There is reasonable access to toilets and wash basins.

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- (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.
- (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) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (k) Adequate furnishings are available, including suitable chairs or benches.
- (l) Juvenile have the right to the same number of telephone calls as an adult in temporary custody see the Temporary Custody of Adults Policy.
- (m) 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 Bel Air 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 Duty Officer. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

901.10.1 PREGNANT JUVENILES

Juveniles who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

901.11 PERSONAL PROPERTY

The personal property of a juvenile shall be processed in the same manner as an adult in temporary custody (see the Temporary Custody of Adults Policy).

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901.12 SECURE CUSTODY

Only juvenile offenders 14 years of age or older may be placed in secure custody. Duty Officer approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others.

Members of this 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. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

901.12.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the locked enclosure to ensure there are no weapons or contraband and that the area is clean and sanitary. An inspection should be conducted when the juvenile is released. Any damage noted to the area should be photographed and documented.

The following requirements shall apply:

- (a) Anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.
- (b) The juvenile shall constantly be monitored by an audio/video system during the entire temporary custody.
- (c) The juvenile shall have constant auditory access to 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).

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- (h) Restrained juveniles shall not be placed in a cell or room with unrestrained juveniles.

901.13 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

The Deputy Chief will ensure procedures are in place to address any suicide attempt, death, or serious injury of any juvenile held at the Bel Air 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, Deputy Chief, and Criminal Investigation Division
- (c) Notification of the parent, guardian, or person standing in loco parentis, of the juvenile
- (d) Notification of the appropriate prosecutor
- (e) Notification of the Town Attorney
- (f) Notification of the Medical Examiner
- (g) Notification of the juvenile court
- (h) Notification of the Office of Attorney General (IID)
- (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 Bel Air 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 and any member equipped with a body-worn camera shall have the camera actively recording.

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902.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Bel Air Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search and any member equipped with a body-worn camera actively recording.

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 policy.

All property shall be inventoried by objective description. 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.

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. Money shall be packaged and submitted in accordance with policy.

902.5 STRIP SEARCHES

No individual in temporary custody at any Bel Air 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.
- (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).

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- (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 Bel Air Police Department facilities shall be conducted as follows (28 CFR 115.115):

- (a) Authorization from the Duty Officer 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) The Duty Officer shall be present during the search of an individual of the same sex as the Duty Officer, for security and as a witness to the finding of evidence. When conducting a strip search of an individual who is of a different sex than the Duty Officer, the Duty Officer shall be in immediate proximity and within auditory range but not have visual contact with the individual being searched.
- (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 name of the Duty Officer authorizing the search.
 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.
 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.

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- (g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

902.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Duty Officer 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 Duty Officer 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.
 2. The reasons less intrusive methods of searching were not used or were insufficient.
 3. In absence of a search warrant, the name of the legal counsel approving the search.

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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 Training Officer 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.

Prison Rape Elimination

903.1 PURPOSE AND SCOPE

This policy provides guidance for compliance with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse and sexual harassment (28 CFR 115.111).

903.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the individual in custody does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation

Sexual abuse also includes abuse by a member of the Department or a contractor, with or without consent of the individual in custody, as follows:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the department member or contractor has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the department member or contractor has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the member or contractor has the intent to abuse, arouse or gratify sexual desire

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- Any attempt, threat or request by the department member or contractor to engage in the activities described above
- Any display by the department member or contractor of his/her uncovered genitalia, buttocks or breast in the presence of an individual in custody
- Voyeurism by the department member or contractor (28 CFR 115.6)

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one individual in custody that are directed toward another; repeated verbal comments or gestures of a sexual nature to an individual in custody by a member of the Department or contractor, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

903.2 POLICY

The Bel Air Police Department has zero tolerance with regard to all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment, or who cooperates with a sexual abuse or sexual harassment investigation.

The Bel Air Police Department will take immediate action to protect those in its custody who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

903.3 PREA COORDINATOR

The Chief of Police shall delegate certain responsibilities to a PREA coordinator, generally the Deputy Chief. The coordinator must have sufficient time and authority to develop, implement and oversee department efforts to comply with PREA standards (28 CFR 115.111).

The responsibilities of the coordinator shall include, but are not limited to:

- (a) Developing and maintaining procedures to comply with the PREA Rule.
- (b) Ensuring that any contract for the confinement of individuals in custody includes the requirement to adopt and comply with applicable provisions in PREA and the implementing regulations, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).
- (c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect those in custody from sexual abuse (28 CFR 115.113).
 1. This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.
- (d) Developing methods for department members to privately report sexual abuse and sexual harassment of individuals in custody (28 CFR 115.151).

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- (e) Developing a written plan to coordinate response among department members, medical and mental health practitioners, investigators, command staff and other first responders to an incident of sexual abuse (28 CFR 115.165).
- (f) Ensuring a protocol is developed for investigating allegations of sexual abuse. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):
 1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents" or a similarly comprehensive and authoritative protocol.
 2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
 3. A process to document all referrals to other law enforcement agencies.
 4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
 5. In accordance with security needs, provisions to give, to the extent available, individuals in custody access to victim advocacy services if the individual is transported for a forensic examination to an outside hospital that offers such services.
- (g) Ensuring that individuals with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes access to appropriate interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing, speech or vision disabilities) (see the Limited English Proficiency Services and Communications with Persons with Disabilities policies) (28 CFR 115.116).
 1. The Department shall not rely on other individuals in custody for assistance except in limited circumstances where an extended delay in obtaining an appropriate interpreter could compromise the individual's safety, the performance of first-response duties under this policy, or the investigation of an individual's allegations of sexual abuse, harassment or retaliation.
- (h) Publishing on the department website:
 1. Information on how to report sexual abuse and sexual harassment on behalf of an individual in custody (28 CFR 115.154).
 2. A protocol describing the responsibilities of the Department and any other investigating agency responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

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- (i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under the direct control of this department (28 CFR 115.187).
 - 1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.
 - 2. The data shall be aggregated at least annually.
- (j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all department facilities used to house individuals in custody overnight (28 CFR 115.193).
- (k) Ensuring those who work in department facilities where individuals are held in custody are informed of the department zero-tolerance policy regarding sexual abuse and sexual harassment of individuals in custody (28 CFR 115.132).

903.4 REPORTING SEXUAL ABUSE AND HARASSMENT

Individuals in custody may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment
- Retaliation by other individuals in custody or department members for reporting sexual abuse or sexual harassment
- Department member neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

Individuals in custody shall be notified of the department zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward a report of sexual abuse or sexual harassment to department supervisors and command staff. This allows the individual to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

903.4.1 MEMBER RESPONSIBILITIES

Department members shall accept reports from individuals in custody and third parties, and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the Duty Officer any knowledge, suspicion or information regarding:

- (a) An incident of sexual abuse or sexual harassment.
- (b) Retaliation against the individual or the member who reports any such incident.
- (c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

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No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

903.4.2 DUTY OFFICER RESPONSIBILITIES

The Duty Officer shall report to Bel Air Police Department designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a dependent adult, the Duty Officer shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that an individual in custody was sexually abused while confined at another facility, the Duty Officer shall notify the head of that facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Duty Officer shall document such notification (28 CFR 115.163).

If an alleged victim is transferred from the Department to a jail, prison or medical facility, the Duty Officer shall, as permitted by law, inform the receiving facility of the incident and the individual's potential need for medical or social services, unless the individual requests otherwise (28 CFR 115.165).

903.5 INVESTIGATIONS

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

903.5.1 FIRST RESPONDER RESPONSIBILITIES

The responsibilities of the first officer to respond to a report of sexual abuse or sexual assault shall include, but not be limited to (28 CFR 115.164):

- (a) Separating the parties.
- (b) Establishing a crime scene to preserve and protect any evidence.
- (c) Identifying and securing witnesses until steps can be taken to collect any evidence.
- (d) Requesting that the alleged victim and suspect not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating if the abuse occurred within a time period that still allows for the collection of physical evidence.

If the first responder is not an officer, he/she shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify an officer (28 CFR 115.164).

903.5.2 INVESTIGATOR RESPONSIBILITIES

The responsibilities of investigators shall include, but not be limited to (28 CFR 115.171):

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- (a) Gathering and preserving direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.
- (b) Interviewing alleged victims, suspects and witnesses.
- (c) Reviewing any prior complaints and reports of sexual abuse involving the suspect.
- (d) Conducting compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (e) Assessing the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as an individual in custody or a member of the Bel Air Police Department.
- (f) Documenting in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.
- (g) Referring allegations of conduct that may be criminal to the State's Attorney for possible prosecution, including any time there is probable cause to believe an individual in custody sexually abused another individual in custody at the department facility (28 CFR 115.178).
- (h) Cooperating with outside investigators and remaining informed about the progress of any outside investigation.

903.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether department member actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

903.6 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No individual in custody who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

903.6.1 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the Town Administrator. The Chief of Police or Town Administrator shall review the investigation and determine whether any allegations of sexual abuse

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or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All department members shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor who engages in sexual abuse shall be prohibited from contact with individuals in custody and reported to any relevant licensing bodies (28 CFR 115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with individuals in custody by a contractor.

903.7 RETALIATION PROHIBITED

All individuals in custody and department members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other person who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that person.

The Duty Officer or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for individuals in custody or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

A member of the Department shall be identified by the Duty Officer or the authorized designee to monitor the conduct and treatment of individuals in custody or members who have reported sexual abuse, and of those who were reported to have suffered sexual abuse. The member shall act promptly to remedy any such retaliation. In the case of individuals in custody, such monitoring shall also include periodic safety checks.

903.8 REVIEWS AND AUDITS

903.8.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include command staff and seek input from supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

- (a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.

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- (b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the department facility.
- (c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- (d) Assess the adequacy of staffing levels in that area during different shifts.
- (e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by department members.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

903.8.2 DATA REVIEWS

The PREA coordinator shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

- (a) Identification of any potential problem areas.
- (b) Identification of any corrective actions taken.
- (c) Recommendations for any additional corrective actions.
- (d) A comparison of the current year's data and corrective actions with those from prior years.
- (e) An assessment of the progress in addressing sexual abuse.

The report shall be approved by the Chief of Police and made readily available to the public through the department website. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from department facilities and private facilities with which it contracts shall be made readily available to the public at least annually. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

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903.9 RECORDS

The Bel Air Police Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is in custody or is a member of the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

903.10 TRAINING

All department members and contractors who may have contact with individuals in custody shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within the department facility.

- (a) The Training Officer shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):
 1. The department zero-tolerance policy and the right of individuals in custody to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
 2. The dynamics of sexual abuse and harassment in confinement settings, including which individuals in custody are most vulnerable.
 3. The right of individuals in custody and department members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
 4. Detecting and responding to signs of threatened and actual abuse.
 5. Communicating effectively and professionally with all individuals in custody.
 6. Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
- (b) Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):
 1. Techniques for interviewing sexual abuse victims.
 2. Proper use of *Miranda* and *Garrity* warnings.
 3. Sexual abuse evidence collection in confinement settings.
 4. Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

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The Training Officer shall maintain documentation that department members, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current department members who may have contact with individuals in custody shall be trained within one year of the effective date of the PREA standards. The Department shall provide annual refresher information to all such members to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

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 Bel Air Police Department and that are promulgated and maintained by the Department of Human Resources.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Bel Air 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 Deputy Chief 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 Deputy Chief shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department 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) And all other requirements directed by the Maryland Police Training and Standards Commission (MPTSC) and COMAR 12.04.01.05.

1000.4.1 CRIMINAL HISTORY INQUIRIES

The Deputy Chief 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 Bel Air 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 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.
- (d) Including on the AFC the:

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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 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private, or protected information, the Deputy Chief shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Md. Code LE § 3-712).

The Deputy Chief should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate, and validated.
- (c) The Department fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Deputy Chief should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.4 INTERVIEWS

Background investigation interviews may be conducted (COMAR 12.04.01.05):

- (a) In person.
 1. A personal interview conducted as part of a background investigation is considered appropriate when an interviewee is available within 50 miles of this 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.

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Personal references and others residing outside the state may be contacted by correspondence or telephone (COMAR 12.04.01.05).

1000.5.5 OUT-OF-STATE CANDIDATES

When the candidate for 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.

1000.5.6 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.

1000.5.7 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).

1000.5.8 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.5.9 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

1000.5.10 PRIOR PEACE OFFICER EMPLOYMENT

The 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 Bel Air Police Department to obtain the candidate's personnel and disciplinary records from those agencies (Md. Code PS § 3-215). The background investigator

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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).

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law. Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the 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

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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.
- (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 Deputy Chief should coordinate with the Town Department of Human Resources to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.

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- (d) Documenting successful or unsuccessful completion of probation.

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 Bel Air Police Department.

1002.2 POLICY

The Bel Air Police Department determines assignments and promotions in a non-discriminatory manner based upon job-related factors and member skills and qualifications. Assignments and promotions are made by the Chief of Police.

1002.3 SPECIAL ASSIGNMENT POSITIONS

The following positions are considered special or ancillary assignments and not promotions:

- (a) Detective
- (b) Motorcycle officer
- (c) Bicycle Patrol officer
- (d) Canine handler
- (e) Traffic Safety Officer
- (f) Training Officer
- (g) Community Relations/Training Officer
- (h) School Resource officer
- (i) Firearms Instructor
- (j) Crisis Negotiations Team
- (k) Health and Wellness Officer

1002.3.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a member for a special assignment:

- (a) Holding, at a minimum, the rank of Officer First Class
- (b) Recommendation of support from the employee's supervisor based on satisfactory job performance as determined by a review of all:
 - 1. Performance evaluations for the most recent year
 - 2. Documented job observation material for the most recent year
 - 3. Disciplinary actions for the most recent two years
 - 4. Open internal affairs complaints
- (c) Possession of or ability to obtain any certification required by the Maryland Police Training and Standards Commission (MPTSC) or law

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- (d) Exceptional skills, experience, or abilities related to the special assignment

1002.3.2 QUALIFICATIONS

The following qualifications for specific special assignments serve as a basis for selecting the best possible officer for the position.

- (a) Detective:
 - 1. Must have relevant and proven experience conducting thorough, advanced, or otherwise non-routine criminal investigations
 - 2. Must be proficient in report writing
 - 3. Must have the ability to complete relevant advanced investigative training and certifications
- (b) Field Training Officer:
 - 1. Must possess outstanding interpersonal communication skills as demonstrated by their performance during their daily work activities including interaction with other members of the agency as well as the public
 - 2. Must possess a thorough knowledge of agency policy and procedure as demonstrated to their supervisor by their daily work activities and performance and other requirements as outlined in the Field Training Policy
- (c) School Resource Officer and Community Officer:
 - 1. Must demonstrate the ability to professionally interact with the public in a courteous and amicable manner
 - 2. Must possess the skills, personality, and ability to further the community policing mindset and engage members of the public in positive police interactions through direct interaction and public presentations
 - 3. Must successfully complete the training as required by Md. Code ED § 7-1508
- (d) Traffic Safety Officer:
 - 1. Must demonstrate a productive history of high-intensity traffic enforcement
 - 2. Must be proficient in report writing and Automated Crash Reporting System (ACRS) completion
 - 3. Must possess the Traffic Safety Specialist Certification, Crash Reconstructionist Certification, RADAR/LIDAR Certification, and Preliminary Breath Test (PBT) Certification
- (e) Firearms Instructor:
 - 1. Must demonstrate a high degree of marksmanship and possess a thorough knowledge of firearms
- (f) Health and Wellness Officer

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1. Must be in exceptional physical condition and must be certified by an agency approved entity that develops and maintains fitness and health guidelines and resources.

1002.3.3 EVALUATION CRITERIA

The following criteria will be used in evaluating members 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
 8. Ability to conform to department goals and objectives in a positive manner

1002.3.4 SELECTION PROCESS

The selection process for special assignments will include an administrative evaluation as determined by the Chief of Police to include:

- (a) Supervisor recommendations - Each supervisor who has supervised or otherwise been involved with the member will submit Transfer Suitability Form.
 1. The forms will be submitted to the Deputy Chief.
- (b) Deputy Chief interview - The Deputy Chief will schedule interviews with each member in the process.
 1. Based on supervisor recommendations and those of the Deputy Chief after the interview, the Deputy Chief will submit his/her recommendations to the Chief of Police.
- (c) Assignment by the Chief of Police.

The selection process for all special assignment positions may be waived for temporary assignments, emergency situations, training, and at the discretion of the Chief of Police. The Chief of Police retains the final authority to assign officers to squads to ensure effective coverage and use of resources. However, the Chief may consider unusual circumstances or hardships.

See attachment: [Transer Suitability Form.pdf](#)

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1002.3.5 ANNOUNCEMENT OF OPENINGS

The Deputy Chief will review personnel records each January and will post those positions that are to be made available. The Deputy Chief will announce these positions in writing and post them on the bulletin board for a minimum of ten days. The notice will describe the eligibility and selection criteria for the assignment to be filled. Employees who desire to be considered for the vacancy and who meet the eligibility criteria may then apply in writing to the Deputy Chief through the individual employee's supervisor.

1002.4 PROMOTIONAL REQUIREMENTS

1002.4.1 PROMOTIONAL PROCESS PHASES

The Chief of Police is responsible for all operational aspects of the promotional process including but not limited to preparation of announcements, administration of the written examination, and oral interviews. The final compilation of any promotional eligibility list will be the responsibility of both the Chief of Police and the Director of Human Resources.

The process for promotion to Corporal and Sergeant shall consist of the following two phases:

- (a) Qualification
- (b) Completion

In order to compete in the promotional process, a member must meet the criteria established in the following areas:

- (a) Performance Evaluation.
- (b) Time In-Grade.
- (c) Each member shall be responsible for meeting all established procedures including but not limited to deadlines and appearance at the oral interview board and written examination.
- (d) Falsification or misrepresentation of any information or documentation furnished by the member shall automatically disqualify the member from the process and may result in disciplinary action.
- (e) Any member on probation is not eligible to compete for promotion.
- (f) Any member reduced in rank is not eligible to compete in the promotional process for two years from the date of demotion.
- (g) All members must have certification in basic law enforcement training as issued by MPTSC.

Promotional lists become effective upon posting and supersede any previous list.

1002.4.2 QUALIFICATIONS

All Officers who meet the following requirements are eligible for promotion to Officer First Class:

- (a) Two years of experience as a Bel Air Police Officer.
- (b) Satisfactory Performance Evaluation for the most recent rating period.

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- (c) Chief of Police's recommendation to the Town Administrator for promotion.

All Officers First Class who meet the following requirements are eligible for promotion to Senior Officer:

- (a) Ten years of experience as a Bel Air police officer. Lateral entry into the rank of Senior Officer is not permitted.
- (b) Letter of Recommendation from the employee's Sergeant based on satisfactory job performance as determined by a review of all:
 1. Performance Evaluations for the most recent year.
 2. Documented job observation material for the most recent year.
 3. Disciplinary actions for the most recent two years.
 4. Open Internal Affairs complaints.

No written test or oral interview is conducted for promotion to Senior Officer.

If an officer is not promoted upon the completion of their 10th year due to an open internal investigation that is ultimately sustained, or a poor recommendation (or no recommendation) is received from their Sergeant, the officer will be eligible for promotion on their next hire anniversary date. If an officer is not promoted upon the completion of their 10th year due to open internal investigations which are ultimately unfounded or non-sustained, or the officer is found not guilty at a hearing board of the allegation that caused them not to be promoted, the officer will be promoted within 14 days of the date that the case is closed.

It is incumbent upon officers to notify his/her Sergeant at least two weeks prior to the 10th-year anniversary of their date of hire. Once notified, Sergeants will follow the protocol above and submit the Letter of Recommendation to the Deputy Chief as soon as practicable.

All members who meet the following requirements are eligible for promotion to the rank of Corporal:

- (a) Hold the rank of Officer First Class or Senior Officer with at least five years of experience as a Bel Air police Officer on the date the written test is administered.
- (b) Satisfactory Performance Evaluation for the most recent rating period.
- (c) Receive a Promotional Suitability Form completed by their Sergeant.
- (d) Must have the ability to successfully complete a supervisory training course as specified by MPTSC.

All Corporals who meet the following requirements are eligible for promotion to Sergeant:

- (a) A minimum of 4 years of experience as a Corporal with the Bel Air Police Department on the date the written test is administered. Thirty (30) college-level credits in law enforcement or a closely related field may be substituted for one (1) year of experience.
- (b) Satisfactory or higher performance evaluations for the most recent rating period.
- (c) A Promotional Suitability Form completed by their Sergeant.
- (d) Satisfactory completion of a prior Supervisory Training course as specified by MPTSC.

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If there is an open Internal Affairs investigation on the member, they shall be allowed to compete for promotion, however, if the complaint is sustained, the member may face demotion from the newly-appointed rank or expulsion from the entire process.

- (a) Exceptions:
 - 1. Any member, who at the time of the process is currently suspended without pay, may not compete in the promotional process.
 - 2. Supervisors of applicants that receive a "Fail to Meet Expectation" on an annual performance in any individual category in the appraisal must justify to the Chief of Police their subordinate's continued eligibility in the process (i.e., has the employee's deficiency improved?). This can be documented in the Promotional Suitability Form.

See attachment: [Promotional Suitability Form.pdf](#)

1002.4.3 APPLICATION

Interested members for promotion shall apply according to the procedures set forth by the Chief of Police.

- (a) A member shall submit a Letter of Interest which will accompany the required Promotional Suitability Form completed by the member's direct supervisor.
- (b) The completed Letter of Interest and appropriate required documentation, including the level of secondary education, if applicable, shall be forwarded to the Chief of Police by the preset deadline.
- (c) The Chief of Police shall ensure all members meet the eligibility qualifications before allowing the member to participate in the process.
- (d) Any member not meeting the required qualification requirements shall be notified in writing by the Chief of Police within 15 days of completion of the application phase.
 - 1. The written notification shall state the reason(s) the member did not meet the eligibility qualifications.
 - 2. Any member may appeal eligibility and request that the decision be reconsidered via a memorandum to the Chief of Police or authorized designee.
 - 3. The appeal must state the reason(s) the member believes he/she is eligible and must be submitted within 72 hours of the member's notification of ineligibility.
 - 4. The Chief of Police or authorized designee and the Director of Human Resources shall meet with the appealing member within 72 hours (excluding Saturday, Sunday, and holidays) of receipt of the appeal.
 - 5. The decision of the Chief of Police or authorized designee and the Director of Human Resources is final.

1002.4.4 COMPETITION

The competition phase shall consist of competing against one's peers in the following areas to demonstrate his/her potential for success at the next higher rank:

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- (a) Seniority (Corporal and Sergeant only)
- (b) Education
- (c) Written Examination
- (d) Oral Interview

1002.4.5 POINT SYSTEMS

The competition elements shall have the following maximum points:

Elements	Points
Seniority	10*
Education	7
Written Test	100
Oral Interview	100

*Seniority - Points will be awarded at a rate of one point for one year of service above what is required to test, with a maximum of 10 points.

Example: Employee has nine years total service, and the position requires five years of service to qualify. The employee would be awarded four points.

The assessed points for qualifying college degrees or credits from an accredited College or University are as follows:

Credits/Degrees	Points
30 Credits	1
60 Credits	2
AA Degree	3
BA Degree	4
MS / MA	5
Juris Doctorate	6
PhD / Practicing Attorney	7

Three points shall be awarded to members that have greater than 60 credits but have not completed a degree. In addition, credit will not be given for multiple degrees.

1002.4.6 WRITTEN TEST

- (a) All qualified officers who apply for testing will be notified in writing of the date, time, and location of testing. An officer must obtain a 70% or above in order to move to the next step.
- (b) The Human Resources Director shall hold all test material and administer the written test.
- (c) The written test will encompass random material selected from the following:
 - 1. The Policy and Procedure Manuals

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2. The Town Code
 3. The Town Personnel Manual
 4. Maryland Criminal Law Digest
 5. Maryland Vehicle Law
 6. Any other applicable study material deemed appropriate for the open positions which will be provided by the agency.
- (d) Members will be provided the appropriate list of study materials a minimum of 90 days prior to the date of the written examination.
- (e) Only policies in effect prior to the distribution of the testing guide shall be utilized for question purposes.
- (f) Testing may be open or closed book, as directed by the Chief of Police. If a member arrives late, the test administrator will allow the candidate to take the exam as long as no other candidates have finished and submitted their exams. Any member who arrives late must submit a detailed report discussing the circumstances that caused the late arrival. This report will be reviewed by the Chief of Police who will determine if the member's test result will be eligible for inclusion in the process.
- (g) The use of electronic devices is prohibited for testing purposes.
- (h) Only those study materials issued or provided by the agency will be allowed in the classroom during testing.

1002.4.7 ORAL INTERVIEW

- (a) An oral interview will be convened by the Chief of Police and conducted by a 3-member board with one alternate.
1. The alternate shall be present during the entire board process but may only contribute if one of the primary board members is excused for that applicant.
- (b) Primary board members must excuse themselves if they have, or have had, a personal or professional relationship with any applicant.
- (c) All board members will meet with the Chief of Police prior to the beginning of the board process for orientation.
- (d) The members of the board will consist of officers from outside the Bel Air Police Department at the discretion and approval of the Chief of Police.
- (e) No member in the promotional process is authorized to contact any member of the Oral Interview Board regarding the promotional process. All information discussed during the interview is deemed sensitive and confidential. No member of the interview board is authorized to disclose the results of a member's performance during the interview.
- (f) At least two members of the Board will be of the same rank for which the officer is being interviewed. The other board member will be that rank or higher.

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- (g) Members who successfully complete the written examination will be notified of the date and time of their scheduled oral interview a minimum of seven days in advance of the interview.
- (h) Members will be allowed 45 minutes for each interview, therefore concise and specific responses are imperative.
- (i) All questions will be the same for all members being interviewed for a particular rank.
- (j) Subjective questions shall not be allowed. All questions must have specific, enumerated benchmarks.
- (k) The Director of Human Resources must be present at all oral boards to ensure the integrity of the process.
- (l) The Director of Human Resources shall be seated in the board room in such a way as to ensure that the board cannot infer any information from non-verbal clues given by the representative.
- (m) The completed Oral Interview Rating Packet shall be given to the Director of Human resources and reviewed with the Chief of Police.

1002.4.8 ELIGIBILITY LIST

- (a) Members eligible for promotion will make up an eligibility list. Members will be placed on the list for one year in order of score from first to last.
- (b) The eligibility list will expire one year from the date the members complete the promotional process and the results are posted and sent to each member in the process.
- (c) The members will then be placed on a certification list when a vacancy exists. The certification list will contain the highest-scoring members and will consist of one member more than the number of vacancies.
- (d) The Chief of Police will review the Promotional Suitability Form to arrive at the promotion.
- (e) The Promotional Suitability Form should contain several (only) incidents/Events/Award-worthy performances that would best frame the member's promotional eligibility. Each entry shall consist of one or two sentences only for each of the incidents (i.e., "Officer First Class Jones is credited with saving the life of a fellow officer who was shot during a gunfight").
- (f) A tie for the ranks of Corporal and Sergeant will be decided by the highest score in the following order and category:
 - 1. Oral Interview
 - 2. Seniority
 - 3. Time in Grade
 - 4. Time with Agency
- (g) A member may review their overall score and ranking after the promotional eligibility list has been posted by requesting a meeting with the Director of Human Resources.

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1002.4.9 PROMOTION ASSIGNMENT AND PROBATIONARY PERIOD

Specific assignments shall be at the discretion of the Chief of Police. A member who refuses a promotion is no longer eligible for promotion from the current promotional eligibility list.

- (a) All promotions are probationary for one year from the date of the promotion.
- (b) Any promoted member on probationary status who receives one unsatisfactory rating in any factor may be returned to his/her previous rank.
- (c) In the absence of an eligibility list for a specified rank and classification, the Chief of Police may appoint a member to temporarily act in any capacity for a specified period, generally up to one year, however, extenuating circumstances may necessitate an extension. The establishment of an eligibility list will conclude the acting capacity promotion.
- (d) The acting rank shall be a maximum of one rank above the member's existing rank.
- (e) The acting member shall be compensated at the acting level.

1002.4.10 APPEAL AND REAPPLICATION

Members may review and appeal/challenge written examination responses and results, adverse decisions concerning eligibility, and performance evaluations used during the process.

During the examination, members may copy down their numeric or alphabetic answers on a separate piece of paper. Immediately following the examination, answer sheets will be posted in a conspicuous place at the test site so that members can immediately review their test results.

Members will be given the opportunity to review their original answer sheet and examination. To allow for the timely completion of an eligibility list, all reviews of original answer sheets will be accomplished within five days of the written examination. The Deputy Chief will coordinate the review process and allow each member an opportunity to review the examination.

Members have 10 days from the examination date to challenge items on the written examination. All challenges must be in writing to the Deputy Chief and will give the reference site from which the challenging member obtained the answer in question. The Deputy Chief (in collaboration with the Chief of Police) will review the challenges and after determining the validity of the challenges, publish the final test results.

A member may challenge the results of Performance Evaluations (see the Performance Evaluations policy). The challenge must have been accomplished during the appraisal process and not during the promotional process.

If the Deputy Chief determines that a member's promotional position has changed after the initial publication of the promotional lists, he/she shall compile a new list and notify all members of the results.

A member may not challenge the scores given by the assessors for the Oral Interview portion of the promotional process.

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Members who wish to appeal their overall promotional score will contact the Deputy Chief of Police and forward in writing their reasons for contesting any decisions or testing procedure.

Normally, unless the appeal process points out inequity, mishandling of the promotion process, or other flaws in the process, the right to reapply for promotion does not exist. Such a discrepancy must cause a reversal of the questioned promotion in order for the reapplication to be considered. Those who were found eligible initially are free to reapply under these circumstances. Those officers affected by a verified inequity must notify the Chief of Police of their intent to reapply for the subject promotion. The notification must be in writing and submitted within seven days of the decision to promote.

The Bel Air Police Department provides an equal opportunity for all sworn members to be considered for promotion based upon components and procedures tailored to meet the needs of the Department which are job-related and nondiscriminatory.

The Deputy Chief of Police will assess the promotional process when necessary to ascertain if there has been any adverse impact.

The Town Administrator will have final approval of all promotions recommended by the Chief of Police.

Grievances

1003.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the filing and processing of employee grievances.

1003.1.1 GRIEVANCE DEFINED

A grievance is a difference of opinion or dispute regarding the meaning, interpretation, or application of any of the following:

- The employee collective bargaining agreement or memorandum of understanding
- This Policy Manual
- Rules and regulations governing personnel practices or working conditions
- Workplace issues that do not amount to misconduct under the Personnel Complaints Policy, such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of members

Specifically outside the category of grievances are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any 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 Bel Air 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.

Except as otherwise required under a collective bargaining agreement or memorandum of understanding, if an employee believes that he/she has a grievance as defined above, that employee shall:

- (a) Attempt to resolve the issue through informal discussion with his/her immediate supervisor.
- (b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the Deputy Chief.

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- (c) If a successful resolution is not found with the Deputy Chief, the employee may request a meeting with the Chief of Police.
- (d) If the employee and the Chief of Police are unable to arrive at a mutual solution, the employee shall proceed as follows:
 - 1. Submit a written statement of the grievance to the Chief of Police and provide a copy to the employee's immediate supervisor and union representative.
 - 2. Include the following information in the written statement:
 - (a) The basis for the grievance (i.e., the facts of the case).
 - (b) The allegation of any specific wrongful act and the harm done.
 - (c) The specific policies, rules or regulations at issue.
 - (d) The remedy or goal being sought by the grievance.
- (e) The supervisor shall provide the employee with a signed acknowledgment of the grievance that shall include the date and time of receipt.
- (f) The Chief of Police and the Town Administrator should review the grievance and respond to the employee within 14 calendar days.
 - 1. The response will be in writing, and will affirm or deny the allegations.
 - 2. The response shall include any remedies, if appropriate.
 - 3. The decision of the Town Administrator is considered final.

1003.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the Deputy Chief 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 Deputy Chief 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 Deputy Chief should record these findings in a confidential memorandum to the Chief of Police 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 Bel Air Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1004.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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1004.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the Town Director of Administration.

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 Detective Sergeant for investigation pursuant to the Personnel Complaints Policy.

1004.8 RECORDS RETENTION AND RELEASE

The Records Manager 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 Bel Air 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 Bel Air 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 BAPD Duty Officer 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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All members and all retired officers with identification cards issued by the Department shall immediately notify the BAPD Duty Officer 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 Maryland Police Training and Standards Commission (MPTSC) certification.

Upon notification from the member or retired officer, the Duty Officer shall immediately notify the Deputy Chief. The Deputy Chief will ensure further action and/or investigation is completed if needed.

Any member whose criminal arrest, conviction or court order restricts or prohibits that member from fully and properly performing his/her duties, including carrying a firearm, may be suspended and disciplined. This includes, but is not limited to, being placed on administrative leave, reassignment and/or termination (COMAR 12.04.01.04(D); Md. Code PS § 3-112).

Any effort to remove such disqualification or restriction from off-duty conduct or conduct outside the scope of employment, shall remain entirely the responsibility of the member, on his/her own time and at his/her own expense.

Any member failing to provide prompt notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired officer 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).

Personnel Complaints

1008.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of members of the Bel Air 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.

1008.2 POLICY

The Bel Air 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 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.

The process for filing complaints and a timeframe for outcomes shall be posted in a public area of the Department and on the Department's website.

1008.3 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.

1008.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the investigating supervisor is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Deputy Chief, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the Deputy Chief, such matters

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may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1008.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any 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.

1008.3.3 POLICE MISCONDUCT COMPLAINT PROCESS FLOWCHART

See attachment: [Police Misconduct Complaint Process Flow Chart](#)

1008.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1008.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained on the Department "S" Drive and will also be accessible through the department website. All members should be prepared to access the form at any time and are encouraged to carry several forms in their agency vehicles.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

Complaint forms will be provided to anyone who requests one, at any time.

See attachment: [BAPD Complaint against Personnel Form.pdf](#)

1008.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to the Duty Officer. If the Duty Officer is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the Duty Officer to contact the complainant. The Duty Officer, upon contact with the complainant, shall complete and submit a complaint form as appropriate. The Duty Officer shall initiate a complaint entry in the Blue Team system.

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.

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An online portal for complaint submission shall be maintained and monitored. Emails received shall not go to a general email inbox and will be received by Command Staff.

Complainants should receive an initial response to their complaint within 72 hours.

1008.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints shall also be documented in the Blue Team system. The entry shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should conduct an audit and send an audit report to the Chief of Police or the authorized designee.

1008.5.1 COMPLAINTS ALLEGING OFFICER 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.

1008.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1008.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the Deputy Chief, unless the Deputy Chief is the complainant, or the Deputy Chief is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

When the complainant does not want an investigation but merely seeks an explanation, the Deputy Chief and Chief of Police will determine whether or not a formal investigation is warranted. Should it be determined that an investigation is warranted, the Deputy Chief shall inform the complainant of the forthcoming investigation.

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 and the complaint is entered into Blue Team.

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1. The original complaint form will be directed to the Deputy Chief 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 Deputy Chief or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complainants in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
1. Follow-up contact with the complainant should be made within two business days of the Department receiving the complaint.
 2. If the matter is resolved and no further action is required, the Deputy Chief will note the resolution on a complaint form and forward the form to the Chief of Police.
- (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 Deputy Chief for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Deputy Chief, 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.

1008.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Regardless of who conducts the investigation, the following applies to members:

- (a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.

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- (b) Unless waived by the member, interviews of an accused member shall be at the Bel Air Police Department or other reasonable and appropriate place.
- (c) No more than one interviewer should ask questions of an accused member. The interviewer shall be a sworn law enforcement officer.
- (d) Prior to any interview, a member should be informed in writing of the nature of the investigation. The member under investigation shall also be informed of the name, rank and command of:
 - 1. The law enforcement officer in charge of the investigation.
 - 2. The interrogating officer.
 - 3. Each individual present during an interrogation.
- (e) All interviews should be for a reasonable period and the member's personal needs should be accommodated.
- (f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
 - 1. The member under interrogation may not be threatened with transfer, dismissal or disciplinary action.
- (g) Any member 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. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the member 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 a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview may be provided to the member prior to any subsequent interview.
- (i) A complete record shall be kept of the entire interview of the member, including all recess periods. The record may be written, taped or transcribed.
 - (a) The interview shall be delayed, if necessary, for no more than 5 business days to permit an officer to find counsel or other representation. The Chief of Police may extend this period for good cause (Md. Code PS § 3-104).

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- (j) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (k) All members shall provide complete and truthful responses to questions posed during interviews.
- (l) Members may be compelled to submit to a polygraph or CVSA examination. If compelled, the results cannot be used as evidence in any administrative hearing or criminal investigation (Md. Code PS § 3-104). The member's representative may be permitted to be present during the administration of the polygraph/CVSA examination if the physical facilities will allow for it and if their presence will not, in the opinion of the polygraph/CVSA examiner, disrupt the examination. For the purposes of this subsection, "presence" means that the representative may be constructively present during the examination, viewing it from outside the examination room (e.g. through a one-way mirror) or physically present in the room.
- (m) If the member is under arrest, or is likely to be placed under arrest as a result of the interrogation, the member shall be completely informed of all of his/her rights before the interrogation begins.

1008.6.3 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.

1008.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

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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 sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1008.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation.

A complaint of 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).

1008.6.6 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.

1008.6.7 VICTIM'S RIGHTS ADVOCATE

The Chief of Police shall designate a member to serve as 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.

The Department shall 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).

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1008.7 FORMAL COUNSELING OF MEMBERS

Inappropriate behavior or minor infractions of policy by a member which if continued or repeated may result in disciplinary action will be documented using an Employee/Supervisor Contact Form at a formal counseling session.

As a general rule, a formal counseling session will be held as soon as possible following such inappropriate behavior or the conclusion of an investigation disclosing a minor infraction of Department policy. The session may be conducted by the person assigned as the employee's supervisor at the time of infraction or may be conducted by the Chief of Police or authorized designee with the member's supervisor present. The particular incident will be discussed with the member, pointing out the deficiencies in the member's actions. The member will be given the opportunity to state his/her views on the matter and to suggest corrective action to prevent future occurrences. At the completion of the counseling session, the member's supervisor, the Chief of Police or authorized designee will recommend a course of action designed to help the member improve in the specific areas addressed or avoid recurrence.

At the conclusion of the formal counseling session, the member's supervisor will prepare the Employee/Supervisor Contact Form in duplicate. The member will be given the opportunity to review, sign, and comment in writing. If a member refuses to acknowledge receipt of the form, "Refused to Sign" will be recorded. The original will be placed in the member's personnel file and a copy will be given to the member.

1008.8 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1008.9 EMERGENCY SUSPENSION

When a complaint of misconduct is of a serious nature, or when it is deemed to be in the best interest of the public and the Department, 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 suspend the accused member with pay. A member charged with a felony may be suspended without pay.

Any member suspended:

- (a) May be required to relinquish any department badge, BAPD Department Identification Card, assigned weapons, MPCTC Certification Card, and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

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- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The member may be required to remain available for contact at all times during such shift and will report as ordered.
- (d) Shall not exercise any law enforcement authority.

A suspended member shall be provided a prompt hearing (Md. Code PS § 3-112).

1008.10 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when it is deemed to be in the best interest of the public and the Department, 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 member to administrative leave/emergency suspension. Any member 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 member may be required to remain available for contact at all times during such shift and will report as ordered.

1008.10.1 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.

1008.11 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 may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The 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.

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1008.12 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police or the authorized designee through the chain of command. Each level of command should review the report and include his/her comments in writing before forwarding the report. The Chief of Police or the authorized designee may accept or modify any classification or recommendation for disciplinary action.

The Deputy Chief or Chief of Police will notify the member in writing of the findings within 30 days of the completion of the investigation.

1008.12.1 DEPUTY CHIEF RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Deputy Chief shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Deputy Chief may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police or the authorized designee, the Deputy Chief may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police or the authorized designee, the Deputy Chief shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1008.12.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Deputy Chief for further investigation or action.

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.

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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).

1008.12.3 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.

1008.12.4 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 (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

1008.12.5 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).

1008.12.6 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

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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).

1008.13 PRE-DISCIPLINE EMPLOYEE RESPONSE

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.
- (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.

1008.14 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).

1008.15 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.

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1008.16 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.

1008.17 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

1009.1 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.

1009.1.1 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).

1009.2 POLICY

It is the policy of the Bel Air Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle accident.

1009.3 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.

1009.4 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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1009.5 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.

1009.6 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.

1009.7 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.

1009.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

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Body Armor

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Body Armor

Personnel Records

1011.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1011.2 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.

1011.3 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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1011.4 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct, and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

1011.5 TRAINING FILE

An individual training file shall be maintained by the Training Officer 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 Training Officer or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Officer or supervisor shall ensure that copies of such training records are placed in the member's training file.

1011.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Detective Sergeant in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Detective Sergeant 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

1011.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.

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- (e) Any other documents or material that reveals the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1011.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures (Md. Code GP § 4-311).

Nothing in this policy is intended to preclude review of personnel records by the Town Administrator, Town Attorney or other attorneys or representatives of the Town in connection with official business (Md. Code GP § 4-311).

1011.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure, which result in access to a member's personnel records, shall be logged in the corresponding file.

1011.8.2 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.

Inquiries from the news media or other interested persons concerning routine Department disciplinary matters will be referred to the Chief of Police. The Chief of Police may release the employee's name, the nature of the charges and their resolution, the recommended penalty. Those cases likely to generate a high level of public interest, those involving life threatening situations, criminal charges, and those in which the Department is seeking demotion or dismissal will be referred to the Chief of Police.

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1011.9 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files (Md. Code GP § 4-311).

Any member seeking the removal of any item from his/her personnel records shall file a written request to the Chief of Police through the chain of command. 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.

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.

1011.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule (Md. Code SG § 10-615).

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine

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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.

1011.10.1 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).

Request for Change of Assignment

1012.1 PURPOSE AND SCOPE

This policy establishes guidelines for department members to request a change of assignment in response to an announced vacancy.

1012.2 POLICY

It is the policy of the Bel Air Police Department that all requests for change of assignment be considered in an equitable and nondiscriminatory manner.

1012.3 REQUEST FOR CHANGE OF ASSIGNMENT

Members requesting a change of assignment shall submit an inter-office memorandum through the chain of command to the Deputy Chief.

The document will remain in effect until the end of the calendar year in which it was submitted. Effective January 1 of each year, members still interested in a change of assignment should complete and submit a new request.

1012.4 RESPONSIBILITIES

1012.4.1 SUPERVISORS

Upon receipt of a change of assignment request document, the supervisor shall forward it to the Deputy Chief.

1012.4.2 DEPUTY CHIEF

The Deputy Chief will review all change of assignment requests and submit his/her recommendation to the Chief of Police. The Chief of Police shall make a final determination as to the member's request and ultimately their assignment.

Commendations and Awards

1013.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Bel Air Police Department and individuals from the community.

1013.2 POLICY

It is the policy of the Bel Air Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1013.3 COMMENDATIONS

Commendations for members of the Department or for individuals from the community may be initiated by any department member or by any person from the community.

1013.4 CRITERIA

1013.4.1 MEDAL OF HONOR

The Medal of Honor is the Department's highest award.

The recipient is to receive a medal, citation bar, and framed certificate.

The Medal of Honor may be awarded to any member who performs an act of heroism that is considered an imminent personal hazard to life, while under fire from an armed adversary, or who demonstrates valor, courage, intelligence, and bravery to a degree far above and beyond the call of duty.

This award should be reserved for the most outstanding, heroic, and gallant acts recorded by the Department.

1013.4.2 MEDAL OF VALOR

The recipient is to receive a medal, citation bar, and framed certificate.

The Medal of Valor may be awarded to any member of the Department who performs an act considered to be above and beyond the call of duty. It must be an outstanding act in the line of duty, at imminent personal hazard of life, with full knowledge of the risk involved and also a demonstration of valor, courage, intelligence and bravery.

1013.4.3 MERITORIOUS SERVICE AWARD

The recipient is to receive a citation bar and a framed certificate.

The Meritorious Service Award is for a highly unusual accomplishment performed in the line of duty under adverse conditions with some degree of hazard to life and limb to the member of where death or injury to a third party is prevented.

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1013.4.4 PURPLE HEART MEDAL

The recipient is to receive a citation bar and framed certificate.

The Purple Heart Medal may be awarded for a wound/injury received in the line of duty resulting in severe injuries (e.g., gunshot wound, severe puncture wound, fracture or other serious wound, serious car crash) that required transport to a hospital that was suffered by the nominee. The injury cannot have been sustained by careless or negligent action on behalf of the nominee.

1013.4.5 LIFE SAVING MEDAL

The recipient is to receive a citation bar and framed certificate.

The Life Saving Medal may be awarded to any member for an act of heroism through disregard of personal safety, or who actively participated in the saving of a human life by physical rescue or through administration of first aid or cardiopulmonary resuscitation. A physician or medical professional opinion will positively support this award.

1013.4.6 CHIEF'S EXCEPTIONAL SERVICE AWARD

The recipient is to receive a citation bar and framed certificate.

The Chief's Exceptional Service Award may be awarded for an act or achievement that brings public acclaim to the nominee, the nominee's Department, or the police profession. It may be also be awarded to nominees who demonstrate action that improved the efficiency of the Department or for extraordinary performance. This may also be an act that positively impacted the citizens of the Town, County, or State. The positive impact must be supported by statistical data or tangible evidence of significant improvement to quality of life (e.g., lowered UCR crime statistics, lowering crashes and crash injuries).

1013.4.7 TOWN OF BEL AIR COMMISSIONERS AWARD

The recipient is to receive a citation bar.

The Town of Bel Air Commissioners Award may be awarded for an act or achievement that brings public acclaim to the nominee, the nominee's department, or the police profession. It may be also be awarded to nominees who demonstrate action that improved the efficiency of the Department or extraordinary performance that improved the quality of life for citizens.

1013.4.8 UNIT CITATION

The recipient is to receive a citation bar and framed certificate.

A Unit Citation may be awarded to a specific squad, shift, or other unit of the agency for outstanding and superior accomplishments/performance that reflects favorably upon the Department or police profession.

1013.4.9 CRITICAL INCIDENT SERVICE AWARD

The recipient is to receive a citation bar and framed certificate.

The Critical Incident Service Award may be awarded to a person(s) who provided professional services during a time of crisis, either criminal or civil, which seriously impacted a community (does

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not have to be limited to Bel Air). Qualifying incidents require the response to have a major impact on the overall operation and welfare of a community. Person(s) considered for this award must have worked during the critical timeframe of an incident. The issuance of this award is determined by and solely at the discretion of the Chief of Police.

1013.4.10 LETTER OF COMMENDATION

The recipient is to receive a framed certificate.

A Letter of Commendation may be award to any nominee whose performance deserves recognition but does not meet the criteria for any other designated award. The nominee must be an employee of the Town of Bel Air Police Department. A Letter of Commendation may also serve to enhance the merit of any other award.

1013.4.11 CERTIFICATE OF APPRECIATION

The recipient is to receive a framed certificate.

A Certificate of Appreciation may be awarded to civilian nominees not employed by the Town of Bel Air Police Department and members of external law enforcement agencies and/or external facilities (e.g., federal, state, or local) in recognition of their outstanding service to the Town of Bel Air Police Department.

1013.5 DEPARTMENT MEMBER DOCUMENTATION

Members of the Department should document meritorious or commendable acts. The documentation should contain:

- (a) Identifying information:
 - 1. For members of the Department - name and assignment at the date and time of the meritorious or commendable act
 - 2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with supporting documents, statements, etc.
- (c) The signature of the member submitting the documentation.

See attachment: [Commendation Award Nomination form.pdf](#)

1013.6 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

- (a) Identifying information:
 - 1. For members of the Department - name and assignment at the date and time of the meritorious or commendable act
 - 2. For individuals from the community - name, address, telephone number

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- (b) A brief account of the meritorious or commendable act with appropriate additions and inclusions.
- (c) The signature of the person submitting the documentation.

1013.7 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Department should be forwarded to the Deputy Chief for his/her review. The Deputy Chief should sign and forward the documentation to the Chief of Police for his/her review.

The Chief of Police or the authorized designee will present the commendation to the department member for his/her signature. The documentation will then be entered into the member's personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Deputy Chief. The documentation will be signed by the Deputy Chief and forwarded to the Chief of Police for his/her review. An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

1013.8 OUTSIDE AGENCY AWARDS

Insignia awarded to members by other agencies or entities may be worn with the approval of the Chief of Police if the commendation was awarded to the member while employed as a Town of Bel Air Police Officer. Exceptions can be made by the Chief of Police for commendations awarded to members for actions taken with another law enforcement agency prior to their employment with the Bel Air Police Department. Other insignia or pins that are not standard award bars (e.g., Harford County Crisis Intervention Team [C.I.T.] pin, motor officer wheel and wings) may be worn with the permission of the Chief of Police.

1013.9 WEARING AND DISPLAY OF AWARDS AND COMMENDATIONS

Insignia shall be worn horizontally, 1/8-inch above and centered over the member's nametag. When more than one type of commendation insignia is displayed, the insignia representing the greatest merit shall be placed closest to the center of the chest and on the highest row of bars. Insignia shall be displayed using the agency-issued citation bar holder backing.

No more than nine citation bars will be worn on the Class B shirt. More than nine citation bars may be worn on the Class A blouse and will conform to the above procedure. No citation bars will be worn on the Class C uniform. In the event a member is awarded more than one of the same commendation, only one insignia for that type of commendation shall be displayed and an appurtenance(s) shall be affixed to the insignia indicating the number of times the award was received.

When multiple commendation insignia are worn, they shall be placed next to the first insignia, in descending order of merit, as follows:

- (a) Medal of Honor

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- (b) Medal of Valor
- (c) Meritorious Service Award
- (d) Purple Heart Medal
- (e) Life Saving Medal
- (f) Merit Commendation
- (g) Chief's Exceptional Service Award
- (h) Town of Bel Air Commissioners Award
- (i) Unit Citation
- (j) Critical Incident Service Award
- (k) Other approved insignia

Below is an example of the proper wearing of the nameplate and insignia:

Fitness for Duty

1014.1 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.

1014.2 POLICY

The Bel Air 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.

1014.3 MEMBER RESPONSIBILITIES

It is the responsibility of each member of this department 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.

1014.4 SUPERVISOR RESPONSIBILITIES

All supervisors should be alert to any indication that a member may be unable to safely perform his/her duties due to an underlying physical or psychological impairment or condition.

Such indications may include:

- (a) An abrupt and negative change in the member's normal behavior.
- (b) A pattern of irrational conduct, hostility or oppositional behavior.
- (c) Personal expressions of instability.
- (d) Inappropriate use of alcohol or other substances, including prescribed medication.
- (e) A pattern of questionable judgment, impulsive behavior or the inability to manage emotions.
- (f) Any other factor or combination of factors causing a supervisor to believe the member may be suffering from an impairment or condition requiring intervention.

Supervisors shall maintain the confidentiality of any information consistent with this policy.

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1014.4.1 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 Duty Officer and the Deputy Chief.

1014.4.2 DUTY STATUS

In conjunction with the Duty Officer or the Deputy Chief, the supervisor should make a preliminary determination regarding the member's duty status.

If a determination is made that the member can safely and effectively perform the essential functions of his/her job, the member should be returned to duty and arrangements for appropriate follow-up made.

If a preliminary determination is made that the member's conduct or behavior represents an inability to safely and effectively perform the essential functions of his/her job, the Duty Officer or the Deputy Chief should immediately relieve the member of duty pending further evaluation.

Employees relieved of duty shall comply with the administrative leave provisions of the Personnel Complaints Policy.

The Chief of Police shall be promptly notified in the event that any member is relieved of duty.

1014.5 FITNESS-FOR-DUTY EVALUATIONS

A fitness-for-duty evaluation may be ordered whenever circumstances reasonably indicate that a member is unfit for duty or following an officer-involved shooting or death-in-custody incident.

1014.5.1 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 examining practitioner will provide the Department with a report indicating whether the member is fit for duty. If the member is not fit for duty, the practitioner will include the existing restrictions or conditions in the report.

In order to facilitate the evaluation of any member, the Department will provide all appropriate documents and available information.

All reports and evaluations submitted by the examining practitioner shall be part of the member's confidential medical file.

Any member ordered to undergo a fitness-for-duty evaluation shall comply with the terms of the order and cooperate fully with the examining practitioner. Any failure to comply with such an order

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and any failure to cooperate with the practitioner may be deemed insubordination and shall subject the member to discipline, up to and including termination.

Determinations regarding duty status of members who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with the Department of Human Resources.

1014.5.2 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).

1014.6 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than:

- 16 hours in a one-day (24 hour) period.
- 30 hours in any two-day (48 hours) period.
- 84 hours in any seven-day (168 hours) period.

Except in unusual circumstances, members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve any member who has exceeded the above guidelines to off-duty status.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime, and any other work assignments.

1014.7 APPEALS

Employees disputing the application or interpretation of this policy may submit a grievance as provided in the Grievances Policy.

1014.8 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).

1014.8.1 PROCEDURES

The administration of the physical agility assessment requirements will be developed, maintained, and provided by the Bel Air Police Department.

- (a) All law enforcement officers will comply with all MPTSC regulations relevant to the physical agility assessment.
- (b) All law enforcement officers will be required to perform the four mandated requirements of the physical agility assessment each calendar year.
- (c) All law enforcement officers will wear appropriate fitness attire.
- (d) The Training Officer will evaluate the physical agility assessment along with other staff as needed.

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1014.8.2 ASSESSMENT COMPONENTS

All officers must demonstrate a continuous effort to complete each component once started. Should the officer stop before completing the component, the evaluator will record the component as "not completed." An officer will have at least 2 minutes of rest between each component. The physical agility assessment components will be performed in the following order:

- (a) The officer will demonstrate the ability to run for a distance of at least 300 feet. The officer may not have two feet on the ground at the same time.
- (b) The officer will demonstrate the ability to traverse up and down at least two flights of stairs.
 1. The officer may use the handrails for balance only.
 2. The officer can only have one foot on a step at a time.
 3. The officer must traverse the entire component face forward.
- (c) The officer will pull/drag a 150-pound individual at least 15 feet.
 1. A weighted dummy or a substitute prop may be used.
 2. A weighted dummy will be posed either in a seated position or a supine position.
 3. If the officer's grip is lost with the dummy, a continuous effort to reacquire the dummy must be observed or the assessment component will be deemed not completed.
- (d) The officer will climb over a barrier.
 1. The barrier will be approximately 32-inches tall.
 2. The officer must land in a controlled, safe manner.

1014.8.3 FAILURE TO SUCCESSFULLY COMPLETE ASSESSMENT

Officers who fail to successfully complete any component of the physical agility assessment requirement shall:

- (a) Be allowed a second attempt to complete the failed component(s) prior to the end of training.
- (b) If an officer does not complete the component(s) on the second attempt, the officer will be afforded the opportunity to complete those component(s) again within 45 to 60 days.
- (c) If an officer does not complete any component(s) again after the second attempt, notification shall be made to the Deputy Chief immediately.

1014.8.4 REMEDIAL TRAINING

An officer who does not fully complete the physical agility assessment will be provided a fitness performance plan from a fitness instructor. A fitness performance plan will be provided to any officer who wishes to participate in such a plan at any time, regardless of their completion or non-completion of the agility assessment.

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- (a) A fitness instructor will contact and develop a fitness plan in collaboration with the officer within three days of the initial assessment date.
- (b) A fitness instructor will monitor and assist the officer during the period before the 45 to 60-day reassessment date.
- (c) A fitness instructor will schedule and evaluate the reassessment within the 45 to 60-days of the original assessment test date.

1014.8.5 DOCUMENTATION

The Training Division will retain records of all assessments for a minimum of three years from the date of the assessment.

[See attachment: Agility Evaluation Form.pdf](#)

Meal Periods and Breaks

1015.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the availability of meal periods.

1015.2 POLICY

It is the policy of the Bel Air Police Department to provide meal periods to members of this department in accordance with the Town personnel manual.

1015.3 MEAL PERIODS

Members shall remain on-duty subject to call during meal periods.

Lactation Breaks

1016.1 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.

1016.2 POLICY

It is the policy of the Bel Air 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).

1016.3 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 police communications operator and Duty Officer 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.

1016.4 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

1016.5 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

1017.1 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.

1017.2 POLICY

The Bel Air Police Department maintains timely and accurate payroll records.

1017.3 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.

1017.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted as established by the Town payroll procedures.

1017.5 RECORDS

The Deputy Chief 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).

Secondary Employment

1019.1 PURPOSE AND SCOPE

This policy provides guidelines for department members who seek to engage in authorized outside employment or outside overtime.

1019.1.1 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.

1019.2 POLICY

Members of the Bel Air Police Department shall obtain written approval from the Chief of Police or the authorized designee prior to engaging in any outside employment. Approval of outside employment 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 engaging in outside employment that is prohibited by this policy, may lead to disciplinary action. A member shall not be employed in any capacity in any other business, trade, occupation, or profession while employed by the Bel Air Police Department, except as established by policy.

1019.3 OUTSIDE EMPLOYMENT

1019.3.1 REQUEST AND APPROVAL

Members shall submit a Request for Secondary Employment form to their highest-ranking immediate supervisor. The request form will then be forwarded through the chain of command to the Chief of Police for consideration. The Chief of Police must approve the request before the member begins their secondary employment. The Chief of Police shall take into consideration the recommendation of the Officer's immediate supervisor and the Deputy Chief when granting or denying the request.

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.

[See attachment: Request for Secondary Employment.pdf](#)

1019.3.2 DENIAL

The Chief of Police has final authority regarding secondary employment and may refuse to approve a request for secondary employment authorization and may, at any time, amend, alter, suspend, revoke, or terminate a written authorization for secondary employment for reasons

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which may include, but not necessarily be limited to: conflicts with the member's duties with the Department, impairment of the member's ability to perform duties with the Department, participation in any employment which would require or likely promote conduct inconsistent with the Department's mission, objectives, regulations, ethics or reputation or which creates a real or potential conflict of interest.

Any member whose request for outside employment has been denied shall be provided a copy of the request form which shall include a written reason at the time of the denial.

1019.3.3 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 at any time by the Chief of Police or designee. Approval may be revoked or suspended for things such as, but not limited to:

- (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 there are conflicts with the member's duties within the Department.
- (c) When the member's ability to perform duties with the Department is impaired.
- (d) When the outside employment would require or likely promote conduct inconsistent with the Department's mission, objectives, regulations, ethics or reputation or which creates a real or potential conflict of interest.

1019.3.4 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 remain in effect and implemented until 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.

1019.3.5 INJURIES FROM OUTSIDE EMPLOYMENT

A member who suffers an injury or illness during outside employment is not compensable by the Town of Bel Air, as described in the Employee's Agreement section of the request form.

Serious illness or injury suffered during outside employment may result in the member being disqualified to resume employment with the Town of Bel Air.

1019.4 REQUIREMENTS

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1019.4.1 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 Bel Air 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):
 - 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.

1019.4.2 LAW ENFORCEMENT OFFICER OUTSIDE EMPLOYMENT

No member of this department may engage in any outside employment as a law enforcement officer with any other law enforcement agency. (Md. Code PS § 3-110).

1019.4.3 DEPARTMENT RESOURCES AND EQUIPMENT

Members are prohibited from using resources such as, but not limited to, Maryland Telecommunications Enforcement Resources System (METERS), National Crime Information Center (NCIC), National Law Enforcement Telecommunications Systems (NLETS) and the data files of the Motor Vehicle Administration (MVA) in conjunction with secondary employment. Members are prohibited from using his/her position with this department to gain access to official records or databases of this department or other agencies for secondary employment.

Members may be prohibited from using any department equipment in the course of, or for the benefit of, any outside employment. The request to use any Departmental equipment (i.e. uniform, body armor, firearm, etc) shall be included and documented on the request for secondary employment.

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Members who are assigned take-home vehicles, may use their assigned vehicle for commuting to and from approved secondary employment locations. Vehicles shall not be used in conjunction with secondary employment activity, unless approved by the Chief of Police. Vehicles must be parked in an unobtrusive and secure manner.

1019.4.4 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, via inter-office memorandum, 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.

1019.4.5 LEAVE OR RESTRICTED DUTY STATUS

Members on sick leave or otherwise temporarily incapable of carrying out their normally assigned duties are prohibited from participation in secondary employment; such prohibition shall remain in effect until the member's return to full-duty status. Specific exceptions may be granted by the Chief of Police for good cause.

Exception: If a member is on pre-approved Sick Leave for a scheduled doctor's appointment, family sick/family member ill, when and where the member is not personally ill, then the individual may work secondary employment.

While on Administrative Leave or Leave Without Pay, secondary employment is permissible only if specifically approved by the Chief of Police for each separate occasion.

In the event that the Chief of Police determines that the outside employment should be discontinued, 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.

When the member returns to full duty with the Bel Air Police Department, a written request may be submitted to the Chief of Police to approve the outside employment request.

1019.4.6 ARREST AND REPORTING PROCEDURE

Any officer making an arrest or taking other official law enforcement action while working in secondary employment shall be required to complete all related reports in a timely manner pursuant to the Report Preparation Policy.

1019.4.7 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Deputy Chief, an undercover officer or officers assigned to covert operations shall not be eligible to work outside employment in a uniformed or other capacity that could reasonably disclose the officer's law enforcement status.

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1019.4.8 TIME LIMITATIONS

After working 16 continuous hours of any combination of a regular shift, Department overtime and/or off-duty secondary employment, members must be off-duty from any employment for at least eight continuous hours prior to returning to Department duty.

When scheduled off, members may work a maximum of 16 hours of secondary employment in one 24 hour period.

Personal Appearance Standards

1021.1 PURPOSE AND SCOPE

This policy provides guidelines for the personal appearance of civilian and sworn members of the Bel Air Police Department.

Requirements for department uniforms and civilian attire are addressed in the Uniforms and Civilian Attire Policy.

1021.2 POLICY

Bel Air 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. The standards within this policy are not meant to be all-inclusive, and final judgment rests with the officer's immediate supervisor, the Deputy Chief, and/or the Chief of Police.

1021.3 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.

1021.3.1 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.

1021.3.2 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. Hairpieces or wigs worn on duty must conform to the same standards as stipulated for natural hair.

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 patrol 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. A bun is permitted for female members, on top or back of the head, in a neat manner, provided it does not interfere with the wearing of uniform headgear and does not hang over the collar. The bulk

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or length of hair shall not interfere with normal wearing of department headgear. Hair protruding from uniform hats is prohibited.

1021.3.3 MUSTACHES

Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip and shall be short and neatly trimmed.

1021.3.4 SIDEBURNS

Sideburns shall be neatly trimmed and tapered. The base will not be flared and will be a clean-shaven horizontal line. Sideburns shall not extend below the lowest part of the earlobe.

1021.3.5 FACIAL HAIR

Facial hair, other than sideburns, mustaches, and eyebrows, is prohibited, unless authorized by the Chief of Police or the authorized designee.

The Chief of Police may authorize a member to wear a beard or maintain an alternate shaving schedule if the member has a medical condition that restricts or prevents him from shaving.

- (a) Members who have a medical condition that restricts or prevents them from shaving as required shall submit to the Chief of Police, via the chain of command, an original document authored and signed by a licensed dermatologist, that documents the medical condition and indicates that regular shaving causes pain, extreme irritation, adverse skin reaction, or other medical condition that exempts the member from daily or frequent shaving.
- (b) Members must submit a new document as described above, every calendar year.
- (c) Any member approved to wear a beard because of a medical condition shall keep his facial hair neatly trimmed, not to exceed 1/4-inch in length.
- (d) The member's immediate supervisor shall be responsible for ensuring compliance with the requirements above.

1021.3.6 FINGERNAILS

Fingernails shall be clean and neatly trimmed to a length that will not present a safety concern. The color of fingernail polish shall present a professional image.

1021.4 APPEARANCE

1021.4.1 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.

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- (b) Earrings shall be small and worn only in or on the earlobe. Male members are prohibited from wearing earrings on duty. Earrings worn by female members must have safety backings.
- (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.
- (g) No visible body piercings, other than earrings as described above, are permitted while on duty.

1021.4.2 TATTOOS

While on-duty or representing the Bel Air Police Department in any official capacity, members should make every reasonable effort to conceal tattoos or other body art. At no time while the member is on-duty or representing the Department in any official capacity shall any offensive tattoo or body art be visible.

Examples of prohibited tattoos include but are not limited to:

- (a) Depictions of extremist philosophies, organizations, or activities.
- (b) Those that advocate racial, gender, or ethnic hatred or intolerance; advocate, create, or engage in illegal discrimination based on race, color, gender, sex, ethnicity, religion, or national origin; or advocate violence or other unlawful means of depriving individual rights under the United States Constitution and federal or state law.
- (c) Depictions of nudity or violence.
- (d) Sexually explicit or vulgar artworks or phrases, including profane language.
- (e) Those that are grossly offensive to modesty, decency, or propriety.
- (f) Symbols likely to incite a negative reaction by the public or in the workplace (e.g., swastikas, etc.).
- (g) Depictions of illegal drugs or names, symbols, acronyms, or numbers related to illegal drugs.
- (h) Names, initials, acronyms, or numbers that represent criminal or historically oppressive organizations or street gang names.
- (i) Those that a reasonable person would find offensive.

1021.4.3 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 Bel Air Police Department in any official capacity, that is a deviation from

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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.

1021.4.4 DENTAL ORNAMENTATION

Dental ornamentation that is for decorative purposes and that is not medically required is prohibited while on-duty or while representing the Bel Air 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.

1021.4.5 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 Bel Air Police Department in any official capacity.

1021.4.6 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.

1021.4.7 UNDERGARMENTS

Proper undergarments shall be worn as necessary for reasons of hygiene and general appearance standards.

1021.5 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.

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1021.6 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

1022.1 PURPOSE AND SCOPE

This policy provides guidelines for Bel Air 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.

1022.2 POLICY

The Bel Air Police Department will provide uniforms for all employees who are required to wear them in the manner, quantity and frequency stated in this policy. The Department may provide other department members with uniforms at the direction of the Chief of Police.

All uniforms and equipment issued to department members shall be returned to the Department upon separation from employment.

1022.3 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 pressed.
- (b) Officers in a non-uniformed assignment shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed patrol duty.
- (c) Uniforms shall be worn in compliance with any applicable department specifications.
- (d) Members shall wear only the uniforms specified for their ranks and assignments.
- (e) Civilian attire shall not be worn in combination with any distinguishable part of a uniform. Every member will come to work and leave work either in full uniform or civilian dress. The mixing of civilian clothing and uniform dress is strictly prohibited.
- (f) 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.
- (g) Members are not to purchase or drink alcoholic beverages while wearing any part of department-issued uniforms, including the uniform pants.

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- (h) All supervisors will perform periodic inspections of members under their commands to ensure conformance to this policy.
- (i) Police Communications Operators, civilian secretarial staff, and clerks employed by this department will wear a uniform issued by the department and shall, where applicable, abide by all the standards of dress and neatness prescribed for sworn members.

1022.3.1 PERSONAL ACCESSORIES

Members shall adhere to the following when wearing department uniforms:

- (a) Mirrored sunglasses will not be worn.
- (b) Jewelry shall be in accordance with the specifications in the Personal Appearance Standards Policy. Unless specifically authorized by the Chief of Police or the authorized designee, only the following jewelry may be worn with the uniform:
 1. Earrings shall be conservative stud-style, and only one earring may be worn in each ear.
 2. Necklaces must be worn inside the uniform shirt and must not be able to fall out.
 3. Rings
 4. Wristwatch
 5. Medical alert bracelet

1022.3.2 UNIFORM ACCESSORIES

Uniform accessories consist of the following:

- (a) Necktie - The issued necktie shall be worn with the Class A uniform and may be worn with the Class B uniform long-sleeve shirt at the discretion of the member and/or direction of the Chief of Police. The necktie will not be worn while wearing the external ballistic vest carrier. The issued tie bar or tie tack displaying the department patch will be worn while wearing the necktie. The tie bar or tie tack will be placed on the necktie between the second and third buttons of the shirt from the neck, centered with the shirt pocket flaps.
- (b) Hat - The uniform hat shall be worn when wearing the Class A uniform. Generally, the uniform hat should be worn with the Class B uniform while in public or while engaged in prominent law enforcement activities. Members holding the rank of Sergeant or below will wear uniform hats with silver buttons and hat badges. Sergeants' uniform hats will be adorned with the silver hat band rather than the standard black leather hat band. Hats for ranks above Sergeant will be adorned with gold buttons and gold hat devices. The issued rain cover should be placed on the uniform hat during periods of rain, snow, or other precipitation to prevent damage.
- (c) Nameplate - The issued nameplate shall be worn 1/8-inch above the flap of the right breast pocket and centered with the pocket flap on the Class A blouse and the Class B and Class C uniform shirt. The nameplate will be worn on the outermost garment (e.g., jacket, sweater) if the garment is designed to accommodate the nameplate.

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- (d) Awards and service bars - Approved awards, decorations and service medals generally will be worn centered 1/8-inch above the nameplate. [See attachment: Award example.jpg](#)
- (e) Rank insignia - Rank insignia will be worn on all uniform shirts, jackets and the Class A blouse.
 - 1. The ranks of Officer First Class, Senior Officer, Corporal and Sergeant will be displayed with chevrons sewn onto both sleeves, centered under the department patch. Rank insignia is as follows:
 - (a) Officer First Class - One chevron
 - (b) Senior Officer - One chevron with an under-rocker
 - (c) Corporal - Two chevrons
 - (d) Sergeant - Three chevrons
 - 2. Any rank above Sergeant will be displayed on the uniform shirt collar and centered on the epaulets of the Class A blouse.
 - 3. Rank insignia for all ranks will be displayed in any practical manner on outerwear, jackets and coats, except rain gear.
- (f) Coats, jackets, sweaters and other outerwear - Any issued coat, jacket, sweater, or other outerwear may be worn at any time at the discretion of the member. Gloves may be worn in cold weather. Gloves shall be black and must not interfere with the performance of duty. Miscellaneous and/or non-issued outerwear may be worn once approved by the Chief of Police or their designee.
- (g) Undershirts - Undershirts that are visible above the open collar of the uniform shirt must be navy blue or black and in good condition. The undershirt will not show below the sleeve of the short-sleeve uniform shirt. Navy blue or black turtleneck and mock-neck shirts are permitted to be worn under the long-sleeve uniform shirt.
- (h) Footwear - When in uniform, officers shall wear plain-toe black leather, simulated leather or synthetic material footwear designed and suitable for police work. Footwear will be worn with plain black socks. Police Communications Operators, when in uniform, shall wear footwear that conforms to the standards of that required to be worn by uniformed officers. Footwear should be kept shined (if applicable) and will be free of dirt, excessive wear and/or damage. Other footwear may be worn on a limited basis for extreme weather or other situations at the discretion of the Duty Officer.
- (i) Duty Belt - The issued or approved duty belt shall be worn with the Class B and Class C uniform. The duty belt will be worn directly over the waist belt, will fit snugly and look professional.
 - 1. The duty belt shall contain:
 - (a) The approved firearm holster and firearm worn on the officer's strong-hand side of the belt.
 - (b) The approved magazine pouch and magazines.
 - (c) The approved portable radio case and radio.

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- (d) The approved handcuff case and handcuffs.
- 2. All officers with the rank of Sergeant or below shall carry at least one control device to consist of OC spray, expandable or straight baton (espantoon), and/or a Conducted Energy Weapon in an approved or issued holster/pouch. These items will be placed on the duty belt wherever they are the most convenient, accessible and comfortable for the member.
- (j) Shoulder patch - The department full-color patch shall be worn on both sleeves of all uniform shirts, outerwear and the Class A blouse. The patch will be centered and sewn 1/2-inch below the shoulder seam. All other patches must be approved by the Chief of Police or their designee and worn in the manner prescribed.
- (k) Collar brass - The department logo collar brass will be worn by all personnel with the rank of Sergeant and below. The collar brass will be centered horizontally with the endpoint of the collar and centered vertically between the top fold of the collar and the endpoint. All ranks above Sergeant will wear rank insignia on their collar in place of the department logo.

1022.3.3 MOURNING BAND

Uniformed members shall wear a black mourning band across the department badge as directed by the Chief of Police.

1022.4 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. The Class A uniform will be worn only at the direction and approval of the Chief of Police or the authorized designee.
- (b) Class B - The Class B uniform will be worn regularly as the "Uniform of the Day" unless an alternate uniform is approved by the Chief of Police or the authorized designee. Generally, when wearing the Class B uniform, the wearing of a long-sleeve or short-sleeve shirt will be determined and approved by the Deputy Chief.
- (c) Class C - The Class C uniform will be worn only during inclement weather events such as significant snow accumulation, heavy sustained rain events where flooding is anticipated, when working preparation details for special events, or when approved by the Chief of Police or the authorized designee.
- (d) Specialized assignment - Specific uniforms to be worn by members in special assignments or divisions as directed by the Chief of Police or the authorized designee.

1022.4.1 CLASS A UNIFORM

The Class A uniform consists of the following:

- (a) Long-sleeve uniform shirt

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- (b) Uniform trousers
- (c) Issued navy blue necktie
- (d) Uniform dress blouse
 - 1. The Maryland State Seal will be worn on the lapels of the dress blouse. The state seal pins will be silver for the rank of Sergeant and below, and gold for command staff.
 - 2. Members of the Honor Guard will wear silver "Honor Guard" pins on the lapels of the dress blouse in place of the Maryland State Seal pins.
- (e) Uniform hat
- (f) High-gloss "corfam" shoes
- (g) Leather Sam Brown style duty belt with chest strap. The duty belt will be equipped with the following:
 - 1. Duty weapon holster
 - 2. Leather ammunition pouch
 - 3. Leather handcuff pouch

1022.4.2 CLASS B UNIFORM

The Class B uniform consists of the following:

- (a) Long-sleeve or short-sleeve uniform shirt
- (b) Uniform trousers
- (c) Duty belt
- (d) External or internal ballistic vest
- (e) Black boots
- (f) Uniform hat

1022.4.3 CLASS C UNIFORM

The Class C uniform consists of the following:

- (a) Long-sleeve or short-sleeve BDU shirt
- (b) BDU trousers
- (c) Duty belt
- (d) External or internal ballistic vest
- (e) Appropriate footwear
- (f) Embroidered navy blue baseball cap

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1022.4.4 SPECIALIZED ASSIGNMENT UNIFORM

The Chief of Police or the authorized designee may authorize certain uniforms to be worn by members in specialized assignments, such as canine handlers, bicycle patrol, motor officers and other specific assignments.

1022.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require a uniform because recognition and authority are not essential to their functions. There are also assignments for which civilian attire is necessary.

- (a) Civilian attire shall fit properly, be clean and free of stains, and not damaged or excessively worn.
- (b) Members assigned to administrative, investigative and support positions shall wear business-appropriate clothing that is conservative in style.
- (c) Variations from this policy are allowed at the discretion of the Chief of Police or the authorized designee when the member's assignment or current task is not conducive to wearing such clothing.
- (d) No item of civilian attire may be worn while on-duty that would adversely affect the reputation of the Bel Air Police Department or the morale of the members.
- (e) The following items shall not be worn while on-duty or when representing the Department in any official capacity:
 - 1. Clothing that reveals cleavage, the back, chest, stomach or buttocks
 - 2. Exposed undergarments
 - 3. Swimsuits, tank tops, tube tops or halter tops
 - 4. Sweatshirts, sweatpants or similar exercise clothing
 - 5. Spandex-type pants or transparent clothing
 - 6. Open-toed shoes
 - 7. Clothing, buttons or pins displaying racial, sexual, discriminatory, gang-related or obscene language

1022.6 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Bel Air 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.

Explorers

1023.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Bel Air Police Department Explorers.

1023.2 POLICY

It is the policy of the Bel Air Police Department to offer a program for Explorers to familiarize and prepare qualified individuals for a career in law enforcement. The Department shall ensure that those participating in the program are properly appointed, trained and supervised.

1023.3 RECRUITMENT, SELECTION AND APPOINTMENT

The Bel Air Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass certain pre-appointment procedures as designated by the Chief of Police. Law Enforcement Exploring is a hands-on program open to young men and women who have completed the 8th grade through 20 years old, and who are interested in a career in law enforcement or a related field in the criminal justice system and meet Scouts of America requirements.

1023.3.1 REQUIREMENTS

Individuals in the Explorer program shall:

- (a) Have completed the eighth grade and be at least 14 years of age and under 21 years of age.
- (b) Maintain a minimum grade point average of 2.0 ("C" grade) for all courses taken.
 1. Explorers enrolled in college shall complete at least six units of college course work per semester (or quarter equivalent).
- (c) Be a responsible citizen with a good reputation and maintain a good moral character.
- (d) Be of sound health and be free of any physical defect that would cause injury to himself/herself, or jeopardize others participating in the program.
- (e) Have full approval of parent(s) or guardian(s) and assurance of their support and cooperation.

1023.3.2 UNIFORMS AND IDENTIFICATION

Explorers shall conform to all of the uniform regulation and appearance standards of this department.

Each Explorer will be provided uniforms which will meet the specifications described in the designated uniform and equipment specifications. The identification worn by uniformed Explorers shall be different and distinct from that worn by regular department personnel; it will include the designation "Explorer" on the uniform.

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Explorers will be issued their Bel Air Police Department identification cards, which must be carried at all times while on-duty. The Bel Air Police Department identification card will be the standard identification card, with the exception that "Explorer" will be indicated on the card. Explorers shall be required to return any issued uniform or department property at the termination of service.

Upon leaving the Bel Air Explorer Post Program, Explorers shall return all property issued or loaned to them within ten days. If the property is not returned within the ten days he/she will reimburse the program for the approximate value of each article. If twenty days pass without the above terms being met, the Deputy Chief will be notified and a more formal course of action shall be taken.

OC Spray, nightstick, blackjacks, guns, knives, or any other form of weapon are prohibited and shall not be carried by an Explorer at any time while functioning as an Explorer.

1023.4 EXPLORER COORDINATOR

The Chief of Police shall delegate certain responsibilities to an Explorer coordinator. The Explorer coordinator shall be appointed by, and directly responsible to, the Deputy Chief or the authorized designee.

The responsibilities of the Explorer coordinator or the authorized designee include, but are not limited to:

- (a) Overseeing the Explorer program, including:
 1. Conducting Explorer program meetings.
 2. Monitoring the overall Explorer program activities.
- (b) Making individual explorer assignments.
- (c) Establishing and maintaining an Explorer callout roster.
- (d) Maintaining and ensuring performance evaluations are completed.
- (e) Monitoring the Explorer training program.
- (f) Monitoring individual educational and job performance.
- (g) Maintaining liaison with other agency Explorer program coordinators.
- (h) Managing the Isaac Pfarr Memorial Scholarship program.
- (i) Oversight, management and selection of Explorer Post Advisors.

1023.4.1 EXPLORER ADVISERS

The Explorer coordinator may select individual officers to serve as advisers for the Explorer program. These officers will serve as mentors for each Explorer. Civilians may, after a proper background check, vetting process and approval from the Chief of Police, serve as Explorer advisers. Prior to a member or civilian serving as an advisers, all persons shall complete a relevant and approved training course and education.

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1023.4.2 EXPLORER MEETINGS

All Explorer meetings will be scheduled and conducted by the Explorer coordinator. All Explorers are required to attend unless excused by the coordinator.

1023.5 ORIENTATION AND TRAINING

Newly recruited Explorers will receive an orientation of the Department and its facilities before reporting to their first assignments. On-the-job training will be conducted in compliance with designated department Explorer training guidelines. Training sessions will be scheduled as needed to train Explorers for as many assignments as possible. In addition to job-specific training, information will be offered to prepare Explorers to compete successfully in a police officer selection process and academy training. All Explorer training will focus on improving job performance, as well as preparation to become a police officer. These meetings will also offer an opportunity for Explorers to receive continuous feedback regarding their progress in the Explorer program.

1023.5.1 EXPLORER TRAINING MATERIALS

Each new Explorer will be issued Explorer training materials. The Explorer training materials are an outline of the subject matter and/or skills necessary to properly function as an Explorer with the Bel Air Police Department. The Explorer shall become knowledgeable of the subject matter. He/she shall also become proficient with those skills as set forth in the Explorer training materials.

1023.5.2 EXPLORER RESPONSIBILITIES

- (a) Members shall be accountable to their superior officers and shall promptly follow all orders. Members are responsible for the efficient performance of their duties in conformity with the rules, regulations, and policies of the post.
- (b) Members shall conduct themselves in accordance with high ethical standards at all times.
- (c) Members shall remember that while in uniform, they are representing the Bel Air Police Department and they shall display a proper demeanor by their appearance and respect among the general public.
- (d) Members shall coordinate their efforts with others of their squad or other members so that their objectives are met by utilizing teamwork.
- (e) Members shall report for meetings/activities at specified times, physically fit, neatly and properly groomed, and with the prescribed equipment. Members shall be punctual. A habitual failure to report promptly at the specified time shall be deemed "Negligent of Duty".
- (f) Members shall only be absent with proper leave or permission. Supervisors must be advised of their leave in advance. If the excuse is not legitimate, members will be considered "absent without leave" and this will constitute an infraction of the rules and regulations.
- (g) All equipment shall be cared for and used only under the authority of police department personnel in accordance with their duties. Lack of proper care for equipment will result in the replacement of the equipment at the member's expense.

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- (h) Members are responsible for keeping their own records such as training, attendance at meetings, details, special functions, report cards, etc.
- (i) Explorers who receive report cards must submit a copy to the Post Advisor at the next meeting after being obtained. Failure to do so may constitute an infraction. Actions resulting from this specific infraction shall be determined by the Explorer Coordinator.

1023.6 RIDE-ALONGS

Explorers who wish to take part in the ride-along program must have successfully completed their probation period. They must also have written parental permission and the permission of the Post Advisor. They must have no outstanding debts to the Post including dues. Additionally, they must have completed a pre-ride test scoring no lower than a 70%. The test includes basic knowledge of the 10-codes, military time, and basic radio procedures. Officers taking part in the ride-along program must have been with the Bel Air Police Department for at least two years.

High school graduates may ride two times per month. Those in high school may ride four times per month during the summer months. Explorers under age 18 may not ride during the hours of 2300-0700.

All Explorers, regardless of rank, must sign up on a schedule for ride-alongs. They must report for duty 15 minutes prior to the shift for which they are going to ride. No Explorer may ride along unless they have been scheduled.

Ride-along attire shall consist of the appropriate uniform. The uniform must be worn at all times unless otherwise specified by the Post Advisor.

Each time an Explorer completes a ride-along, he/she must have a questionnaire filled out by the officer.

The Explorer must ride in the front passenger seat of the police vehicle while on ride-alongs. While in the patrol vehicle, the Explorer shall not handle any equipment unless otherwise directed by the officer. It will be the discretion of the officer if the Explorer is to take part in any active tasks. These tasks may include, but are not limited to the following:

- (a) Crowd control
- (b) Traffic direction
- (c) Operation of the radio
- (d) Basic first aid (only if certified)

Explorers may not take part in the following:

- (a) Driving police vehicles.
- (b) Signing of any official law enforcement documents (e.g., arrest reports, crime reports, traffic citations).
- (c) Interview or interrogate any victim, witness, or suspect.
- (d) Actively participate in any arrest (unless the officer is in dire need of assistance) or guarding an arrestee once detained.

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- (e) Conduct any covert operations.
- (f) Carry any weapons.
- (g) Participation in any "immediate emergency" or "high risk" calls. In these situations, the Explorer will remain in the vehicle, parked in a safe manner, or other arrangements will be made and the Explorer will be dropped off at a safe location.

1023.7 PERFORMANCE EVALUATIONS

Performance evaluations for all Explorers shall be completed annually to assess current job performance and their potential as police officers.

See attachment: [Explorer JOR and Appraisal Log.pdf](#)

Conflict of Interest

1024.1 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 Bel Air Police Department.

1024.1.1 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.

1024.2 POLICY

Members of the Bel Air 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.

1024.3 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 are assigned to train until such time as the training has been successfully completed and the person is off probation.

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1024.3.1 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 Bel Air 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.

1024.4 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 police communications operator to have another uninvolved member either relieve the involved member or minimally remain present to witness the action.

1024.5 SUPERVISOR RESPONSIBILITIES

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police or the authorized designee of such actual or potential violations through the chain of command.

Badges, Patches and Identification

1025.1 PURPOSE AND SCOPE

The Bel Air Police Department (BAPD) 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.

1025.2 POLICY

Members of the Department shall use the BAPD badge, patch and identification card, as well as the likeness of these items, appropriately and professionally.

1025.3 UNAUTHORIZED USE

The BAPD 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 BAPD badge, patch or identification card for personal gain or benefit.
- (b) Loan the BAPD badge, patch or identification card to others and shall not permit these items to be reproduced or duplicated.
- (c) Use images of the BAPD badge, patch or identification card, or the likeness thereof, or the Bel Air 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.

1025.3.1 LOST BADGE, PATCH OR IDENTIFICATION CARD

Department members shall promptly notify their supervisors whenever their BAPD badges, patches, or identification cards are lost, damaged or are otherwise removed from their control.

1025.4 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 unless approved by the Chief of Police.

Only badges approved 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.

1025.4.1 RETIREE BADGES

The Chief of Police may establish rules for allowing honorably retired members to keep their badges in some form upon retirement, for use as private memorabilia.

1025.4.2 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the BAPD badge shall not be used for any purpose without the express authorization of the Chief of Police and shall be subject to the following:

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- (a) An authorized employee group may use the likeness of the BAPD badge for merchandise and official employee group business provided it is used in a clear representation of the employee group and not the Bel Air Police Department. The following modification shall be included:
1. Any text identifying the Bel Air Police Department is replaced with the name of the employee group.
 2. A badge number is not included. That portion of the badge may display the acronym of the employee group.

1025.5 IDENTIFICATION CARDS

All members will be issued an official BAPD identification card bearing the member's name, full-face photograph, member identification number, the member's signature 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.

1025.6 BUSINESS CARDS

The Department will supply business cards to those members whose assignments involve frequent interaction with the public or who may require the use of a business card. The only authorized business cards are those issued or approved by the Department.

Members should provide a business card upon request.

Temporary Modified-Duty Assignments

1026.1 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 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.

1026.2 POLICY

Subject to operational considerations, the Bel Air 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.

1026.3 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.

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.

1026.4 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 the Deputy Chief. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.

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- (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 Deputy Chief will make a recommendation to the Chief of Police 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 Deputy Chief, with notice to the Chief of Police.

1026.5 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 Deputy Chief.

1026.5.1 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 Deputy Chief that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1026.5.2 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 Deputy Chief of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Deputy Chief and ensuring that the required documentation facilitating a return to full duty is received from the employee.

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- (c) Ensuring that employees returning to full duty have completed any required training and certification.

1026.6 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.

1026.7 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.

1026.7.1 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
- Probable duration of the reasonable accommodation
- An explanation as to the medical advisability of the reasonable accommodation

1026.7.2 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 limitations. If at any point during the pregnancy it becomes necessary for the employee to take a

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leave of absence, such leave shall be granted in accordance with the Town's personnel rules and regulations regarding family and medical care leave.

1026.8 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.

1026.9 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.

Employee Speech, Expression and Social Networking

1028.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the Bel Air 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.

1028.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Bel Air 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.

1028.3 SAFETY

Members should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Bel Air 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

1028.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the safety, performance and public-trust needs of the Bel Air 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 Bel Air Police Department on any personal or social networking or other website or web page, that can be interpreted as offensive, inflammatory, or unprofessional. The Chief of Police has final authority on determining violations.

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Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1028.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the Bel Air 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 Bel Air 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).

1028.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received, or reviewed on any 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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1028.6 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.

1028.7 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.

Line-of-Duty Deaths

1030.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Bel Air Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

1030.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death (LODD) - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a civilian member during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1030.2 POLICY

It is the policy of the Bel Air Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1030.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the Duty Officer should provide all reasonably available information to the Chief of Police and Deputy Chief.
 1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The Duty Officer should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the Duty Officer or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
- (d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve

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the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

- (e) The Duty Officer should locate the involved member's Line of Duty Death Notification Form. The LODD Notification Forms will be stored electronically on the Department's "S Drive" and the original paper form will be stored in the Deputy Chief's office. The original paper form shall be available to supervisors at all times.

1030.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and LODD Form make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes. The name of the deceased employee shall not be released to the media or other parties before immediate survivors living in the area are notified.

The Chief of Police, Duty Officer or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department Chaplain.

Notifying members should:

- (a) Notification of survivors in the immediate area shall be made in person and, whenever appropriate, with another person such as the police chaplain.
- (b) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (c) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).
- (d) Plan for concerns such as known health concerns of survivors or language barriers. Whenever the health of immediate survivors is a concern, emergency medical services personnel shall be requested to stand by.
- (e) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.
- (f) Communications concerning the employee and the incident shall, whenever possible, be restricted to avoid interception by the media and others.
- (g) Social media releases concerning LODD incidents are strictly prohibited.

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- (h) Should the media obtain the employee's name prematurely, the Public Information Officer (PIO) will request the information be withheld until proper notification of survivors is made.
- (i) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (j) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (k) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (l) Assist the survivors with meeting childcare or other immediate needs.
- (m) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (n) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.
- (o) Provide their contact information to the survivors before departing.
- (p) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (q) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Bel Air Police Department members may be apprised that survivor notifications are complete.

1030.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

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1030.4.2 LODD NOTIFICATION FORM

While not mandatory, it is strongly recommended that all department members complete the LODD Notification Form and update annually or as needed after any significant change. Completed forms shall be submitted to the Deputy Chief who will then save the form to the Department's "S Drive" and maintain the original in a secure manner. [See attachment: BAPD LODD Notification Form.pdf](#)

1030.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

1030.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including but not limited to:

- (a) Department Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Wellness Support Liaison.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate

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liaisons and coordinators to accommodate multiple family units, if needed. [See attachment: LODD Guidelines and Procedures.pdf](#)

1030.6.1 DEPARTMENT LIAISON

The Department Liaison should be the Deputy Chief or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include, but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-mast.
- (g) Ensuring that department members are reminded of appropriate information—sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.
- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1030.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Arrange for appropriate and separate waiting areas for:
 1. The survivors and others whose presence is requested by the survivors.
 2. Department members and friends of the deceased member.
 3. Media personnel.
- (b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Bel Air Police Department members (except for members who may be guarding the suspect).
- (c) Ensure that survivors receive timely updates regarding the member before information is released to others.
- (d) Arrange for survivors to have private time with the member, if requested.

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1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.
- (f) If applicable, explain to the survivors why an autopsy may be needed.
- (g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

1030.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Deputy Chief. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.
- (b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.

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- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
 - 1. Items should not be delivered to the survivors until they are ready to receive the items.
 - 2. Items not retained as evidence should be delivered in a clean, unmarked box.
 - 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
 - 4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.
 - 1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the Wellness Support Liaison to ensure that survivors have access to available counseling services.
- (h) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services, or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The

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department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1030.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the department wellness coordinator or the authorized designee and other liaisons, and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death.

The responsibilities of the Wellness Support Liaison include but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:
 1. Members involved in the incident.
 2. Members who witnessed the incident.
 3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive wellness support.
- (c) Ensuring that wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) are available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available wellness support and counseling services and assisting with arrangements as needed.
- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

1030.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Department, including, but not limited to the following:
 1. Honor Guard
 - (a) Casket watch
 - (b) Color guard
 - (c) Pallbearers

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- (d) Bell/rifle salute
- 2. Bagpipers/bugler
- 3. Uniform for burial
- 4. Flag presentation
- 5. Last radio call
- (d) Briefing the Chief of Police and command staff concerning funeral arrangements.
- (e) Assigning an officer to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

1030.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Bel Air Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Outside Agency Assistance Policy.

1030.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Workplace Safety and Health Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
 - 1. Public Safety Officers' Benefits (PSOB) Programs.
 - 2. Public Safety Officers' Educational Assistance (PSOEA) Program.
 - 3. Social Security Administration.
 - 4. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
 - 1. State death and funeral benefits (Md. Code PS § 1-202)
 - 2. Pension death benefits (Md. Code SP § 29-201 et seq.)
 - 3. Educational benefits (Md. Code ED § 18-601)

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- (d) Researching and assisting survivors with application for other survivor benefits such as:
 - 1. Private foundation survivor benefits programs.
 - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by police associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
 - 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1030.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
 - 1. Paying survivors' travel costs if authorized.
 - 2. Transportation costs for the deceased.
 - 3. Funeral and memorial costs.
 - 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

1030.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that Department members are instructed to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.

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1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
 2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased member's survivors.
- (d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.

1030.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1030.9 INVESTIGATION OF THE INCIDENT

The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased

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member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1030.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1030.11 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

Wellness Program

1031.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for 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.

1031.1.1 DEFINITIONS

Definitions related to this policy include:

Critical incident – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

Critical Incident Stress Debriefing (CISD) – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

Peer support – Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

1031.2 POLICY

It is the policy of the Bel Air 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.

1031.3 WELLNESS COORDINATOR

The Chief of Police should appoint a trained wellness coordinator. The coordinator should report directly to the Chief of Police or the authorized designee and should collaborate with advisers (e.g., Department of Human Resources, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

- (a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, physical fitness trainers holding accredited certifications).
 1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.

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2. When practicable, the Department should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.
- (b) Developing management and operational procedures for department peer support members, such as:
1. Peer support member selection and retention.
 2. Training and applicable certification requirements.
 3. Deployment.
 4. Managing potential conflicts between peer support members and those seeking service.
 5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
 6. Using qualified peer support personnel from other public safety agencies or outside organizations for department peer support, as appropriate.
- (c) Verifying members have reasonable access to peer support or licensed psychotherapist support.
- (d) Establishing procedures for CISDs, including:
1. Defining the types of incidents that may initiate debriefings.
 2. Steps for organizing debriefings.
- (e) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).
- (f) Verifying a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This also includes:
1. Obtaining a written description of the program services.
 2. Providing for the methods to obtain program services.
 3. Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.
 4. Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.
 5. Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.
 6. Meeting the requirements of Md. Code PS § 3-523 for no cost mental health assistance for 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.

1031.4 DEPARTMENT PEER SUPPORT

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1031.4.1 PEER SUPPORT MEMBER SELECTION CRITERIA

The selection of a department peer support member will be at the discretion of the coordinator. Selection should be based on the member's:

- Desire to be a peer support member.
- Experience or tenure.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support members.

1031.4.2 PEER SUPPORT MEMBER RESPONSIBILITIES

The responsibilities of the 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.

1031.4.3 PEER SUPPORT MEMBER TRAINING

A department peer support member should complete department-approved training prior to being assigned.

1031.5 CRITICAL INCIDENT STRESS DEBRIEFINGS

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

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

Attendance at the debriefing should only include peer support members and those directly involved in the incident.

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1031.6 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.

1031.7 PHYSICAL WELLNESS PROGRAM

The coordinator is responsible for establishing guidelines for any on-duty physical wellness program, including the following:

- (a) Voluntary participation by members
- (b) Allowable physical fitness activities
- (c) Permitted times and locations for physical fitness activities
- (d) Acceptable use of department-provided physical fitness facilities and equipment
- (e) Individual health screening and fitness assessment
- (f) Individual education (e.g., nutrition, sleep habits, proper exercise, injury prevention) and goal-setting
- (g) Standards for fitness incentive programs. The coordinator should collaborate with the appropriate entities (e.g., human resources, legal counsel) to verify that any standards are nondiscriminatory.
- (h) Maintenance of physical wellness logs (e.g., attendance, goals, standards, progress)
- (i) Ongoing support and evaluation

1031.8 WELLNESS PROGRAM AUDIT

At least annually, the coordinator or the authorized designee should audit the effectiveness of the department's wellness program and prepare a report summarizing the findings. The report shall not contain the names of members participating in the wellness program, and should include the following information:

- Data on the types of support services provided
- Wait times for support services
- Participant feedback, if available
- Program improvement recommendations
- Policy revision recommendations

The coordinator should present the completed audit to the Chief of Police for review and consideration of updates to improve program effectiveness.

1031.9 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.

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- (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.

1031.10 TRAINING

The coordinator or the authorized designee should collaborate with the Training Officer to provide all members with regular education and training on topics related to member physical and mental health and wellness, including but not limited to:

- The availability and range of department wellness support systems.
- Suicide prevention.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance disorder awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of exercise and proper nutrition.
- Effective time and personal financial management skills.

Training materials, curriculum, and attendance records should be forwarded to the Training Officer as appropriate for inclusion in training records.

1031.11 FITNESS ROOM

A fitness room (gym) is provided by the agency and is located within the Armory at 37 North Main Street. Members will be issued a key to the fitness room and are responsible for maintaining custody of the issued key(s). When using the fitness room, members shall abide by the following:

- (a) Members are required to sign in and out each time the fitness room is utilized.
- (b) Members are required to sign a liability waiver and release prior to using the fitness room. The completed waiver and release shall be maintained in the member's personnel file.
- (c) Shirts, pants/shorts and shoes are required. Sports bras without tops, cutoffs and open-toed shoes are prohibited.
- (d) All equipment is to be wiped down and returned to its proper place after use.
- (e) Members shall obtain medical review and clearance prior to the commencement of any physical activity.
- (f) Members utilizing the facilities, services, and equipment of the Town of Bel Air understand there are risks and hazards involved in participating in any physical activity that may result in injury or death. The member agrees to assume full responsibility for any risks associated with the use of the facilities, services or equipment, and releases

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the Town of Bel Air, its agents and or employees from liability from the risk of injury illness or death on account of participation in any such physical activity while using the premises or any Town facilities.

- (g) The fitness room and it's equipment is for the use of employees only. Non-employees are not permitted to use the equipment or facilities in any manner.

See attachment: [Fitness Room Waiver.pdf](#)